

2003-2004

**HOUSE
EDUCATION**

**COMMITTEE
MINUTES**

NORTH CAROLINA GENERAL ASSEMBLY

HOUSE COMMITTEE ON EDUCATION

2003 – 2004 SESSION



Rep. Donald Bonner
Chair



Rep. Mark Hilton
Chair



Rep. Alex Warner
Chair



Rep. Steve Wood
Chair



Rep. Michael Gorman
Vice chair



Rep. Carolyn Justice
Vice chair



Rep. Mary McAllister
Vice chair



Rep. Marian McLawhorn
Vice chair



Rep. Edith Warren
Vice chair

MEMBERS



Rep. Bernard Allen



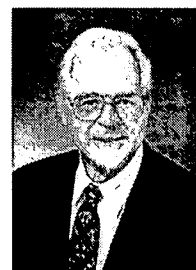
Rep. Gordon Allen



Rep. Jeffrey Barnhart



Rep. Larry Bell



Rep. Curtis Blackwood



Rep. Alice Bordsen



Rep. Joanne Bowie



Rep. Becky Carney



Rep. William Daughtridge



Rep. Margaret Dickson

24
12

No meeting Thursday

NORTH CAROLINA GENERAL ASSEMBLY

HOUSE COMMITTEE ON EDUCATION

2003 – 2004 SESSION



Rep. Jerry Dockham



Rep. Bob England



Rep. Stanley Fox



Rep. Phillip Frye



Rep. Rick Glazier



Rep. Bruce Goforth



Rep. Wayne Goodwin



Rep. Robert Grady



Rep. Jim Gulley



Rep. Phillip Haire



Rep. George Holmes



Rep. Verla Insko



Rep. Margaret Jeffus



Rep. Charles Johnson



Rep. Linda Johnson



Rep. David Lewis



Rep. Marvin Lucas



Rep. Bill McGee



Rep. Edwin McMahan



Rep. Henry Michaux



Rep. David Miner



Rep. Timothy Moore



Rep. Martin Nesbitt



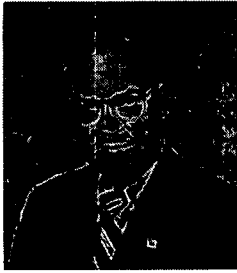
Rep. Edd Nye



Rep. Bill Owens

NORTH CAROLINA GENERAL ASSEMBLY

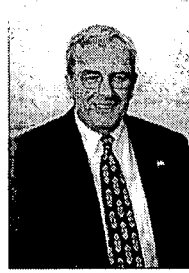
**HOUSE COMMITTEE ON EDUCATION
2003 – 2004 SESSION**



Rep. Louis Pate



Rep. Jean Preston



Rep. Raymond Rapp



Rep. Karen Ray



Rep. John Rayfield



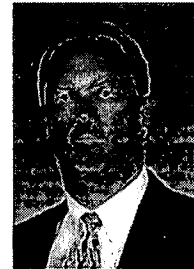
Rep. Deborah Ross



Rep. John Sauls



Rep. Wayne Sexton



Rep. Bonner Stiller



Rep. Joe Tolson



Rep. Trudi Walend



Rep. Tracy Walker



Rep. Thomas West



Rep. Larry Womble



**Rep. Brubaker
Ex-officio**



**Rep. Culpepper
Ex-officio**



**Rep. Cunningham
Ex-officio**



**Rep. Eddins
Ex-officio**

DATES		3-04-03	3-06-03	3-11-03	3-12-03	3-13-03	3-18-03	3-25-03	3-27-03	4-01-03	4-08-03	4-15-03 11a	4-15-03 1pm	4-17-03	4-22-03 11a	4-22-03 1pm
BONNER, Donald	CHAIR	✓	✓				✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
HILTON, Mark	CHAIR	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
WARNER, Alex	CHAIR	✓	✓	✓	✓	✓	✓	✓	✓	✓		✓	✓	✓	✓	
WOOD, Steve	CHAIR	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
GORMAN, Michael	VICE-CHAIR	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓			✓	✓	✓
JUSTICE, Carolyn	VICE-CHAIR	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓		✓	✓
MCALLISTER, Mary	VICE-CHAIR		✓	✓	✓		✓	✓	✓	✓	✓	✓		✓	✓	✓
MCLAWHORN, Marian	VICE-CHAIR	✓	✓	✓	✓	✓	✓	✓	✓	✓		✓	✓	✓		✓
WARREN, Edith	VICE-CHAIR	✓	✓				✓			✓	✓	✓	✓	✓	✓	✓
MEMBERS																
ALLEN, Bernard		✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓		✓	✓
ALLEN, Gordon		✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
BARNHART, Jeffrey		✓		✓	✓		✓		✓			✓	✓	✓		
BELL, Larry		✓	✓	✓	✓	✓		✓	✓	✓	✓	✓	✓	✓	✓	✓
BLACKWOOD, Curtis		✓	✓		✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
BORDSEN, Alice		✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
BOWIE, Joanne		✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓		✓
CARNEY, Becky		✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
DAUGHTRIDGE, William		✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓		✓	✓
DICKSON, Margaret			✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
DOCKHAM, Jerry		✓								✓	✓	✓	✓		✓	✓
ENGLAND, Bob		✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓		✓	✓

ATTENDANCE

HOUSE COMMITTEE ON EDUCATION

2003-2004

DATES	3-04-03	3-06-03	3-11-03	3-12-03	3-13-03	3-18-03	3-25-03	3-27-03	4-01-03	4-08-03	4-15-03 11a	4-15-03 1pm	4-17-03	4-22-03 11a	4-22-03 1pm
MEMBERS CONTINUED															
FOX, Stanley	✓	✓	✓		✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
FRYE, Phillip	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓		✓	✓	✓
GLAZIER, Rick	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
GOFORTH, Bruce	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
GOODWIN, Wayne	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
GRADY, Robert															
GULLEY, Jim	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
HAIRE, Phillip	✓		✓	✓		✓	✓	✓		✓	✓		✓		✓
HOLMES, George		✓		✓		✓				✓					
INSKO, Verla	✓	✓	✓	✓	✓	✓	✓	✓		✓	✓		✓	✓	
JEFFUS, Margaret		✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓		✓
JOHNSON, Charles	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
JOHNSON, Linda	✓	✓	✓	✓	✓	✓	✓	✓	✓				✓	✓	✓
LEWIS, David		✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
LUCAS, Marvin		✓	✓	✓	✓	✓	✓	✓	✓	✓	✓		✓	✓	✓
MCGEE, Bill	✓	✓	✓			✓	✓	✓	✓	✓	✓				✓
MCMAHAN, Edwin	✓		✓			✓	✓	✓	✓		✓	✓		✓	
MICHAUX, Henry			✓	✓	✓			✓	✓	✓				✓	✓
MINER, David		✓	✓	✓			✓	✓		✓		✓			✓
MOORE, Timothy	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓		✓	✓	✓
NESBITT, Martin	✓		✓	✓	✓	✓	✓	✓	✓	✓					✓
NYE, Edd	✓		✓	✓	✓	✓	✓	✓	✓			✓	✓	✓	✓
OWENS, Bill	✓	✓			✓	✓	✓	✓							
PATE, Louis	✓	✓		✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
PRESTON, Jean	✓	✓	✓	✓	✓	✓	✓	✓	✓		✓		✓	✓	✓

ATTENDANCE

HOUSE COMMITTEE ON EDUCATION

2003-2004

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ATTENDANCE

HOUSE COMMITTEE ON EDUCATION

2003-2004

DATES		4-24-03 8am	4-24-03 11a	4-29-03	4-30-03	5-06-03	5-08-03	5-13-03	5-20-03	5-27-03	6-03-03	6-05-03	6-10-03	6-12-03		
BONNER, Donald	CHAIR	✓	✓		✓			✓		✓	✓	✓	✓			
HILTON, Mark	CHAIR	✓	✓	✓	✓			✓	✓	Baby born	✓	✓	✓	✓		
WARNER, Alex	CHAIR		✓	✓	✓			✓	✓	✓	✓	✓	✓	Exc.		
WOOD, Steve	CHAIR	✓	✓	✓						✓		Exc.	✓	✓		
GORMAN, Michael	VICE-CHAIR	✓		✓		Meeting Cancelled			✓		✓	✓	✓	✓		
JUSTICE, Carolyn	VICE-CHAIR		✓	✓	✓				✓	✓				✓		
MCALLISTER, Mary	VICE-CHAIR	✓	✓	✓				✓	✓	✓		✓	✓	✓		
MCLAWHORN, Marian	VICE-CHAIR	✓	✓	✓				✓		✓	✓	✓		✓		
WARREN, Edith	VICE-CHAIR	✓	✓	✓	✓			✓	✓	✓	✓	✓	✓			
MEMBERS																
ALLEN, Bernard		✓	✓	✓				✓	✓	✓	✓	✓	✓	✓		
ALLEN, Gordon		✓	✓	✓				✓	✓		✓		✓	✓		
BARNHART, Jeffrey		✓						✓	✓		✓	✓		✓		
BELL, Larry		✓	✓	✓				✓	✓	✓	✓	✓	✓	✓		
BLACKWOOD, Curtis		✓	✓	✓				✓	✓		✓	✓	✓	✓		
BORDSEN, Alice		✓	✓	✓	✓			✓	✓	✓	✓	✓	✓	✓		
BOWIE, Joanne		✓	✓					✓	✓	✓	✓		✓	✓		
CARNEY, Becky				✓					✓		✓	✓	✓	✓		
DAUGHTRIDGE, William		✓	✓		✓			✓	✓	✓	✓	✓	✓	✓		
DICKSON, Margaret			✓	✓				✓	✓	✓	✓	✓	✓	✓		
DOCKHAM, Jerry					✓			✓				✓		✓		
ENGLAND, Bob		✓	✓	✓					✓	✓	✓	✓	✓			

ATTENDANCE

HOUSE COMMITTEE ON EDUCATION

2003-2004

DATES	4-24-03 8am	4-24-03 11a	4-29-03	4-30-03	5-06-03	5-08-03	5-13-03	5-20-03	5-27-03	6-03-03	6-05-03	6-10-03	6-12-03		
MEMBERS CONTINUED															
FOX, Stanley		✓		✓			✓	✓	✓	✓	✓	✓	✓		
FRYE, Phillip							✓	✓		✓	✓	✓			
GLAZIER, Rick		✓					✓	✓	✓	✓	✓		✓		
GOFORTH, Bruce	✓	✓		✓	Meeting Cancelled	Meeting Cancelled	✓	✓	✓	✓	✓	✓	✓		
GOODWIN, Wayne							✓	✓			✓				
GRADY, Robert															
GULLEY, Jim	✓	✓		✓			✓	✓		✓		✓	✓		
HAIRE, Phillip	✓	✓		✓			✓	✓		✓	✓	✓			
HOLMES, George															
INSKO, Verla		✓					✓			✓	✓	✓	✓		
JEFFUS, Margaret	✓						✓	✓	✓	✓	✓	✓	✓		
JOHNSON, Charles	✓	✓		✓				✓	✓	✓	✓	✓	✓		
JOHNSON, Linda				✓			✓	✓	✓	✓	✓	✓	✓		
LEWIS, David	✓	✓		✓				✓	✓		✓	✓	✓		
LUCAS, Marvin	✓	✓		✓				✓			✓	✓	✓		
MCGEE, Bill				✓			✓	✓	✓	✓	✓	✓	✓		
MCMAHAN, Edwin	✓	✓					✓	✓	✓		✓		✓		
MICHAUX, Henry									✓	✓					
MINER, David															
MOORE, Timothy	✓	✓					✓	✓	✓	✓	✓	✓	✓		
NESBITT, Martin		✓					✓		✓	✓	✓				
NYE, Edd	✓	✓					✓		✓	✓	✓	✓	✓		
OWENS, Bill															
PATE, Louis								✓	✓	✓	✓	✓	✓		
PRESTON, Jean	✓	✓						✓		✓	✓				

ATTENDANCE

HOUSE COMMITTEE ON EDUCATION

2003-2004

[illegible]

ATTENDANCE

HOUSE COMMITTEE ON EDUCATION

2003-2004

[illegible]

ATTENDANCE

HOUSE COMMITTEE ON EDUCATION

(Name of Committee)

DATES		6-10-03	5/25/04	6/8/04	6/15/04	6/22	6/23	6/29/04								
BONNER, Donald	CHAIR	✓	✓	✓	✓	✓	✓	✓								
HILTON, Mark	CHAIR	✓	✓	✓	✓	✓	✓	✓								
WARNER, Alex	CHAIR	✓	✓	✓	✓	✓	✓	✓								
WOOD, Steve	CHAIR	✓	✓	✓	✓	✓	✓	✓								
GORMAN, Michael	VICE-CHAIR	✓	✓	✓	✓	✓	✓	✓								
JUSTICE, Carolyn	VICE-CHAIR		✓				✓	✓								
MCALLISTER, Mary	VICE-CHAIR	✓	✓	✓				✓								
MCLAWHORN, Marian	VICE-CHAIR		✓	✓	✓	✓	✓	✓								
WARREN, Edith	VICE-CHAIR	✓	✓	✓			✓	✓								
MEMBERS																
ALLEN, Bernard		✓	✓	✓	✓	✓	✓									
ALLEN, Gordon		✓	✓		✓	✓										
BARNHART, Jeffrey							✓									
BELL, Larry		✓	✓	✓			✓	✓								
BLACKWOOD, Curtis		✓	✓	✓	✓	✓	✓	✓								
BORDSEN, Alice			✓	✓	✓	✓	✓	✓								
BOWIE, Joanne		✓	✓	✓	✓	✓	✓	✓								
CARNEY, Becky		✓	✓	✓			✓	✓								
DAUGHTRIDGE, William		✓	✓	✓	✓	✓										
DICKSON, Margaret		✓	✓	✓	✓	✓	✓	✓								
DOCKHAM, Jerry							✓	✓								
ENGLAND, Bob		✓	✓	✓			✓	✓								

HOUSE COMMITTEE ON EDUCATION

(Name of Committee)

[illegible]

ATTENDANCE

HOUSE COMMITTEE ON EDUCATION

(Name of Committee)

[illegible]

ATTENDANCE

HOUSE COMMITTEE ON EDUCATION

(Name of Committee)

[illegible]

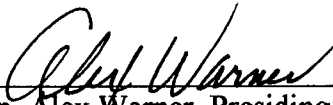
HOUSE EDUCATION COMMITTEE MEETING

MARCH 4, 2003

The House Education Committee met on Tuesday, March 4, 2003, in Room 643, Legislative Office Building, at 11:00 AM. Representative Alex Warner presided over the meeting. The Attendance Sheet indicates the members which were present.

Co-Chairs are Representatives Donald Bonner, Mark Hilton, Alex Warner, and Steve Wood. The Co-Chairs made comments regarding the function and responsibilities of the committee. The members were introduced and each individual made comments regarding their background and interest in being on the committee. The staff for the committee was also introduced. Jack Dossenbach, a former Sergeant-at-Arms for the committee, was remembered in conjunction with his death.

The meeting adjourned.


Rep. Alex Warner, Presiding Co-Chair
Rep. Donald Bonner, Co-Chair
Rep. Mark Hilton, Co-Chair
Rep. Steve Wood, Co-Chair


Ann Stancil, Committee Clerk

VISITOR REGISTRATION SHEET

Education

Name of Committee

3-4-03

Date

VISITORS: PLEASE SIGN BELOW AND RETURN TO COMMITTEE CLERK

NAME

FIRM OR AGENCY AND ADDRESS

Jaren Galt	Nat'l Board for Professional Teaching Standards
Carole Lauer	ECHE
Steve Hoffman	NCSBA
Michael/Houser	NCAE
ANN LORR	OVIAS
Mark Fleming	University System
Carmy Coles	
J. Rungt	NC SOS
Timothy Hays	SBE
Jelly Cyrus	N.C. State Exchange
John Hays	NCPTA
Gene Cauley	NCSESA
Deron White	Professional Educators of NC
Tim Malouel	NECU
John McHugh	Gov Office
Ed Rizer	UNC Charlotte
Abby Emanuelson	NMSS
Kathy Hall	NMSS
John Goodman	MERCEY & Assoc.
JB M/M	UNC
Ray M/M	and
John Norris	Public School Forum of NC
Chris Brown	NCEA
Paul Smith	NCATL
Hal Miller	NEACCT

House Education Committee

March 6, 2003

Minutes

The House Education Committee met on Thursday, March 6, 2003 at 11:00 a.m. in Room 643 of the Legislative Office Building. Chairman Steve Wood called the meeting to order and introduced the Page and Sergeant at Arms assigned to serve the House Education Committee at this meeting. The attendance sheet indicates members present (Attachment I). The Visitor Registration sheet is also attached (Attachment II).

Representative Allred was recognized for an explanation of House Bill 102. A BILL TO BE ENTITLED AN ACT TO GIVE THE ALAMANCE-BURLINGTON BOARD OF EDUCATION ADDITIONAL FLEXIBILITY WITH REGARD TO INSTRUCTIONAL TIME LOST DUE TO INCLEMENT WEATHER (Attachment III). Representative Allred said that the bill does not reduce the standard of instruction, but rather increases the standard. It requires that students go to school 180 days OR 1050 hours. The law currently states the students must attend 180 days AND 1000 hours. The ice storms have created a burden on the Alamance County School System. Alamance County is not asking to reduce the standard, but to have some flexibility. Representative Allred requests the members of the Education Committee to support the bill.

House Bill 102 was temporarily displaced in order to hear the explanation of House Bill 60 and House Bill 194 (all three bills were to be voted on together).

Representative Mitchell was recognized for an explanation of House Bill 60. A BILL TO BE ENTITLED AN ACT TO GIVE A LOCAL BOARD OF EDUCATION ADDITIONAL FLEXIBILITY WITH REGARD TO INSTRUCTIONAL TIME LOST DUE TO INCLEMENT WEATHER (Attachment IV). Representative Mitchell said that the bill is being entered at the request of the Iredell/Statesville/Mooresville School System. Representative Mitchell said that House Bill 60 was exactly as the legislation that was passed during the Hurricane Floyd situation. Representative Mitchell offered a proposed House Committee Substitute, which was distributed (Attachment V). The House Committee Substitute was proposed to protect against possible law suites.

Representative Hilton moved that the proposed committee substitute be adopted for discussion. The motion carried.

Representative Blackwood moved to amend House Bill 60 to include Union County. Representative Mitchell deferred to the Chairs. Chairman Wood asked Representative Blackwood to hold his amendment until the third bill was explained.

House Bill 60 was temporarily displaced to allow House Bill 194 to be explained.

Representative Moore was recognized for an explanation of House Bill 194. A BILL TO BE ENTITLED AN ACT TO GIVE THE CLEVELAND COUNTY, KINGS MOUNTAIN CITY, AND SHELBY CITY SCHOOL BOARDS ADDITIONAL FLEXIBILITY WITH REGARD TO INSTRUCTIONAL TIME LOST DUE TO INCLEMENT WEATHER (Attachment VI). Representative Moore said the additional flexibility was needed due to the weather in Cleveland County. He is sponsoring this bill at the request of the Superintendents from the three school systems in Cleveland County.

Chairman Wood opened the floor for questions.

Representative Holmes suggested considering a Committee Substitute to let it apply statewide at the option of the local boards. After consultation with Chairman Bonner, Chairman Hilton and Chairman Warner, Chairman Wood stated that the bills were local bills and of a time sensitive nature and would need to be voted on as is.

Dr. Shirley Iorio, Committee Staff, was recognized for further explanation of House Bill 60. A Bill Analysis, prepared by Dr. Iorio, was distributed (Attachment VII).

Ms. Sara Kamprath, Committee Staff, was recognized for further explanation of House Bill 102. A Bill Analysis, prepared by Ms. Kamprath, was distributed (Attachment VIII). Ms. Kamprath also gave further explanation of House Bill 194. A Bill Analysis, prepared by Ms. Kamprath, was distributed (Attachment IX).

Representative Hilton made a motion to amend House Bill 194 to include the language contained in House Bill 60, 1a. Amendment was distributed (Attachment X).

As amendment was being distributed, Chairman Wood opened the floor for comments from members of the public.

Ms. Leanne Winner, Director for Governmental Relations for the North Carolina School Boards Association, stated opposition to changes to the school calendar law whether it is a local or statewide bill.

Representative Hilton restated his motion to amend House Bill 194 (Attachment X) to include language from House Bill 60, 1a, and moved its adoption. The amendment was adopted.

Representative Blackwood moved for an amendment to House Bill 194 to include Union County. The amendment was adopted.

Mr. Jim Merrill, Superintendent of the Alamance-Burlington Schools, spoke in favor of school calendar flexibility.

Mr. Michael Houser, representing the North Carolina Association of Educators, stated that its members supported school calendar flexibility.

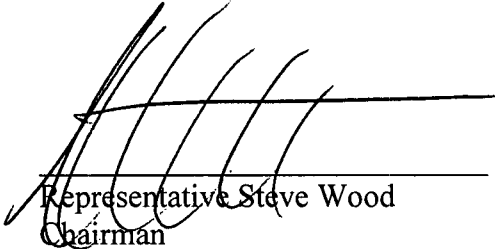
Mr. Jim Merrill responded to questions from the committee.

Representative Hilton offered an amendment to House Bill 102 (Attachment XI) to include language from House Bill 60, 1a, and moved its adoption. The amendment was adopted.

Representative Rapp offered an amendment to House Bill 60 to included the following counties: Buncumbe, Cherokee, Graham, Henderson, Macon, McDowell, Holk, Swanne and Yancey. The amendment was not adopted.

Representative Hilton moved for a favorable report for House Bill 60, House Bill 102 and House Bill 194. The motion failed.

The meeting adjourned at 10:50 a.m.


Representative Steve Wood
Chairman


Wendy Miller
Committee Clerk

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2003

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HOUSE BILL 102

Short Title: School Calendar Flexibility/Alamance Co.

(Local)

Sponsors: Representatives Allred and Bordsen (Primary Sponsors).

Referred to: Education.

February 26, 2003

A BILL TO BE ENTITLED
AN ACT TO GIVE THE ALAMANCE-BURLINGTON BOARD OF EDUCATION
ADDITIONAL FLEXIBILITY WITH REGARD TO INSTRUCTIONAL TIME
LOST DUE TO INCLEMENT WEATHER.

The General Assembly of North Carolina enacts:

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

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

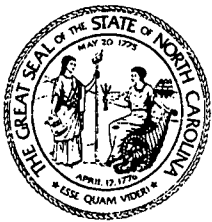
(1) A minimum of 180 days ~~and 1,000~~ or 1,050 hours of instruction covering at least nine calendar months. The local board shall designate when the 180 instructional days shall occur. The number of instructional hours in an instructional day may vary according to local board policy and does not have to be uniform among the schools in the administrative unit. Local boards may approve school improvement plans that include days with varying amounts of instructional time. If school is closed early due to inclement weather, the day and the scheduled amount of instructional hours may count towards the required minimum to the extent allowed by State Board policy. The school calendar shall include a plan for making up days and instructional hours missed when schools are not opened due to inclement weather.

...."

SECTION 2. This act applies only to the Alamance-Burlington School System.

SECTION 3. This act applies only to the 2002-2003 and the 2003-2004 school years.

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



HOUSE BILL 102:

School Calendar Flexibility/Alamance Co.

VIII

BILL ANALYSIS

Committee: House Education
Date: March 6, 2003
Version: First Edition

Introduced by: Rep. Allred
Summary by: Sara Kamprath
Legislative Analyst

SUMMARY: *House Bill 102 would create an exception to the required time for instruction for the Alamance-Burlington School System. The exception would allow the system to have 180 days OR 1,050 hours of instruction. The exception is for both the 2002-03 school year and the 2003-04 school year.*

CURRENT LAW: The NC Constitution requires that the State provide "for a general and uniform system of free public schools, which shall be maintained at least nine months in every year." The statutes further specify that school systems must adopt annual school calendars consisting of 180 days AND 1,000 hours of instruction during nine calendar months.

BILL ANALYSIS: The bill would amend G.S. 115C-84.2(a)(1) by changing the phrase "and 1,000" to the phrase "or 1,050". It would apply only to the Alamance-Burlington School System.

EFFECTIVE DATE: The bill would become effective when it becomes law.

BACKGROUND: The laws governing the school calendar have evolved over the past 90 years. The first major rewrite seems to have occurred in 1987. At that time, the law was rewritten to require local boards to have school calendars that provided for 180 days of instruction. (The State Board had a rule that defined the minimum number of hours of instruction in a school day.) The law also required the calendar to include makeup days for school closings due to hazardous weather, natural disaster, or other emergencies. The required number of makeup days varied from one school system to another. The law required the "greater of (i) five days or (ii) the average number of days missed in five of the last six school years in which the least number of days were missed." If a local board used all of its scheduled makeup days, it was permitted to excuse up to three additional days when it found it was "impracticable to make up the additional days." (This had to be reported to the State Board of Education.) In addition to those three days, the State Board was allowed to forgive an unlimited number of additional days when it found that "conditions justify such suspension of school." If the State Board forgave days, then teachers and students were not required to make them up, and the first 15 of those days did not affect teachers' pay.¹ In addition to the general law, almost every Session local legislation was introduced (and usually adopted) creating additional exceptions.

By 1997, legislators and policymakers had become concerned because so many exceptions and reasons to excuse days of instruction had appeared over time. Their primary concern was that research strongly correlates instructional time with student learning. In addition, the concerns included: (i) it seemed too easy for local boards to cancel school and then not schedule makeup days; (ii) there did not appear to be a difference from one part of the state to another, even though winter weather tends to be worse in the western part; and (iii) the growing belief that the exceptions eroded the constitutional mandate.

¹ Interestingly, these 15 days originated in 1971 at which time school could be suspended up to 60 days "due to low average of daily attendance, or the needs of agriculture, or any other condition."

HOUSE BILL 102

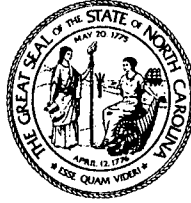
Page 2

In 1997 the law was significantly amended to its current state. The goals were to simplify the statute, put more responsibility at the local level for planning for makeup days, and provide much more flexibility to local boards when they "build" their school calendars. The flexibility was provided so that school systems could prepare for and anticipate events such as snow and ice storms and other generally unpredictable events that interfere with the act of getting to the schoolhouse.

After Hurricane Floyd, in 1999, there was legislation that provided for a limited exception of either 180 days or 1,000 hours of instruction. That legislation was limited to counties affected by the hurricane and applied only to that school year. However, in two counties (Guilford and Union), the NCAE brought lawsuits concerning extra pay for teachers and other staff members. In the Guilford litigation, judgment at the trial level was for the school system, but NCAE appealed to the NC Court of Appeals, where it is still pending.

Robin Johnson contributed significantly to this summary.

H102-SMRJ-001



XI

NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
House Bill 102

H102-ASF-3 [v.1]

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

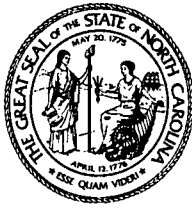
Page 1 of 2

Date _____, 2003

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

Representative Hilton

- 1 moves to amend the bill on page 1, lines 22-23, by adding between the lines a new
2 subdivision to read:
3 "(1a) Local boards of education that elect to provide instruction to students in less than
4 180 days under subdivision (1) of this subsection can require teachers to work a
5 maximum of 200 calendar days in a fiscal year without additional compensation. Local
6 school administrative units are accorded flexibility to allow principals to determine
7 whether teachers at their schools are required to work the 200 work days provided
8 herein or whether to excuse some or all teachers from attendance for one or more of the
9 non-instructional work days scheduled as a result of inclement weather. In no event will
10 teachers be compensated any sum in addition to their annual salary for days worked
11 within the 220 day calendar even if the instructional day is lengthened. Additionally, it
12 is anticipated that teachers may have to alter their daily schedules and may lose
13 planning or professional non-instructional time as a result of a lengthened school day."
14



NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
House Bill 102

H102-ASF-3 [v.1]

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

Page 2 of 2

SIGNED Mark Hilton
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED _____ FAILED _____ TABLED _____

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2003

H

1

HOUSE BILL 60

Short Title: School Calendar Flex./Iredell & Catawba.

(Local)

Sponsors: Representatives Mitchell, Setzer, Ray; Hilton and Gorman.

Referred to: Education.

February 24, 2003

1 A BILL TO BE ENTITLED
2 AN ACT TO GIVE CERTAIN LOCAL BOARDS OF EDUCATION ADDITIONAL
3 FLEXIBILITY WITH REGARD TO INSTRUCTIONAL TIME LOST DUE TO
4 INCLEMENT WEATHER.

5 The General Assembly of North Carolina enacts:

6 **SECTION 1.** G.S. 115C-84.2(a)(1) reads as rewritten:

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

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

23"

24 **SECTION 2.** This act applies only to local school administrative units
25 located in Iredell and Catawba Counties.

26 **SECTION 3.** This act applies only to the 2002-2003 school year.27 **SECTION 4.** This act is effective when it becomes law.

V

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2003

H

D

HOUSE BILL 60

PROPOSED COMMITTEE SUBSTITUTE H60-CSSF-1 [v.2]

3/5/2003 4:12:01 PM

Short Title: School Calendar Flex./Iredell Co.

(Local)

Sponsors:

Referred to:

February 24, 2003

A BILL TO BE ENTITLED

AN ACT TO GIVE A LOCAL BOARD OF EDUCATION ADDITIONAL FLEXIBILITY WITH REGARD TO INSTRUCTIONAL TIME LOST DUE TO INCLEMENT WEATHER.

The General Assembly of North Carolina enacts:

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

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

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

(1a) Local boards of education that elect to provide instruction to students in less than 180 days under subdivision (1) of this subsection can require teachers to work a maximum of 200 calendar days in a fiscal year without additional compensation. Local school administrative units are accorded flexibility to allow principals to determine whether teachers at their schools are required to work the 200 work days

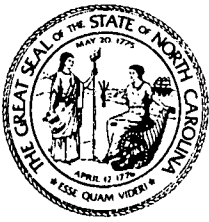
1 provided herein or whether to excuse some or all teachers from
2 attendance for one or more of the non-instructional work days
3 scheduled as a result of inclement weather. In no event will teachers be
4 compensated any sum in addition to their annual salary for days
5 worked within the 220 day calendar even if the instructional day is
6 lengthened. Additionally, it is anticipated that teachers may have to
7 alter their daily schedules and may lose planning or professional non-
8 instructional time as a result of a lengthened school day.

9 "

10 **SECTION 2.** This act applies only to local school administrative units
11 located in Iredell County.

12 **SECTION 3.** This act applies only to the 2002-2003 school year.

13 **SECTION 4.** This act is effective when it becomes law.



House Bill 60: School Calendar Flex./Iredell

VII

BILL ANALYSIS

Committee: House Education
Date: March 6, 2003
Version: First
H60-CSSF-1[v.2]

Introduced by: Representative Mitchell
Summary by: Shirley Iorio
Committee Staff

SUMMARY: *This bill would create an exception to the required time for instruction for the school system in Iredell County. The exception would allow the system to have 180 days OR 1,000 hours of instruction. The exception is only for the current school year.*

The bill also adds a subdivision to the calendar law which clarifies that local boards of education that elect to provide instruction to students in less than 180 days can require teachers to work a maximum of 200 calendar days without additional compensation. Teachers would not be compensated any sum in addition to their annual salary for days worked within the 220 day calendar even if the instructional day is lengthened.

The PCS removes Catawba County and adds the subdivision with the language regarding additional compensation to teachers.

CURRENT LAW: The NC Constitution requires that the State provide "for a general and uniform system of free public schools, which shall be maintained at least nine months in every year." The statutes further specify that school systems must adopt annual school calendars consisting of 180 days AND 1,000 hours of instruction during nine calendar months.

BILL ANALYSIS: The bill would amend G.S. 115C-84.2(a)(1) by changing the word "and" to the word "or", and by adding subdivision (1a) which clarifies that teachers would not be compensated any sum in addition to their annual salary for days worked within the 220 day calendar even if the instructional day is lengthened. The bill would apply only to local school administrative units in Iredell County.

EFFECTIVE DATE: The bill would become effective when it becomes law.

BACKGROUND: The laws governing the school calendar have evolved over the past 90 years. The first major rewrite seems to have occurred in 1987. At that time, the law was rewritten to require local boards to have school calendars that provided for 180 days of instruction. (The State Board had a rule that defined the minimum number of hours of instruction in a school day.) The law also required the calendar to include makeup days for school closings due to hazardous weather, natural disaster, or other emergencies. The required number of makeup days varied from one school system to another. The law required the "greater of (i) five days or (ii) the average number of days missed in five of the last six school years in which the least number of days were missed." If a local board used all of its scheduled makeup days, it was permitted to excuse up to three additional days when it found it was "impracticable to make up the additional days." (This had to be reported to the State Board of Education.) In addition to those three days, the State Board was allowed to forgive an unlimited number of additional days when it found that "conditions justify such suspension of school." If the State Board forgave days, then teachers and

students were not required to make them up, and the first 15 of those days did not affect teachers' pay.¹ In addition to the general law, almost every Session local legislation was introduced (and usually adopted) creating additional exceptions.

By 1997, legislators and policymakers had become concerned because so many exceptions and reasons to excuse days of instruction had appeared over time. Their primary concern was that research strongly correlates instructional time with student learning. In addition, the concerns included: (i) it seemed too easy for local boards to cancel school and then not schedule makeup days; (ii) there did not appear to be a difference from one part of the state to another, even though winter weather tends to be worse in the western part; and (iii) the growing belief that the exceptions eroded the constitutional mandate.

In 1997 the law was significantly amended to its current state. The goals were to simplify the statute, put more responsibility at the local level for planning for makeup days, and provide much more flexibility to local boards when they "build" their school calendars. The flexibility was provided so that school systems could prepare for and anticipate events such as snow and ice storms and other generally unpredictable events that interfere with the act of getting to the schoolhouse.

After Hurricane Floyd, in 1999, there was legislation that provided the limited exception that is proposed in House Bill 60. That legislation was limited to counties affected by the hurricane and applied only to that school year. However, there were several lawsuits filed, some of which were settled out of court. In two counties (Guilford and Union), the North Carolina Association of Educators (NCAE) brought lawsuits concerning extra pay for teachers and other staff members. In the Guilford litigation, judgment at the trial level was for the school system, but NCAE appealed to the NC Court of Appeals, where it is still pending.

¹ Interestingly, these 15 days originated in 1971 at which time school could be suspended up to 60 days "due to low average of daily attendance, or the needs of agriculture, or any other condition."

VT

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2003

H

1

HOUSE BILL 194

Short Title: Calendar Flex./Cleveland Co. School Systems.

(Local)

Sponsors: Representatives Moore, Clary (Primary Sponsors); and Culp.

Referred to: Education.

March 4, 2003

1 A BILL TO BE ENTITLED
2 AN ACT TO GIVE THE CLEVELAND COUNTY, KINGS MOUNTAIN CITY, AND
3 SHELBY CITY SCHOOL BOARDS ADDITIONAL FLEXIBILITY WITH
4 REGARD TO INSTRUCTIONAL TIME LOST DUE TO INCLEMENT
5 WEATHER.

6 The General Assembly of North Carolina enacts:

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

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

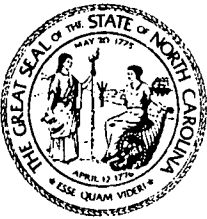
11 (1) A minimum of either 180 days ~~and or~~ 1,000 hours of instruction
12 covering at least nine calendar months. The local board shall designate
13 when the 180 instructional days shall occur. The number of
14 instructional hours in an instructional day may vary according to local
15 board policy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

24"

25 SECTION 2. This act applies only to the Cleveland County, Kings
26 Mountain City, and Shelby City School Systems.

27 SECTION 3. This act applies only to the 2002-2003 school year.

28 SECTION 4. This act is effective when it becomes law.



HOUSE BILL 194: Calendar Flex./Cleveland Co. School Systems.

BILL ANALYSIS

Committee: House Education
Date: March 6, 2003
Version: First Edition

Introduced by: Reps. Moore and Clary
Summary by: Sara Kamprath
Legislative Analyst

SUMMARY: *House Bill 194 would create an exception to the required time for instruction for three school systems: Cleveland County, Kings Mountain City and Shelby City. The exception would allow the systems to have 180 days OR 1,000 hours of instruction. The exception is for the 2002-03 school year.*

CURRENT LAW: The NC Constitution requires that the State provide "for a general and uniform system of free public schools, which shall be maintained at least nine months in every year." The statutes further specify that school systems must adopt annual school calendars consisting of 180 days AND 1,000 hours of instruction during nine calendar months.

BILL ANALYSIS: The bill would amend G.S. 115C-84.2(a)(1) by changing the phrase "of 180 days and 1,000 hours" to the phrase "either 180 days or 1,000 hours". It would apply only to the Cleveland County, Kings Mountain, and Shelby City School Systems.

EFFECTIVE DATE: The bill would become effective when it becomes law.

BACKGROUND: The laws governing the school calendar have evolved over the past 90 years. The first major rewrite seems to have occurred in 1987. At that time, the law was rewritten to require local boards to have school calendars that provided for 180 days of instruction. (The State Board had a rule that defined the minimum number of hours of instruction in a school day.) The law also required the calendar to include makeup days for school closings due to hazardous weather, natural disaster, or other emergencies. The required number of makeup days varied from one school system to another. The law required the "greater of (i) five days or (ii) the average number of days missed in five of the last six school years in which the least number of days were missed." If a local board used all of its scheduled makeup days, it was permitted to excuse up to three additional days when it found it was "impracticable to make up the additional days." (This had to be reported to the State Board of Education.) In addition to those three days, the State Board was allowed to forgive an unlimited number of additional days when it found that "conditions justify such suspension of school." If the State Board forgave days, then teachers and students were not required to make them up, and the first 15 of those days did not affect teachers' pay.¹ In addition to the general law, almost every Session local legislation was introduced (and usually adopted) creating additional exceptions.

By 1997, legislators and policymakers had become concerned because so many exceptions and reasons to excuse days of instruction had appeared over time. Their primary concern was that research strongly correlates instructional time with student learning. In addition, the concerns included: (i) it seemed too easy for local boards to cancel school and then not schedule makeup days; (ii) there did not appear to be a difference from one part of the state to another, even though winter weather tends to be worse in the western part; and (iii) the growing belief that the exceptions eroded the constitutional mandate.

¹ Interestingly, these 15 days originated in 1971 at which time school could be suspended up to 60 days "due to low average of daily attendance, or the needs of agriculture, or any other condition."

HOUSE BILL 194

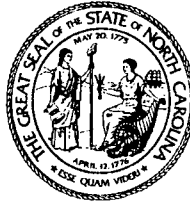
Page 2

In 1997 the law was significantly amended to its current state. The goals were to simplify the statute, put more responsibility at the local level for planning for makeup days, and provide much more flexibility to local boards when they "build" their school calendars. The flexibility was provided so that school systems could prepare for and anticipate events such as snow and ice storms and other generally unpredictable events that interfere with the act of getting to the schoolhouse.

After Hurricane Floyd, in 1999, there was legislation that provided the limited exception that is proposed in House Bill 194. That legislation was limited to counties affected by the hurricane and applied only to that school year. However, in two counties (Guilford and Union), the NCAE brought lawsuits concerning extra pay for teachers and other staff members. In the Guilford litigation, judgment at the trial level was for the school system, but NCAE appealed to the NC Court of Appeals, where it is still pending.

Robin Johnson contributed significantly to this summary.

H194-SMRJ-001



NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
House Bill 194

H194-ASF-4 [v.1]

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

Page 1 of 2

Date _____, 2003

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

Representative Hilton

1 moves to amend the bill on page 1, lines 23-24 , by adding between the lines a new
2 subdivision to read:
3 "(1a) Local boards of education that elect to provide instruction to students in less than
4 180 days under subdivision (1) of this subsection can require teachers to work a
5 maximum of 200 calendar days in a fiscal year without additional compensation. Local
6 school administrative units are accorded flexibility to allow principals to determine
7 whether teachers at their schools are required to work the 200 work days provided
8 herein or whether to excuse some or all teachers from attendance for one or more of the
9 non-instructional work days scheduled as a result of inclement weather. In no event will
10 teachers be compensated any sum in addition to their annual salary for days worked
11 within the 220 day calendar even if the instructional day is lengthened. Additionally, it
12 is anticipated that teachers may have to alter their daily schedules and may lose
13 planning or professional non-instructional time as a result of a lengthened school day."
14
15



NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
House Bill 194

H194-ASF-4 [v.1]

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

Page 2 of 2

SIGNED Mark Hilton
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED _____ FAILED _____ TABLED _____

VISITOR REGISTRATION SHEET

HOUSE COMMITTEE ON EDUCATION

03/06/03

Name of Committee

Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME

FIRM OR AGENCY AND ADDRESS

Whitney Bailey	Visitor
Marcy Thompson	UNCIC
Hal Miller	NCNCT
Mark Robertson	UNCC / CMS
Ray Giovanelli	UNCC / CMS
Marion Bisk	UNCC / Cab. Co. Schools
Melanie McKenzie	UNCC / I-S Schools
Misty Hathcock	UNCC / College of Education
Vanessa Ashford	UNCC / CMS
Mary Beth Roth	UNCC / Cabarrus Cty Schools
Warren Hollar	UNCC Doctoral Interns

VISITOR REGISTRATION SHEET

HOUSE COMMITTEE ON EDUCATION

3-6-3

Name of Committee

Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME

FIRM OR AGENCY AND ADDRESS

Liz Morey	Charter League
Brad Wilson	Rep. Culpepper's office
Yvonne Winters	NCJBA
Roz Savell	NCAA
Frida Stryer	SBE
Robert Harrison	WCPS
John [unclear]	NCPRM
Glenn Adams	Public School Forum of NC
Carol Lauer	Low Wacker School Consortium
W. Howell	NCICH
Gene Causby	NCSESA

VISITOR REGISTRATION SHEET

HOUSE COMMITTEE ON EDUCATION

3-6-03

Name of Committee

Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME

FIRM OR AGENCY AND ADDRESS

P. Miller

Miller CC

Devon White

PENC

Roger Gerbo

The League of Charter Schools

Lou Anne Shackelford

*(Family Literacy)
Greene Co. Schools 301 Kingold Blvd.
Snow Hill, NC 28580*

Judith Smith

*Even Start Family Literacy
Lenoir County School 201 S. McDowell St.
Roxboro, NC 28580*

Luen Simmons

Individual 193 G. H. S. H. H. Fayetteville 28306

Helen Wrenn

" 339 Edinburgh Dr., Fayetteville, 28303

Clarence Gitz

" 6309 Easthampton Ct., Fayetteville 28314

Linda Tamblin

*(Individual) 908 Courtland St
Greensboro NC 27401-1712*

Joan Smiley

*419 Dogwood Trail
Goldboro, N.C. 27534*

Jennifer Wilkes Jones

123 Turney St., Mt. Olive, NC 28365

VISITOR REGISTRATION SHEET

House Committee On Education
Name of Committee

Name of Committee

$$\underline{3-6=03}$$

Date _____

VISITORS:.. PLEASE SIGN BELOW AND RETURN TO COMMITTEE CLERK

NAME

FIRM OR AGENCY AND ADDRESS

Jann McArthur

Michael Flouso

Sundalen

Jim Merrill

~~James Langford~~

Governor's Office
HCAE

NCAE

Caroline Educational Alliance

Alone-Berlyte Schools
NCATA

NCATA

HOUSE EDUCATION COMMITTEE MEETING

MARCH 11, 2003

The House Education Committee met on Tuesday, March 11, 2003, in Room 643 in the Legislative Office Building, at 11:00 AM. Representative Alex Warner, Co-Chair, presided over the meeting in the absence of Rep. Donald Bonner. The Attendance Sheet indicates members present.

Rep. Parmon was asked to explain **HB 340, AN ACT TO GIVE LOCAL BOARDS OF EDUCATION ADDITIONAL FLEXIBILITY WITH REGARD TO INSTRUCTIONAL TIME LOST DUE TO INCLEMENT WEATHER**. Rep. Larry Womble made a motion for the bill to have a favorable report. Co-Chair Warner said that he would come back to that motion after discussion on the bill. Rep. Hilton offered an amendment (attached). After much discussion, Rep. Hilton withdrew his amendment so that he and Rep. Martin Nesbitt could work out a compromising amendment for both of them. Rep. David Lewis offered an amendment.

After much discussion this bill was continued to the next meeting date.

Meeting adjourned.



Rep. Alex Warner, Presiding Co-Chair
Rep. Donald Bonner
Rep. Mark Hilton
Rep. Steve Wood



Ann Stancil, Committee Clerk

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2003**

H

1

HOUSE BILL 340

Short Title: School Calendar Flex./Inclement Weather.

(Public)

Sponsors: Representatives Parmon, Gibson, Moore (Primary Sponsors); Adams, B. Allen, L. Allen, Bordsen, Clary, Coates, Culp, Cunningham, Gorman, Hall, Hunter, Jones, Lewis, McAllister, McGee, Miller, Wainwright, A. Williams, Womble, and Wright.

Referred to: Education.

March 6, 2003

A BILL TO BE ENTITLED

AN ACT TO GIVE LOCAL BOARDS OF EDUCATION ADDITIONAL
FLEXIBILITY WITH REGARD TO INSTRUCTIONAL TIME LOST DUE TO
INCLEMENT WEATHER.

The General Assembly of North Carolina enacts:

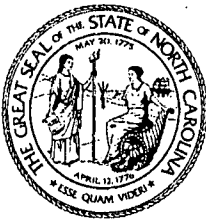
SECTION 1. G.S. 115C-84.2(a)(1) reads as rewritten:

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

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

...."

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



HOUSE BILL 340: School Calendar Flex./Inclement Weather

BILL ANALYSIS

Committee: House Education
Date: March 11, 2003
Version: First

Introduced by: Representative Parmon
Summary by: Shirley Iorio
Committee Staff

SUMMARY: *House Bill 340 would create a permanent change to the required time for instruction for all school systems in North Carolina. The bill would apply to all school systems in the State and would allow the systems to have 180 days OR 1,000 hours of instruction. The bill would take effect when it becomes law.*

CURRENT LAW: The NC Constitution requires that the State provide "for a general and uniform system of free public schools, which shall be maintained at least nine months in every year." This is echoed in G.S. 115C-1, which requires the operation in every LEA of "a uniform school term of nine months." School calendars must have a minimum of 220 days, all of which fall in the fiscal year. Of those days, local boards must adopt annual school calendars consisting of 180 days AND 1,000 hours of instruction during nine calendar months. The remaining 40 days must be scheduled as follows: 10 as teacher vacation days; 10-11 as holidays; 8 as designated by the local board for teacher workdays, additional instructional days, or other lawful purposes; and the remainder (11-12)¹ as designated by each school's principal for teacher workdays, additional instructional days, or other lawful purposes. School cannot be held on Sundays or Veteran's Day. Actual workdays for teachers employed for 10-month terms cannot exceed 200 days, but they are paid for 220 days. And, in most cases, there must be 42 consecutive days when teacher attendance is not required. The State Board has authority to order general school closings during any emergency in any section of the State where emergency conditions make it necessary.

BILL ANALYSIS: The bill would amend G.S. 115C-84.2(a)(1) by changing the word "and" to the word "or". It would apply to all school systems statewide.

EFFECTIVE DATE: The bill would become effective when it becomes law.

BACKGROUND: The laws governing the school calendar have evolved over the past 90 years. The first major rewrite seems to have occurred in 1987. At that time, the law was rewritten to require local boards to have school calendars that provided for 180 days of instruction. (The State Board had a rule that defined the minimum number of hours of instruction in a school day.) The law also required the calendar to include makeup days for school closings due to hazardous weather, natural disaster, or other emergencies. The required number of makeup days varied from one school system to another. The law required the "greater of (i) five days or (ii) the average number of days missed in five of the last six school years in which the least number of days were missed." If a local board used all of its scheduled makeup days, it was permitted to excuse up to three additional days when it found it was "impracticable to make up the additional days." (This had to be reported to the State Board of Education.) In addition to those three days, the State Board was allowed to forgive an unlimited number of additional days when it found that "conditions justify such suspension of school." If the State Board forgave days, then teachers and

¹ Two of these days may be designated as additional make-up days after the last day of student attendance if the LEA made up an average of at least 8 days for school closings in the last two years.

students were not required to make them up, and the first 15 of those days did not affect teachers' pay.² In addition to the general law, local legislation was introduced (and usually adopted) creating additional exceptions, almost every Session.

By 1997, legislators and policymakers had become concerned because so many exceptions and reasons to excuse days of instruction had appeared over time. Their primary concern was that research strongly correlates instructional time with student learning. In addition, the concerns included: (i) it seemed too easy for local boards to cancel school and then not schedule makeup days; (ii) there did not appear to be a difference from one part of the state to another, even though winter weather tends to be worse in the western part; and (iii) the growing belief that the exceptions eroded the constitutional mandate of a nine-month school year.

In 1997 the law was significantly amended to its current state. The goals were to simplify the statute, put more responsibility at the local level for planning for makeup days, and provide much more flexibility to local boards when they "build" their school calendars. The flexibility was provided so that school systems could prepare for and anticipate events such as snow and ice storms and other generally unpredictable events that interfere with the act of getting to the schoolhouse.

After Hurricane Floyd, in 1999, there was legislation that provided the limited exception that is proposed in House Bill 340. That legislation was limited to counties affected by the hurricane and applied only to that school year. However, there were several lawsuits filed, some of which were settled out of court. In two counties (Guilford and Union), the North Carolina Association of Educators (NCAE) brought lawsuits concerning extra pay for teachers and other staff members. In the Guilford litigation, judgment at the trial level was for the school system, but NCAE appealed to the NC Court of Appeals, where it is still pending.

POSSIBLE ISSUES:

Constitutional Issues

- **What does it mean to maintain a general and uniform system of free public schools at least nine months in every year?** Can a month be defined by a number of hours, rather than by days? If different LEAs have calendars with a different number of school days (the practical effect of going to hours only), would this violate the constitutional mandate of a "general and uniform" system of public schools?³
- **What impact could forgiving days or using hours rather than days have on the pending Leandro litigation or on the Leandro requirement that the State must provide a sound basic education?**

Policy Issues

- **If "time on task" is in fact important to student achievement, are there minimum and maximum hours in a school day that are more effective?**

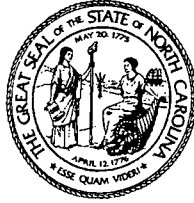
² Interestingly, these 15 days originated in 1971 at which time school could be suspended up to 60 days "due to low average of daily attendance, or the needs of agriculture, or any other condition."

³ In 1985, the NC Court of Appeals ruled that the Constitution does not require a uniform 180 day term. Morgan v. Polk County Bd. Of Educ., 74 NCApp 169 (1985) (noting, but not addressing the constitutionality of, the law allowing fewer than 180 days when days could be waived up to five days due to weather).

- **Which school systems would be included? Is it fair to only provide an "out" when LEAs in the middle of the State have bad weather?** Each year, the western part of the State typically misses more school days due to inclement weather than other parts of the State. They have been required to and do make up all these days.
- **Are school calendars starting too early?** In the past decade, the opening day of school has shifted from late to early August in many LEAs, arguably to finish the first semester before the Christmas/Winter break. At the same time, these LEAs include a significant number of days (typically staff development days) in the first part of the calendar that, if saved for later in the school year, could be used as make-up dates.
- **If days are forgiven for students, should they be forgiven for school personnel? If different LEAs have significantly different hours in school days, should teachers be paid the same?** Teachers as professional employees are not paid on an hourly rate. Local LEA's set the anticipated workweek. If LEA's are then allowed to vary significantly from the days required, there could be potentially significant differences in the daily rates of pay. In addition, by allowing school systems to hold school fewer days by simply scheduling 1,000 hours, this could create pressure from teachers to be paid the same amount for working fewer days. For example:

LEA 1	LEA 2	LEA 3	LEA 4	LEA 5
180 days x 5.5 hrs. per day = 990 hrs. of instructional time per year	180 days x 6.0 hrs. per day = 1080 hrs. of instructional time per year	1000 hrs./5.5 hrs. per day = 182 days of instruction per year	1000 hrs./6.0 hrs. per day = 167 days of instruction per year	1000 hrs./8.0 hrs. per day = 125 days of instruction per year

- **What impact will going to longer instructional days – and possibly fewer days -- have on school employees who are paid on an hourly basis?**
- **Should the State (i.e., either the State Board or the General Assembly) be in the business of waiving days or prescribing when and how make-up days should occur? Or should this be left at the local level?**



NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
House Bill 340

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

H340-ASF-5 [v.1]

Page 1 of 2

Date _____, 2003

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

Representative Hilton

- 1 moves to amend the bill on page 1, lines 21-22, by adding between the lines a new
2 subdivision to read:
3 "(1a) Local boards of education that elect to provide instruction to students in less than
4 180 days under subdivision (1) of this subsection can require teachers to work a
5 maximum of 200 calendar days in a fiscal year without additional compensation. Local
6 school administrative units are accorded flexibility to allow principals to determine
7 whether teachers at their schools are required to work the 200 work days provided
8 herein or whether to excuse some or all teachers from attendance for one or more of the
9 non-instructional work days scheduled as a result of inclement weather. In no event will
10 teachers be compensated any sum in addition to their annual salary for days worked
11 within the 220 day calendar even if the instructional day is lengthened. Additionally, it
12 is anticipated that teachers may have to alter their daily schedules and may lose
13 planning or professional non-instructional time as a result of a lengthened school day."



NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
House Bill 340

H340-ASF-5 [v.1]

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

Page 2 of 2

SIGNED _____
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED _____ FAILED _____ TABLED _____

VISITOR REGISTRATION SHEET

Name of Committee

Date

3-11-03

VISITORS: PLEASE SIGN BELOW AND RETURN TO COMMITTEE CLERK

NAME

FIRM OR AGENCY AND ADDRESS

Yvonne Perry	NC Sch. Psy. Assn.
JAMES VIGEN	NC SYNOD office of Advocacy Ministry
JOHN HOLLEMAN	NCAE
CAROLYN MCKINNEY	NCAE
Michael Houser	NCAE
Marcus Downs	NCAE
Ed Powell	NCAE
Scott Herman	Cabarrus County Vice Chairman <u>SWED</u>
John Miller	BOC OFFICE
TED KAPLAN	W.S., N.C.
Leanne W. Winner	NCSBA
Ann McArthur	Governor's ofc
JAMES RAMPAGE	NCAFA
John Coates	NCAFA
John Dunn	SBE
Brian Briggs	Cumberland County Schools
Elizabeth H. Weinstein	OSBM
Hal Miller	NCAEET
Carole Lawler	Low Wealth Schools Consortium
Devon White	Professional Educators of NC
Henry Huttart	N.C. SPA.
John H. Huttart	Public School Forum
John H. Huttart	WCPSS
John H. Huttart	NCPAA
Gene Causby	NCSFSA
Mary Denny	VET Program
R.B. Pakio	Milken Co
	NC Justice

VISITOR REGISTRATION SHEET

Name of Committee

Date

VISITORS: PLEASE SIGN BELOW AND RETURN TO COMMITTEE CLERK

NAME

FIRM OR AGENCY AND ADDRESS

[Signature]

JD, ALPA

Audrey Galloway

Strategic Influences

JOHN GOODMAN

MERCER & ASSOC.

Periton MANNING

GPR

HUGH TILSON

NCHRA

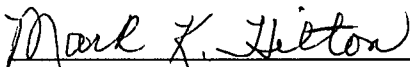
HOUSE EDUCATION COMMITTEE MEETING

MARCH 12, 2003

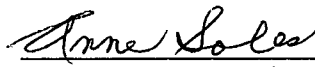
The House Education Committee met on Wednesday, March 12, 2003, in Room 643 of the Legislative Office Building, at 11:00 AM. Rep. Mark Hilton, Co-Chair, presided over the meeting. The Attendance Sheet indicates members present.

Rep. Parmon was called on to continue from the previous meeting, the explanation of **HB 340, AN ACT TO GIVE LOCAL BOARDS OF EDUCATION ADDITIONAL FLEXIBILITY WITH REGARD TO INSTRUCTIONAL TIME LOST DUE TO INCLEMENT WEATHER**. Rep. Warner moved to adopt the Proposed Committee Substitute. The motion passed. Rep. Womble moved to give a favorable report to the Committee Substitute, unfavorable as to original bill. Co-Chair Hilton said he would come back to that motion. Rep. Preston called for it to be sent to a subcommittee. Rep. Blackwood called for a roll call vote. There was much discussion and debate. The contention of the membership discussion became unruly with regards to the rules of the committee procedure. With much persistence from Rep. Womble to proceed with his motion, the motion was voted on and passed.

Meeting adjourned.



Rep. Mark Hilton, presiding Co-Chair
Rep. Donald Bonner, Co-Chair
Rep. Alex Warner, Co-Chair
Rep. Steve Wood, Co-Chair



Anne Soles, Committee Clerk

3-12

**2003 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

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

By Representative(s) **Bonner, Hilton, Warner, Wood** (Chairs) for the Committee on
EDUCATION.

☐ Committee Substitute for
H.B. 340 A BILL TO BE ENTITLED AN ACT TO GIVE LOCAL BOARDS OF
EDUCATION ADDITIONAL FLEXIBILITY WITH REGARD TO INSTRUCTIONAL
TIME LOST 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 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)

3/06/03

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2003**

H

1

HOUSE BILL 340

Short Title: School Calendar Flex./Inclement Weather.

(Public)

Sponsors: Representatives Parmon, Gibson, Moore (Primary Sponsors); Adams, B. Allen, L. Allen, Bordsen, Clary, Coates, Culp, Cunningham, Gorman, Hall, Hunter, Jones, Lewis, McAllister, McGee, Miller, Wainwright, A. Williams, Womble, and Wright.

Referred to: Education.

March 6, 2003

A BILL TO BE ENTITLED
AN ACT TO GIVE LOCAL BOARDS OF EDUCATION ADDITIONAL
FLEXIBILITY WITH REGARD TO INSTRUCTIONAL TIME LOST DUE TO
INCLEMENT WEATHER.

The General Assembly of North Carolina enacts:

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

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

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

...."

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

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2003

H

D

HOUSE BILL 340
PROPOSED COMMITTEE SUBSTITUTE H340-CSRH-1 [v.1]

3/11/2003 3:26:27 PM

Short Title: School Calendar Flex./Inclement Weather.

(Public)

Sponsors:

Referred to:

March 6, 2003

1 A BILL TO BE ENTITLED
2 AN ACT TO GIVE LOCAL BOARDS OF EDUCATION ADDITIONAL
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7 "(a) School Calendar. – Each local board of education shall adopt a school
8 calendar consisting of 220 days all of which shall fall within the fiscal year. A school
9 calendar shall include the following:

10 (1) A minimum of 180 days and 1,000 hours of instruction covering at
11 least nine calendar months. The local board shall designate when the
12 180 instructional days shall occur. The number of instructional hours
13 in an instructional day may vary according to local board policy and
14 does not have to be uniform among the schools in the administrative
15 unit. Local boards may approve school improvement plans that include
16 days with varying amounts of instructional time. If school is closed
17 early due to inclement weather, the day and the scheduled amount of
18 instructional hours may count towards the required minimum to the
19 extent allowed by State Board policy. The school calendar shall
20 include a plan for making up days and instructional hours missed when
21 schools are not opened due to inclement weather.

22 (1a) Notwithstanding subdivision (1) of this subsection, a local board may
23 decide to make up a maximum of three instructional days by adding
24 instructional hours to previously scheduled instructional days. A local
25 board shall make this decision only if all of the following criteria are
26 met:

1 a. The days to be made up were missed when schools were unable to
2 be opened due to unusual and extraordinary inclement weather
3 conditions.

4 b. It would cause undue hardship to parents, children, and teachers to
5 make up those days.

6 c. The school calendar continues to have a minimum of 1,000
7 instructional hours covering at least nine months.

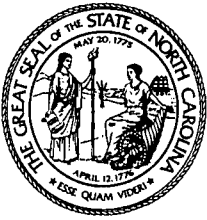
8 d. The additional hours must equal the regularly scheduled number of
9 instructional hours at each school.

10 If a local board adds instructional hours to previously scheduled days
11 under this subdivision, the local school administrative unit is deemed
12 to have a minimum of 180 days of instruction, teachers employed for a
13 10 month term are deemed to have been employed for the days being
14 made up, and all other employees shall be compensated as if they had
15 worked the days being made up.

16 "

17 **SECTION 2.** This act applies only to the 2002-2003 school year.

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



HOUSE BILL 340: School Calendar Flex./Inclement Weather

BILL ANALYSIS

Committee: House Education
Date: March 12, 2003
Version: First
H340-CSRH-1[v.1]

Introduced by: Representative Parmon
Summary by: Shirley Iorio
Committee Staff

SUMMARY: *The proposed committee substitute for House Bill 340 would create an exception to the required time for instruction for all school systems in North Carolina. The bill would apply to any school system in the State that has lost instructional time due to schools being closed because of inclement weather, and would allow the systems to make up instructional days by adding instructional hours to previously scheduled instructional days. The exception is only for the current school year and would take effect when it becomes law.*

The PCS is different from the original bill in the following ways:

- a. the exception is created only for the current school year;*
- b. a local board may make up a maximum of 3 instructional days by adding instructional hours to previously scheduled instructional days if certain criteria are met; and*
- c. all employees are deemed to have been employed for the days being made up and shall be compensated as if they had worked the days being made up.*

CURRENT LAW: The NC Constitution requires that the State provide "for a general and uniform system of free public schools, which shall be maintained at least nine months in every year." This is echoed in G.S. 115C-1, which requires the operation in every LEA of "a uniform school term of nine months." School calendars must have a minimum of 220 days, all of which fall in the fiscal year. Of those days, local boards must adopt annual school calendars consisting of 180 days AND 1,000 hours of instruction during nine calendar months. The remaining 40 days must be scheduled as follows: 10 as teacher vacation days; 10-11 as holidays; 8 as designated by the local board for teacher workdays, additional instructional days, or other lawful purposes; and the remainder (11-12)¹ as designated by each school's principal for teacher workdays, additional instructional days, or other lawful purposes. School cannot be held on Sundays or Veteran's Day. Actual workdays for teachers employed for 10-month terms cannot exceed 200 days, but they are paid for 220 days. And, in most cases, there must be 42 consecutive days when teacher attendance is not required. The State Board has authority to order general school closings during any emergency in any section of the State where emergency conditions make it necessary.

BILL ANALYSIS: The bill would amend G.S. 115C-84.2(a)(1) by adding a subdivision to the calendar law which allows local boards of education to make up a maximum of three instructional days by adding instructional hours to previously scheduled instructional days. A local board shall make this decision only if certain criteria are met:

- the days to be made up were missed because schools were closed due to unusual and extraordinary inclement weather conditions;

¹ Two of these days may be designated as additional make-up days after the last day of student attendance if the LEA made up an average of at least 8 days for school closings in the last two years.

- making up the days would cause undue hardship to parents, teachers, and students;
- the school calendar must continue to have a minimum of 1000 instructional hours covering at least nine months; and
- the additional hours added on to the existing days must equal the regularly scheduled number of instructional hours at each school. For example, if the regular school day has six instructional hours, and the local board decides to use this option, the schools must add up to 18 hours (up to three days) to the existing days.

If a local board decides to use this exception, the local school administrative unit is deemed to have a minimum of 180 days of instruction, teachers employed for a 10 month term are deemed to have been employed for the days being made up, and all other employees shall be compensated as if they had worked the days being made up.

The bill would apply only to the 2002-2003 school year.

EFFECTIVE DATE: The bill would become effective when it becomes law.

BACKGROUND: The laws governing the school calendar have evolved over the past 90 years. The first major rewrite seems to have occurred in 1987. At that time, the law was rewritten to require local boards to have school calendars that provided for 180 days of instruction. (The State Board had a rule that defined the minimum number of hours of instruction in a school day.) The law also required the calendar to include makeup days for school closings due to hazardous weather, natural disaster, or other emergencies. The required number of makeup days varied from one school system to another. The law required the "greater of (i) five days or (ii) the average number of days missed in five of the last six school years in which the least number of days were missed." If a local board used all of its scheduled makeup days, it was permitted to excuse up to three additional days when it found it was "impracticable to make up the additional days." (This had to be reported to the State Board of Education.) In addition to those three days, the State Board was allowed to forgive an unlimited number of additional days when it found that "conditions justify such suspension of school." If the State Board forgave days, then teachers and students were not required to make them up, and the first 15 of those days did not affect teachers' pay.² In addition to the general law, local legislation was introduced (and usually adopted) creating additional exceptions, almost every Session.

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- **What impact could forgiving days or using hours rather than days have on the pending Leandro litigation or on the Leandro requirement that the State must provide a sound basic education?**

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HOUSE EDUCATION COMMITTEE MEETING

MARCH 13, 2003


The House Education Committee met on Thursday, March 13, in Room 643, in the Legislative Office Building. The members present are indicated on the Attendance Sheet. Rep. Alex Warner, Co-Chair, presided over the meeting.

Co-Chair Warner informed the committee of the following bills that would be re-assigned to subcommittees on Universities, Pre-School, Elementary and Secondary Education, and Community Colleges. **(Attached)**

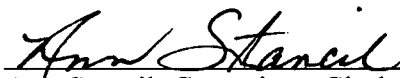
Rep. Rick Glazier was called upon to explain **HB 219, AN ACT TO MODIFY AND MAKE PERMANENT THE OPTION FOR RETIRED TEACHERS TO RETURN TO THE CLASSROOM WITHOUT LOSS OF RETIREMENT BENEFITS**. After some discussion, Rep. Womble moved for a favorable report, to be re-referred to the Committee on Pensions and Retirement. The motion passed.

Rep. Glazier was called upon to explain **HB 271, AN ACT TO FACILITATE JOB SHARING BY PUBLIC SCHOOL GUIDANCE COUNSELORS**. Rep. Glazier offered an amendment and it was voted upon and passed. After much discussion, Vice-Chair Gorman moved to suspend the rules of time adjournment so that more debates could be heard. The motion passed. Rep. Stiller desired to offer an amendment, but time did not allow. The amendment will be brought before the committee and the bill will be continued at the next meeting.

Meeting adjourned.



Rep. Alex Warner, Presiding Co-Chairman
Rep. Donald Bonner, Co-Chair
Rep. Mark Hilton, Co-Chair
Rep. Steve Wood, Co-Chair



Ann Stancil, Committee Clerk

HOUSE EDUCATION COMMITTEE

MAY 20, 2003

The House Education Committee held a public hearing on the proposed

FOR SCHOOLS Rep. Bonner made the motion to bring the measure before the

substitute passed unfavorable as to Senate committee substitute kill

Rep. Donald Bonner, Co-chair
Rep. Mark Hilton, Co-chair
Rep. Mark Wood, Co-chair

Rep. [Name], Co-chair

A.

REFERRAL FORM

**NORTH CAROLINA HOUSE OF REPRESENTATIVES
ASSIGNMENT OF BILLS TO SUBCOMMITTEE**

COMMITTEE: **EDUCATION**

CHAIRMAN: **Representative Bonner, Hilton, Warner, Wood**

DATE: **3/13/03**

Bill Number (Indicate **H** or **S**): **H 51**

Short Title: **UNC TUITION/MILITARY STUDENTS**

Assigned to Subcommittee on: **Universities**

Re-Assigned to Subcommittee on:

Bill Number (Indicate **H** or **S**): **H 150**

Short Title: **AMEND LEGISLATION TRUTION GRANTS**

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:

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

Short Title:

Assigned to Subcommittee on:

Re-Assigned to Subcommittee on:

**NORTH CAROLINA HOUSE OF REPRESENTATIVES
ASSIGNMENT OF BILLS TO SUBCOMMITTEE****COMMITTEE:** EDUCATION**CHAIRMAN:** Representative Bonner, Hilton, Warner, Wood**DATE:** 3/13/03

Bill Number (Indicate H or S): H 31**Short Title:** REMOVE CAP ON CHARTER SCHOOLS**Assigned to Subcommittee on:** Pre-School, Elementary and Secondary Education**Re-Assigned to Subcommittee on:**

Bill Number (Indicate H or S): H 32**Short Title:** REMOVE CAP ON CHARTER SCHOOLS**Assigned to Subcommittee on:** Pre-School, Elementary and Secondary Education**Re-Assigned to Subcommittee on:**

Bill Number (Indicate H or S): H 318**Short Title:** CHILDREN WITH DISABILITIES/FEDERAL LAW-AB**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:**

REFERRAL FORM

**NORTH CAROLINA HOUSE OF REPRESENTATIVES
ASSIGNMENT OF BILLS TO SUBCOMMITTEE**

COMMITTEE: **EDUCATION**

CHAIRMAN: **Representative Bonner, Hilton, Warner, Wood**

DATE: **3/13/03**

Bill Number (Indicate **H** or **S**): **H 223**

Short Title: **VOC. REHAB STUDENTS IN COMM. COLL./FUNDS-AB**

Assigned to Subcommittee on: **Community Colleges**

Re-Assigned to Subcommittee on:

Bill Number (Indicate **H** or **S**): **H 234**

Short Title: **COMM. COLL. FINANCIAL AID PROCESS CLARIFIED-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:

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:

**2003 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

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

By Representative(s) **Bonner, Hilton, Warner, Wood**, (Chairs) for the Committee on
EDUCATION.

☐ Committee Substitute for

H.B. 219 A BILL TO BE ENTITLED AN ACT TO MODIFY AND MAKE PERMANENT
THE OPTION FOR RETIRED TEACHERS TO RETURN TO THE CLASSROOM
WITHOUT LOSS OF RETIREMENT BENEFITS.

☐ With a favorable report.

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

☐ 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)

3/06/03

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2003

H

1

HOUSE BILL 219*

Short Title: Modify Retired Teacher Option.

(Public)

Sponsors: Representatives Glazier; B. Allen, G. Allen, L. Allen, Bordsen, Carney, Church, Goforth, Goodwin, Gorman, Harrell, Hunter, LaRoque, Lucas, McLawhorn, Miller, Setzer, and Warren.

Referred to: Education, if favorable, Pensions & Retirement.

March 5, 2003

A BILL TO BE ENTITLED
AN ACT TO MODIFY AND MAKE PERMANENT THE OPTION FOR RETIRED
TEACHERS TO RETURN TO THE CLASSROOM WITHOUT LOSS OF
RETIREMENT BENEFITS.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 135-3(8)c. reads as rewritten:

"c. Should a beneficiary who retired on an early or service retirement allowance under this Chapter be reemployed, or otherwise engaged to perform services, by an employer participating in the Retirement System on a part-time, temporary, interim, or on a fee-for-service basis, whether contractual or otherwise, and if such beneficiary earns an amount during the 12-month period immediately following the effective date of retirement or in any calendar year which exceeds fifty percent (50%) of the reported compensation, excluding terminal payments, during the 12 months of service preceding the effective date of retirement, or twenty thousand dollars (\$20,000), whichever is greater, as hereinafter indexed, then the retirement allowance shall be suspended as of the first day of the month following the month in which the reemployment earnings exceed the amount above, for the balance of the calendar year. The retirement allowance of the beneficiary shall be reinstated as of January 1 of each year following suspension. The amount that may be earned before suspension shall be increased on January 1 of each year by the ratio of the Consumer Price Index to the Index one year earlier, calculated to the nearest tenth of a percent (1/10 of 1%).

1 The computation of postretirement earnings of a beneficiary
2 under this sub-subdivision, G.S. 135-3(8)c., who has been
3 retired at least ~~six~~ two months and has not been employed in
4 any capacity, except as a substitute teacher or a part-time tutor,
5 with a public school for at least ~~six~~ two months immediately
6 preceding the effective date of reemployment, shall not include
7 earnings while the beneficiary is employed to teach on a
8 substitute, interim, or permanent basis in a public school. The
9 Department of Public Instruction shall certify to the Retirement
10 System that a beneficiary is employed to teach by a local school
11 administrative unit under the provisions of this sub-subdivision
12 and as a retired teacher as the term is defined under the
13 provisions of G.S. 115C-325(a)(5a).

14 Beneficiaries employed under this sub-subdivision are not
15 entitled to any benefits otherwise provided under this Chapter
16 as a result of this period of employment."

17 **SECTION 2.** G.S. 115C-325(a)(5a) reads as rewritten:

18 "(5a) "Retired teacher" means a beneficiary of the Teachers' and State
19 Employees' Retirement System of North Carolina who has been retired
20 at least ~~six~~two months, has not been employed in any capacity, other
21 than as a substitute teacher or a part-time tutor, with a local board of
22 education for at least ~~six~~two months, immediately preceding the
23 effective date of reemployment, is determined by a local board of
24 education to have had satisfactory performance during the last year of
25 employment by a local board of education, and who is employed to
26 teach as provided in G.S. 135-3(8)c. A retired teacher shall be treated
27 the same as a probationary teacher except that (i) a retired teacher is
28 not eligible for career status and (ii) the performance of a retired
29 teacher who had attained career status prior to retirement shall be
30 evaluated in accordance with a local board of education's policies and
31 procedures applicable to career teachers."

32 **SECTION 3.** Subsection (d) of Section 28.24 of S.L. 1998-212, as rewritten
33 by Section 28.10 of S.L. 2002-126, reads as rewritten:

34 "(d) This section becomes effective January 1, ~~1999, and expires June 30, 2004.~~
35 1999."

36 **SECTION 4.** The introductory language of Section 67 of S.L. 1998-217, as
37 rewritten by Section 28.10 of S.L. 2002-126, reads as rewritten:

38 "**SECTION 67.** Effective January 1, 1999, ~~through June 30, 2004,~~ G.S. 135-3(8)c.,
39 as rewritten by Section 28.24(a) of S.L. 1998-212 reads as rewritten:"

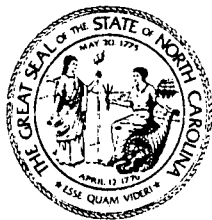
40 **SECTION 5.** Subsection (b) of Section 67.1 of S.L. 1998-217, as rewritten
41 by Section 28.10 of S.L. 2002-126, reads as rewritten:

42 "(b) This section becomes effective January 1, ~~1999, and expires June 30, 2004.~~
43 1999."

1 **SECTION 6.** Subsection (c) of Section 32.25 of S.L. 2001-424, as rewritten
2 by Section 28.10 of S.L. 2002-126, reads as rewritten:

3 **"SECTION 32.25.(c)** This section becomes effective July 1, 2001, ~~and expires June~~
4 ~~30, 2004.~~ 2001."

5 **SECTION 7.** This act becomes effective July 1, 2003.



HOUSE BILL 219: Modify Retired Teacher Option

BILL ANALYSIS

Committee: House Education
Date: March 13, 2003
Version: First

Introduced by: Representative Glazier
Summary by: Shirley Iorio
Committee Staff

SUMMARY: *House Bill 219 would reduce to two months the amount of time that a teacher must be retired before returning to teach without loss of retirement benefits. The bill would also remove the sunset on the current law.*

CURRENT LAW: G.S. 135-3(8)c allows a beneficiary of the Teachers' and State Employees' Retirement System who has been retired at least six months and has not been employed in any capacity, except as a substitute teacher or a part-time tutor, with a public school for at least six months immediately preceding the effective date of reemployment, to return to be employed to teach on a substitute, interim or permanent basis in a public school and not be subject to the retirement earnings cap. This section of the law expires June 30, 2004.

BILL ANALYSIS: House Bill 219 would reduce from six months to two months the break in service requirement before a teacher can be reemployed. It also makes this exception permanent by removing the sunset date of June 30, 2004. There is a question as to whether or not two months is a "bona fide termination of employment". S.L. 2002-126 (the 2002 Budget bill) requires the State Treasurer to seek a private letter ruling from the Internal Revenue Service (IRS) to determine whether the time could be amended from six months to two months without adverse affect on the tax qualification of the Teachers' and State Employees' Retirement System. At this point in time, we do not have that ruling.

BACKGROUND: Prior to January 1, 1995, North Carolina's laws relating to re-employment of a State retiree were very complicated and strict because so many retirees and employers abused the re-employment provisions that had been in effect. The law was changed and simplified during the 1994 session of the General Assembly. As a result of those changes, a retiree could return to service during any calendar year on a part-time, interim, temporary or contractual basis and earn the greater of \$23,240 (\$20,000 plus the ratio of the Consumer Price Index one year earlier, calculated to the nearest 1/10 of 1%) or 50% of the salary that the person earned during the 12 months of service prior to retirement.

In 1998 the General Assembly passed legislation that created a narrow exception to permit teachers who had been retired at least 12 months and had not been employed in any capacity, except as a substitute teacher, with a public school for at least 12 months to work as substitute teachers in public schools, as teachers in low-performing public schools or in geographic areas in which the State Board of Education determined there was a shortage of teachers without losing retirement benefits.

The 2000 General Assembly enacted legislation, effective July 1, 2000, which removed any restrictions on the amount of post-retirement earnings for any retiree of the Teachers' and State Employees' Retirement System who is employed to teach as a substitute teacher or on an interim or permanent basis in a public school. The exception was no longer limited to low-performing schools or certain geographic areas. To qualify, a teacher must have been retired for 12 months and not have been employed in any capacity with the public schools except as a substitute teacher, for at least 12 months immediately preceding the return to teaching.

HOUSE BILL 219

Page 2

In 2001, the General Assembly reduced the break in service time from 12 months to six months.

In 2002, Section 28.13 of S.L. 2002-126 (budget bill) amended the law to change the limit on earnings to \$20,000 (plus the ratio of the Consumer Price Index one year earlier, calculated to the nearest 1/10 of 1%) or 50% of a retiree's previous salary during the 12 months immediately following retirement. Any retiree who had a contract on or before September 1, 2002, was grandfathered in.

BUCK CONSULTANTS

A Mellen Financial Company

200 Galleria Parkway, N.W., Suite 1900
Atlanta, Georgia 30339-5945

March 11, 2003

Ms. Pam Deardorff
Director of External Relations
Retirement Systems Division
Department of State Treasurer
325 North Salisbury Street
Raleigh, NC 27603-1385

House Bill 219

Dear Ms. Deardorff:

We have received your letter of March 7 regarding House Bill 219 which affects the Teachers' and State Employees' Retirement System.

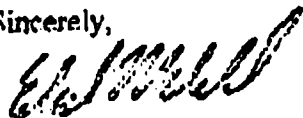
This proposed legislation appears to allow a retired member to be reemployed in a covered or non-covered position without an earnings restriction provided the retired member has been retired at least 2 months, has not been employed in any capacity, except as a substitute teacher or part-time tutor, with a public school for at least 2 months immediately preceding the effective date of reemployment, and is reemployed to teach. Currently, G.S. 135-3(8)c requires a retired member be retired at least six months and meet the other conditions indicated above in order to be entitled to the exemption from the earnings limitation.

Additionally, the current statute is scheduled to expire June 30, 2004. The proposed legislation eliminates this date, thus making permanent the proposed exemption.

The cost of this proposal is estimated to be 0.52% of payroll based on the December 31, 2001 valuation. We would also like to comment that the IRS requires an undefined "bona fide termination of employment" in order for qualified plans to offer reemployment. Should the IRS determine that 2 months does not constitute a "bona fide termination of employment," the Plan's qualified status could be at risk.

If we can be of further assistance with regard to this legislation, please do not hesitate to contact us.

Sincerely,



Edward A. Macdonald
Principal, Consulting Actuary

EAM:sr

P:\North Carolina Teachers\2003\Correspondence\Himes Bill 219.doc
3/11/03 10:10:10

Buck Consultants, Inc

770 1956-2486 Fax 770 1933-8336

VISITOR REGISTRATION SHEET

HOUSE COMMITTEE ON EDUCATION

Name of Committee

Date

3/13/03

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME

FIRM OR AGENCY AND ADDRESS

John McHugh	Gov Office
Laura Harper	SEANC
Ardis Watkins	SEANC
Candace O. McKinney	NCAE
Marcus Deans	NCAE
John Holleman	NCAE
Michael Horner	NCAE
Brian Lewis	Planned Parenthood Health Sys.
W. Mark Garrison	Capital Group
Eddie Caldwell	Education: Everybody's Business Coalition
John Rust	NCFRC

VISITOR REGISTRATION SHEET

HOUSE COMMITTEE ON EDUCATION

Name of Committee

3/13/03

Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME

FIRM OR AGENCY AND ADDRESS

Susan Hansen	WCPS
Gene Causey	CKC SEFA
Devon White	Professional Educators of NC
Michael	NCICU
Mark Fleming	University System
Leanne Wince	NCSBA
John Norris	Public School Forum
Ann McArthur	Governor's Office
Pam Heardsorf	Retirement Division
Roz Smith	NCCCC
Hal Miller	NCAECT

VISITOR REGISTRATION SHEET

House Committee on Education

Name of Committee

3/13/03
Date

Date _____

VISITORS: PLEASE SIGN BELOW AND RETURN TO COMMITTEE CLERK

NAME

FIRM OR AGENCY AND ADDRESS

Julie Allen
Brad Dixon

NC Statewatch
Rep. Culpepper

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2003

H

1

HOUSE BILL 271

Short Title: Job Sharing for School Counselors.

(Public)

Sponsors: Representatives Glazier, Warner, Lucas, Insko (Primary Sponsors); G. Allen, Bordsen, Carney, Dickson, Goodwin, Lewis, Sauls, and Warren.

Referred to: Education.

March 6, 2003

A BILL TO BE ENTITLED
AN ACT TO FACILITATE JOB SHARING BY PUBLIC SCHOOL GUIDANCE
COUNSELORS.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 115C-302.2 reads as rewritten:

**"§ 115C-302.2. Job sharing by classroom ~~teachers~~ teachers and guidance
counselors.**

(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. State and that there is a shortage of qualified guidance counselors in certain 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 and guidance counselors 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.

(b1) A "guidance counselor in a job-sharing position" is a person who:

- (1) Is employed by a local board of education as a guidance counselor for fifty percent (50%) of the guidance counselor workweek, as defined by that local board of education;
- (2) Is paid on the teacher salary schedule; and
- (3) Is sharing a guidance counselor position with one other employee of that local board of education who meets the requirements of subdivisions (1) and (2) of this subsection.

(c) The State Board of Education shall adopt rules to facilitate job sharing by classroom ~~teachers~~ teachers and guidance counselors. These rules shall provide that a classroom teacher or a guidance counselor 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~~ an employee 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. (2002-174, s. 1.)"

SECTION 2. G.S. 135-1(25), as rewritten by Section 1 of S.L. 2002-110, reads as rewritten:

"(25) "Teacher" shall mean any teacher, helping teacher, classroom teacher in a job-sharing position as defined in G.S. 115C-302.2(b) except for a beneficiary in that position, guidance counselor in a job-sharing position as defined in G.S. 115C-302.2(b2) except for a beneficiary in that position, 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 except for a classroom teacher in a job-sharing ~~position~~ position or a guidance counselor 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. Notwithstanding the foregoing, the term "teacher" shall not include any nonimmigrant alien employed in elementary or secondary public schools (whether employed in a full-time, part-time, temporary, permanent, or substitute teacher position) and participating in an exchange visitor program designated by the United States Department of State pursuant to 22 C.F.R. Part 62."

1 **SECTION 3.** G.S. 135-4(b) reads as rewritten:

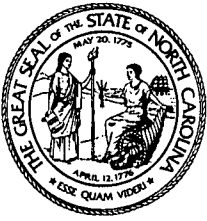
2 "(b) The Board of Trustees shall fix and determine by appropriate rules and
3 regulations how much service in any year is equivalent to one year of service, but in no
4 case shall more than one year of service be creditable for all services in one year.
5 Service rendered for the regular school year in any district shall be equivalent to one
6 year's service. Service rendered by a classroom teacher in a job-sharing position or a
7 guidance counselor in a job-sharing position shall be credited at the rate of one-half year
8 for each regular school year of employment.

9 **SECTION 4.** G.S. 135-40.2(a2) reads as rewritten:

10 "(a2) A classroom teacher in a job-sharing position as defined in G.S.
11 115C-302.2(b) or a guidance counselor in a job-sharing position as defined in G.S.
12 115C-302.2(b1) shall be eligible for coverage under the Plan, on a partially contributory
13 basis, subject to the provisions of G.S. 135-40.3. If these employees elect to participate
14 in the Plan, the employing unit shall pay fifty percent (50%) of the Plan's total
15 noncontributory premiums. Individual employees shall pay the balance of the total
16 noncontributory premiums not paid by the employing unit."

17 **SECTION 5.** Nothing in this act shall be construed to require local school
18 administrative units to place part-time employees in job-sharing positions or to hire
19 employees in job-sharing positions.

20 **SECTION 6.** Sections 1 through 4 of this act become effective January 1,
21 2004. The remainder of this act is effective when it becomes law.



HOUSE BILL 271: Job Sharing for School Counselors.

BILL ANALYSIS

Committee: House Education
Date: March 13, 2003
Version: First Edition

Introduced by: Reps. Glazier, Warner, Lucas
and Insko
Summary by: Sara Kamprath
Committee Analyst

SUMMARY: *House Bill 271 would facilitate job sharing by guidance counselors who do not wish to work full time by requiring the State Board of Education to adopt rules that provide holidays and leave benefits on a pro rata basis. The bill also amends the creditable service section of the Teachers' and State Employees' Retirement System. The bill also amends the eligibility criteria of the Comprehensive Major Medical Plan to allow coverage on a partially contributory basis.*

BACKGROUND:

Under current law, only those guidance counselors who work a minimum of 30 hours per week or more for nine or more months per year are members of the Teachers' and State Employees' Retirement System and are eligible for coverage under the Teachers' and State Employees' Comprehensive Major Medical Plan.

During the 2002 Session, the General Assembly passed legislation allowing a classroom teacher to share a teacher position with another classroom teacher employed by the same local board of education. Both teachers had to be employed for 50% of the teacher workweek, were paid on the teacher salary schedule and spent 70% of their time in classroom instruction. Other certified instructional support personnel and certified school services personnel, including guidance counselors, were specifically excluded.

BILL ANALYSIS:

Section 1. House Bill 271 amends G.S. 115C-302.2 to facilitate job sharing for guidance counselors who choose not to work full time. Under rules adopted by the State Board of Education, job sharing guidance counselors will have paid legal holidays, annual vacation leave, sick leave and personal leave on a pro rata basis. A job sharing guidance counselor will also receive service credit under the Teachers' and State Employees' Retirement System and insurance benefits. A guidance counselor in a job sharing position is defined as a person who is:

1. Employed by a local board of education as a guidance counselor for 50% of the guidance counselor work week;
2. Paid on the teacher salary schedule
3. Shares a guidance counselor position with one other employee who meets requirements 1 and 2 above.

Section 2. House Bill 271 rewrites G.S. 135-1(25) by amending the definition of "Teacher" in the Teachers' and State Employees' Retirement System (TSERS) to include a guidance counselor in a job-sharing position as defined in G.S. 115C-302.2(b2).

HOUSE BILL 271

Page 2

Section 3. House Bill 271 rewrites G.S. 135-4 regarding creditable service in the TSERS to allow a guidance counselor 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. House Bill 271 allows a guidance counselor in a job-sharing position 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. 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.

Sections 1 through 4 of the bill become effective January 1, 2004. The rest of the bill becomes effective when it becomes law.



amend 1
3-13

NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
House Bill 271

H271-ARH-2 [v.1]

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

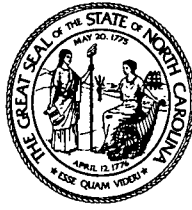
Page 1 of 2

Date _____, 2003

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

Representative Glazier

- 1 moves to amend the bill on page 1, line 2, by amending the line to read:
- 2 "AN ACT TO AMEND DEFINITION OF TEACHER IN A JOB-SHARING
- 3 POSITION AND TO FACILITATE JOB SHARING BY PUBLIC SCHOOL
- 4 GUIDANCE";
- 5
- 6 and further moves to amend the bill on page 1, line 19, by inserting at the end of the line
- 7 the following word "and";
- 8
- 9 and further moves to amend the bill on page 1, line 21-24, by rewriting the lines to read:
- 10 "classroom instruction; and instruction.";
- 11
- 12 and further moves to amend the bill on page 2, line 4, by inserting at the end of the line
- 13 the following word "and";
- 14
- 15 and further moves to amend the bill on page 2, lines 5-8, by rewriting the lines to read:
- 16 "(2) Is paid on the teacher salary schedule.".
- 17



NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
House Bill 271

H271-ARH-2 [v.1]

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

Page 2 of 2

SIGNED _____
Amendment Sponsor

SIGNED Al Berger
Committee Chair if Senate Committee Amendment

ADOPTED _____ FAILED _____ TABLED _____

House Education Committee

March 18, 2003

Minutes

The House Education Committee met on Tuesday, March 18, 2003 at 11:00 a.m. in Room 643 of the Legislative Office Building. Chairman Steve Wood called the meeting to order and introduced the Sergeant at Arms assigned to serve the House Education Committee at this meeting. The attendance sheet indicates members present (Attachment I). The Visitor Registration sheet (Attachment II) and Education Committee Agenda (Attachment III) are also attached.

Chairman Wood stated the first bill on the agenda, House Bill 271, was a carry-over from the last meeting. He stated two amendments (one from Representative Stiller and one from Representative Bordsen) were incorporated into a Proposed Committee Substitute (Attachment IV). Representative Glazier moved for adoption of the Proposed Committee Substitute for discussion purposes. The adoption passed.

Representative Glazier was recognized and explained the Proposed Committee Substitute as it was amended to cover the concerns of Representatives Stiller and Bordsen; A BILL TO BE ENTITLED AN ACT TO AMEND THE DEFINITION OF TEACHER IN A JOB-SHARING POSITION AND TO FACILITATE JOB SHARING BY CERTAIN PUBLIC SCHOOL EMPLOYEES (Attachment IV). He further stated that no other changes were made to House Bill 271. A Bill Analysis for the Proposed Committee Substitute is attached (Attachment V).

Chairman Wood opened the floor for discussion.

Representative Insko stated she wanted to make an amendment to add school social workers and school psychologists to the bill.

Chairman Wood displaced the amendment until its preparation by Dr. Iorio.

Further questions were taken on the Proposed Committee Substitute.

Representative Insko's amendment was recognized and distributed to the Education Committee members (Attachment VI). She explained the amendment would add school social workers and school psychologists to the Proposed Committee Substitute.

Representative Insko moved for adoption of the amendment. Chairman Wood opened the floor for discussion on the amendment.

Representative Holmes asked if we needed a Fiscal Note on the Proposed Committee Substitute before continuing. Chairman Wood agreed and displaced the Proposed Committee Substitute until a Fiscal Note could be acquired. He further stated this bill would need to be re-referred to the Pensions and Retirement Committee.

Representative Luebke was recognized to explain House Bill 34 (Attachment VII). This bill would authorize a charter school that received approval on or after January 1, 2002, to elect to become a participating employer in the Teachers' and State Employees' Retirement System and the North Carolina Teachers' and State Employees' Comprehensive Major Medical Plan no later than 30 days after the effective date of this act. Representative Luebke stated the impact was negligible.

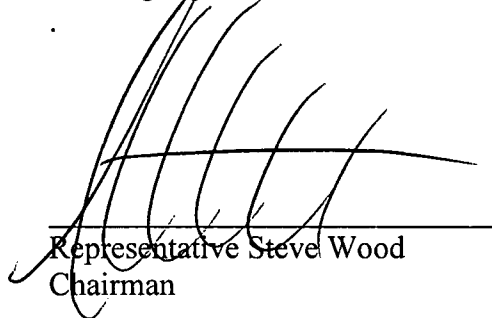
Staff member Robin Johnson further explained this would apply to only two Charter Schools. She also stated procedures have now been changed by the State Board of Education and this situation would not arise again.

Attached are a Bill Summary (Attachment VIII) and an Actuarial Note (Attachment IX) for House Bill 34.

Chairman Wood opened the floor for discussion. There was much discussion and debate.

Representative Bonner moved to adjourn. Representative Nye seconded. The motion to adjourn passed. House Bill 34 was continued to the next meeting date.

Meeting adjourned.



Representative Steve Wood
Chairman



Wendy Miller
Committee Clerk

House Education
Notes for Agenda Items
March 18, 2003

HB 271 Job-sharing for School Counselors

Reps. Glazier, Warner, Lucas and Insko

Sara and Robin are handling the bill

This bill will need to be re-referred to the Pensions and Retirement Committee

Stanley Moore will be here to answer questions

Brock Murray, Chief of Licensure Section, DPI, will be here to answer licensure questions

A PCS needs to be adopted for discussion

HB 34 Charter Sch. & State Retire. & Medical Plans

Rep. Luebke

Robin and Drupti are handling the bill

This bill has been serially referred to Pensions and Retirement

HB 421 Veterans Day a Holiday for School Staff

Rep. McLawhorn

Shirley and Drupti are handling

A PCS needs to be adopted for discussion

Remember to remind committee members that the subcommittees are to meet on Thursday.

You are going to refer Rep. Allred's bill (HB 102 School Calendar Flexibility/Alamance Co.) to the Subcommittee on Preschool, Elementary and Secondary

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.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2003

H

1

HOUSE BILL 271

Short Title: Job Sharing for School Counselors.

(Public)

Sponsors: Representatives Glazier, Warner, Lucas, Insko (Primary Sponsors); G. Allen, Bordsen, Carney, Dickson, Goodwin, Lewis, Sauls, and Warren.

Referred to: Education.

March 6, 2003

A BILL TO BE ENTITLED

AN ACT TO FACILITATE JOB SHARING BY PUBLIC SCHOOL GUIDANCE COUNSELORS.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 115C-302.2 reads as rewritten:

"§ 115C-302.2. Job sharing by classroom ~~teachers~~teachers and guidance counselors.

(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~~State and that there is a shortage of qualified guidance counselors in certain 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 and guidance counselors 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.

(b1) A "guidance counselor in a job-sharing position" is a person who:

- (1) Is employed by a local board of education as a guidance counselor for fifty percent (50%) of the guidance counselor workweek, as defined by that local board of education;
- (2) Is paid on the teacher salary schedule; and
- (3) Is sharing a guidance counselor position with one other employee of that local board of education who meets the requirements of subdivisions (1) and (2) of this subsection.

(c) The State Board of Education shall adopt rules to facilitate job sharing by classroom ~~teachers~~ teachers and guidance counselors. These rules shall provide that a classroom teacher or a guidance counselor 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~~ an employee 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. (2002-174, s. 1.)"

SECTION 2. G.S. 135-1(25), as rewritten by Section 1 of S.L. 2002-110, reads as rewritten:

"(25) "Teacher" shall mean any teacher, helping teacher, classroom teacher in a job-sharing position as defined in G.S. 115C-302.2(b) except for a beneficiary in that position, guidance counselor in a job-sharing position as defined in G.S. 115C-302.2(b2) except for a beneficiary in that position, 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 except for a classroom teacher in a job-sharing ~~position~~ position or a guidance counselor 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. Notwithstanding the foregoing, the term "teacher" shall not include any nonimmigrant alien employed in elementary or secondary public schools (whether employed in a full-time, part-time, temporary, permanent, or substitute teacher position) and participating in an exchange visitor program designated by the United States Department of State pursuant to 22 C.F.R. Part 62."

1 **SECTION 3.** G.S. 135-4(b) reads as rewritten:

2 "(b) The Board of Trustees shall fix and determine by appropriate rules and
3 regulations how much service in any year is equivalent to one year of service, but in no
4 case shall more than one year of service be creditable for all services in one year.
5 Service rendered for the regular school year in any district shall be equivalent to one
6 year's service. Service rendered by a classroom teacher in a job-sharing position or a
7 guidance counselor in a job-sharing position shall be credited at the rate of one-half year
8 for each regular school year of employment.

9 **SECTION 4.** G.S. 135-40.2(a2) reads as rewritten:

10 "(a2) A classroom teacher in a job-sharing position as defined in G.S.
11 115C-302.2(b) or a guidance counselor in a job-sharing position as defined in G.S.
12 115C-302.2(b1) shall be eligible for coverage under the Plan, on a partially contributory
13 basis, subject to the provisions of G.S. 135-40.3. If these employees elect to participate
14 in the Plan, the employing unit shall pay fifty percent (50%) of the Plan's total
15 noncontributory premiums. Individual employees shall pay the balance of the total
16 noncontributory premiums not paid by the employing unit."

17 **SECTION 5.** Nothing in this act shall be construed to require local school
18 administrative units to place part-time employees in job-sharing positions or to hire
19 employees in job-sharing positions.

20 **SECTION 6.** Sections 1 through 4 of this act become effective January 1,
21 2004. The remainder of this act is effective when it becomes law.

IV

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2003

H

D

HOUSE BILL 271
PROPOSED COMMITTEE SUBSTITUTE H271-CSRJ-4 [v.1]

3/17/2003 7:42:55 PM

Short Title: Job Sharing/Certain School Employees.

(Public)

Sponsors:

Referred to:

March 6, 2003

A BILL TO BE ENTITLED
AN ACT TO AMEND THE DEFINITION OF TEACHER IN A JOB-SHARING
POSITION AND TO FACILITATE JOB SHARING BY CERTAIN PUBLIC
SCHOOL EMPLOYEES.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 115C-302.2 reads as rewritten:

"§ 115C-302.2. Job sharing by classroom teachers, teachers and certain public school employees.

(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 and that there is a shortage of certain qualified public school employees in certain 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 and would make counseling and media coordination attractive options for certain public school employees 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;~~ schedule; and
- (3) Spends at least seventy percent (70%) of his or her work time in classroom ~~instruction; and~~ instruction.
- ~~(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,

1 psychologists, social workers, audiologists, speech and language pathologists, and
2 nurses.

3 (b1) A "public school employee in a job-sharing position" is a person who:

4 (1) Is employed by a local board of education as a guidance counselor for
5 fifty percent (50%) of the guidance counselor workweek or as a media
6 coordinator for fifty percent (50%) of the media coordinator
7 workweek, as defined by that local board of education; and

8 (2) Is paid on the teacher salary schedule.

9 (c) The State Board of Education shall adopt rules to facilitate job sharing by
10 ~~classroom teachers.~~ teachers and certain public school employees. These rules shall
11 provide that a classroom teacher or a public school employee in a job-sharing position
12 shall receive paid legal holidays, annual vacation leave, sick leave, and personal leave
13 on a pro rata basis. Such ~~a teacher~~ an employee shall also receive service credit under
14 the Teachers' and State Employees' Retirement System as provided in G.S. 135-4(b) and
15 insurance benefits as provided in Article 3 of Chapter 135 of the General Statutes."

16 SECTION 2. G.S. 135-1(25) reads as rewritten:

17 "(25) "Teacher" shall mean any teacher, helping teacher, classroom teacher
18 in a job-sharing position as defined in G.S. 115C-302.2(b) except for a
19 beneficiary in that position, public school employee in a job-sharing
20 position as defined in G.S. 115C-302.2(b1) except for a beneficiary in
21 that position, librarian, principal, supervisor, superintendent of public
22 schools or any full-time employee, city or county, superintendent of
23 public instruction, or any full-time employee of Department of Public
24 Instruction, president, dean or teacher, or any full-time employee in
25 any educational institution supported by and under the control of the
26 State: Provided, that the term "teacher" shall not include any part-time,
27 temporary, or substitute teacher or employee except for a classroom
28 teacher in a job-sharing ~~position,~~ position or a public school employee
29 in a job-sharing position and shall not include those participating in an
30 optional retirement program provided for in G.S. 135-5.1 or G.S.
31 135-5.4. In all cases of doubt, the Board of Trustees, hereinbefore
32 defined, shall determine whether any person is a teacher as defined in
33 this Chapter. On and after August 1, 2001, a person who is a
34 nonimmigrant alien and who otherwise meets the requirements of this
35 subdivision shall not be excluded from the definition of "teacher"
36 solely because the person holds a temporary or time-limited visa.
37 Notwithstanding the foregoing, the term "teacher" shall not include
38 any nonimmigrant alien employed in elementary or secondary public
39 schools (whether employed in a full-time, part-time, temporary,
40 permanent, or substitute teacher position) and participating in an
41 exchange visitor program designated by the United States Department
42 of State pursuant to 22 C.F.R. Part 62."

43 SECTION 3. G.S. 135-4(b) reads as rewritten:

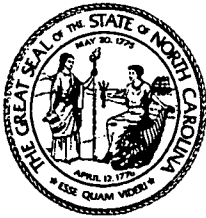
1 "(b) The Board of Trustees shall fix and determine by appropriate rules and
2 regulations how much service in any year is equivalent to one year of service, but in no
3 case shall more than one year of service be creditable for all services in one year.
4 Service rendered for the regular school year in any district shall be equivalent to one
5 year's service. Service rendered by a classroom teacher in a job-sharing position or a
6 public school employee in a job-sharing position shall be credited at the rate of one-half
7 year for each regular school year of employment.

8 **SECTION 4.** G.S. 135-40.2(a2) reads as rewritten:

9 "(a2) A classroom teacher in a job-sharing position as defined in G.S.
10 115C-302.2(b) or a public school employee in a job-sharing position as defined in G.S.
11 115C-302.2(b1) shall be eligible for coverage under the Plan, on a partially contributory
12 basis, subject to the provisions of G.S. 135-40.3. If these employees elect to participate
13 in the Plan, the employing unit shall pay fifty percent (50%) of the Plan's total
14 noncontributory premiums. Individual employees shall pay the balance of the total
15 noncontributory premiums not paid by the employing unit."

16 **SECTION 5.** Nothing in this act shall be construed to require local school
17 administrative units to place part-time employees in job-sharing positions or to hire
18 employees in job-sharing positions.

19 **SECTION 6.** Sections 1 through 4 of this act become effective January 1,
20 2004. The remainder of this act is effective when it becomes law.



HOUSE BILL 271: Job Sharing for School Counselors.

V

BILL ANALYSIS

Committee: House Education
Date: March 18, 2003
Version: PCS for First Edition

Introduced by: Reps. Glazier, Warner, Lucas
and Insko
Summary by: Sara Kamprath
Committee Analyst

SUMMARY: *The proposed committee substitute for House Bill 271 would facilitate job sharing by certain public school employees who do not wish to work full time by requiring the State Board of Education to adopt rules that provide holidays and leave benefits on a pro rata basis. The proposed committee substitute for the bill also amends the creditable service section of the Teachers' and State Employees' Retirement System for a public school employee in a job-sharing position as defined in G.S. 115C-302.2(b1). The bill also amends the eligibility criteria of the Comprehensive Major Medical Plan to allow coverage on a partially contributory basis for those employees.*

Major Differences between the Proposed Committee Substitute and the First Edition

1. The proposed committee substitute deletes the requirement in existing law that a classroom teacher in a job-sharing position can only share that position with another teacher who also is eligible to be a teacher in a job-sharing position.
2. The proposed committee substitute would allow a public school employee who is paid on the teacher salary schedule and is employed as a guidance counselor or media coordinator for 50% of the workweek to job share. The original bill would only have allowed guidance counselors meeting those requirements to job share.

BACKGROUND:

Under current law, only those State employees who work a minimum of 30 hours per week or more for nine or more months per year are members of the Teachers' and State Employees' Retirement System and are eligible for coverage under the Teachers' and State Employees' Comprehensive Major Medical Plan.

During the 2002 Session, the General Assembly passed legislation allowing a classroom teacher to share a teacher position with another classroom teacher employed by the same local board of education. Both teachers had to be employed for 50% of the teacher workweek, be paid on the teacher salary schedule and spend 70% of their time in classroom instruction. Other certified instructional support personnel and certified school services personnel, including guidance counselors and media coordinators, were specifically excluded.

BILL ANALYSIS:

Section 1. The proposed committee substitute for House Bill 271 deletes the current requirement that a classroom teacher in a job-sharing position must share that position with one other employee who also is eligible to be a teacher in a job-sharing position

HOUSE BILL 271

Page 2

The proposed committee substitute amends G.S. 115C-302.2 to facilitate job sharing for certain public school employees who choose not to work full time. Under rules adopted by the State Board of Education, these job sharing public school employees will have paid legal holidays, annual vacation leave, sick leave and personal leave on a pro rata basis. A job sharing public school employee will also receive service credit under the Teachers' and State Employees' Retirement System and insurance benefits. A public school employee in a job sharing position is defined as a person who is:

1. Employed by a local board of education as a guidance counselor for 50% of the guidance counselor workweek or as a media coordinator for 50% of the media coordinator workweek; and
2. Paid on the teacher salary schedule.

Section 2. House Bill 271 rewrites G.S. 135-1(25) by amending the definition of "Teacher" in the Teachers' and State Employees' Retirement System (TSERS) to include a public school employee in a job-sharing position as defined in G.S. 115C-302.2(b1).

Section 3. The proposed committee substitute for House Bill 271 rewrites G.S. 135-4 regarding creditable service in the TSERS to allow a public school employee in a job-sharing position as defined in G.S. 115C-302.2(b1) 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. The proposed committee substitute for House Bill 271 allows a public school employee in a job-sharing position as defined in G.S. 115C-302.2(b1) to be eligible for coverage under the Comprehensive Major Medical Plan on a partially contributory basis. If such 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. Nothing in the proposed committee substitute for 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.

Sections 1 through 4 of the bill become effective January 1, 2004. The rest of the bill becomes effective when it becomes law.

H271-SMRJ-002

NORTH CAROLINA GENERAL ASSEMBLY AMENDMENT

(Please type or use ballpoint pen)

VI

EDITION No. _____

H. B. No. 271

DATE 3/18/03

S. B. No. _____

Amendment No. _____

COMMITTEE SUBSTITUTE ☒

(to be filled in by
Principal Clerk)

Rep.) Insko
Sen.)

1 moves to amend the bill on page 2, line 5

2 (), WHICH CHANGES THE TITLE

3 by inserting a comma after the word "workweek"
4 and by inserting the following after that
5 comma:

6 " as a school social worker for fifty percent
7 (50%) of the school social worker's workweek,
8 as a school psychologist for fifty percent
9 (50%) of the school psychologist workweek,"

10 _____
11 _____
12 _____
13 _____
14 _____
15 _____
16 _____
17 _____
18 _____
19 _____

SIGNED Ulen Insko

ADOPTED _____ FAILED _____ TABLED _____



NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
House Bill 271

H271-ARH-2 [v.1]

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

Page 1 of 2

Date _____ .2003

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

Representative Glazier

1 moves to amend the bill on page 1, line 2, by amending the line to read:

2 "AN ACT TO AMEND DEFINITION OF TEACHER IN A JOB-SHARING
3 POSITION AND TO FACILITATE JOB SHARING BY PUBLIC SCHOOL
4 GUIDANCE";

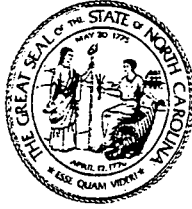
5
6 and further moves to amend the bill on page 1, line 19, by inserting at the end of the line
7 the following word "and";

8
9 and further moves to amend the bill on page 1, line 21-24, by rewriting the lines to read:
10 "classroom instruction; and instruction.";

11
12 and further moves to amend the bill on page 2, line 4, by inserting at the end of the line
13 the following word "and";

14
15 and further moves to amend the bill on page 2, lines 5-8, by rewriting the lines to read:
16 "(2) Is paid on the teacher salary schedule.".

17



NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
House Bill 271

H271-ARH-2 [v.1]

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

Page 2 of 2

SIGNED _____
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED _____ FAILED _____ TABLED _____



North Carolina General Assembly Legislative Services Office

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(919) 733-2578

MEMORANDUM

TO: Dr. Jack W. Walker
Executive Administrator
State Employee Health Benefit Plan
4509 Creedmoor Rd., Suite 102
Raleigh, N. C. 27612

Mr. Mark V. Hartman
Consulting Actuary
668 Link Road
Lexington, N. C. 27295

FROM: Sam Byrd, Fiscal Research Division

DATE: March 7, 2003

SUBJECT: Actuarial Note Request (House Bill 271, Secs. 4 & 6)

Re: Public School Job- Sharing Guidance Counselors Provided Partially Contributory Coverage under the Teachers' & State Employees' Comprehensive Major Medical Plan.

In accordance with North Carolina General Statute 120-114 and applicable Rules of the North Carolina Senate and House of Representatives, please prepare or have prepared and submit to us an actuarial note on the attached document. Please let us know if you have any questions on this request.

File?

cc: Rep. Rick Glazier
Reps. Donald Bonner, Mark Hilton, Alex Warner, & Steve Wood, Committee on Education

Attachment: House Bill 271

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2003

H

1

HOUSE BILL 271

Short Title: Job Sharing for School Counselors. (Public)
Sponsors: Representatives Glazier, Warner, Lucas, Insko
(Primary Sponsors); G. Allen, Bordsen, Carney, Dickson,
Goodwin, Lewis, Sauls, and Warren.
Referred to: Education.

March 6, 2003

A BILL TO BE ENTITLED
AN ACT TO FACILITATE JOB SHARING BY PUBLIC SCHOOL GUIDANCE
COUNSELORS.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 115C-302.2 reads as rewritten:

**"§ 115C-302.2. Job sharing by classroom
~~teachers-teachers and guidance~~
counselors.**

(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-State~~ and that there is a shortage of qualified guidance counselors in certain 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 and guidance counselors 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.

(b1) A "guidance counselor in a job-sharing

position" is a person who:

- (1) Is employed by a local board of education as a guidance counselor for fifty percent (50%) of the guidance counselor workweek, as defined by that local board of education;
- (2) Is paid on the teacher salary schedule; and
- (3) Is sharing a guidance counselor position with one other employee of that local board of education who meets the requirements of subdivisions (1) and (2) of this subsection.

(c) The State Board of Education shall adopt rules to facilitate job sharing by classroom ~~teachers~~ teachers and guidance counselors. These rules shall provide that a classroom teacher or a guidance counselor 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 an~~ employee 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. (2002-174, s. 1.)"

SECTION 2. G.S. 135-1(25), as rewritten by Section 1 of S.L. 2002-110, reads as rewritten:

"(25) "Teacher" shall mean any teacher, helping teacher, classroom teacher in a job-sharing position as defined in G.S. 115C-302.2(b) except for a beneficiary in that position, guidance counselor in a job-sharing position as defined in G.S. 115C-302.2(b2) except for a beneficiary in that position, 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 except for a classroom teacher in a job-sharing position, position or a guidance counselor 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. Notwithstanding the foregoing, the term "teacher" shall not include any nonimmigrant alien employed in elementary or secondary public schools (whether employed in a

full-time, part-time, temporary, permanent, or substitute teacher position) and participating in an exchange visitor program designated by the United States Department of State pursuant to 22 C.F.R. Part 62."

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 or a guidance counselor 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(a2) reads as rewritten:

"(a2) A classroom teacher in a job-sharing position as defined in G.S. 115C-302.2(b) or a guidance counselor in a job-sharing position as defined in G.S. 115C-302.2(b1) 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. 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 6. Sections 1 through 4 of this act become effective January 1, 2004. The remainder of this act is effective when it becomes law.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2003

H

1

HOUSE BILL 34*

Short Title: Charter Sch. & State Retire. & Med. Plans.

(Public)

Sponsors: Representative Luebke.

Referred to: Education, if favorable, Pensions and Retirement.

February 18, 2003

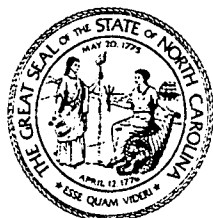
A BILL TO BE ENTITLED

AN ACT TO AUTHORIZE CERTAIN CHARTER SCHOOLS TO ELECT TO
PARTICIPATE IN THE TEACHERS' AND STATE EMPLOYEES'
RETIREMENT SYSTEM AND THE NORTH CAROLINA TEACHERS' AND
STATE EMPLOYEES' COMPREHENSIVE MAJOR MEDICAL PLAN.

The General Assembly of North Carolina enacts:

SECTION 1. Notwithstanding the time limitations contained in G.S. 135-5.3(b) and G.S. 135-40.3A(b), the board of directors of any charter school that received State Board of Education approval under G.S. 115C-238.29D on or after January 1, 2002, may elect to become a participating employer in the Teachers' and State Employees' Retirement System in accordance with Article 1 of Chapter 135 of the General Statutes and may also elect to become a participating employing unit in the North Carolina Teachers' and State Employees' Comprehensive Major Medical Plan in accordance with Article 3 of Chapter 135. The elections authorized by this section shall be made no later than 30 days after the effective date of this act and shall be made in accordance with all other requirements of G.S. 135-5.3 and G.S. 135-40.3A.

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



VII

HOUSE BILL 34: Charter Sch. & State Retire. & Med. Plans

BILL ANALYSIS

Committee: House Education
Date: March 18, 2003
Version: First Edition

Introduced by: Rep. Luebke
Summary by: Robin Johnson *Robin*
Committee Counsel

SUMMARY: *House Bill 34 would authorize a charter school that received approval on or after January 1, 2002, to elect to become a participating employer in the Teachers' and State Employees' Retirement System and the North Carolina Teachers' and State Employees' Comprehensive Major Medical Plan no later than 30 days after the effective date of this act.*

CURRENT LAW: Under the State Retirement and Medical Plan laws, within 30 days of signing the written charter, the board of directors of a charter school must elect in writing that the charter school wishes to participate in the State Retirement System and the State Medical Plan. There is no statutory provision to allow it to do so at any other time. Further, the Retirement System, the Medical Plan, and the State Board of Education (State Board) have no authority to waive the statutory requirements.

BILL ANALYSIS: This bill would provide a second, one-time only, opportunity for any charter school that signed a charter after January 1, 2002, to elect to participate in the Retirement System and the Major Medical Plan. The election must be made no later than 30 days after the effective date of this act. The bill would not change the 30-day requirement or any other requirements currently contained in the law. The bill would take effect when it becomes law.

BACKGROUND: The written charter is the agreement between the State Board and the board of directors of the charter school. It must be signed when the State Board grants final approval to the charter school. Prior to this year, State Board procedure provided for final approval to be granted in February or March, at which time the schools were required to sign their charters. The schools then were authorized to open that following August. However, many schools chose to delay their opening in order to have a "planning year" to organize and work out operational and administrative details.

This procedure has now been changed. Beginning this year, the State Board has authorized the Charter School Advisory Committee to revise the procedure and timeline for the approvals and signing of charters. The new procedure builds in a planning year by granting preliminary approvals in July and then granting final approvals in the following February or March, at which time the charter is signed. This allows the charter schools the period from July to February to address administrative planning issues such as participation in the Retirement System and Medical Plan.

The General Assembly addressed an issue similar to the one in this bill in 2001 (S.L. 2001-462). That legislation granted a one-time extension for election into the Retirement System to charter schools that did not make the election at the appropriate time. It applied only to charter schools that signed a charter on or after January 1, 2001, and allowed them to make the election within 30 days of the effective date of that act as well.

H34-SMRH-01 (Drupti Chauhan, Committee Counsel, contributed significantly to this summary)

**NORTH CAROLINA GENERAL ASSEMBLY
LEGISLATIVE ACTUARIAL NOTE**

BILL NUMBER: House Bill 34

SHORT TITLE: Charter Schools/State Retirement & Medical Plan

SPONSOR(S): Rep. Luebke

SYSTEM OR PROGRAM AFFECTED: Teachers' and State Employees' Comprehensive Major Medical Plan.

FUNDS AFFECTED: State General Fund, State Highway Fund, other State employer receipts, premium payments for dependents by active and retired teachers and State employees, premium payments for coverages selected by eligible former teachers and State employees, and premium payments for coverages selected by firefighters, rescue squad workers, and members of the National Guard.

BILL SUMMARY: The bill allows the board of directors of any charter school that receives approval from the State Board of Education on and after January 1, 2002, to elect to become a participating employing unit in the Teachers' and State Employees' Comprehensive Major Medical Plan, provided the election occurs within 30 days after the effective date of the enacted bill. To date, two charter schools have been approved by the State Board of Education that meet the requirements of the bill. One is The Central Park School for Children in Durham that expects to have 10 employees hired during 2003. The other is Casa Esperanza in Raleigh that expects to hire 15 employees in the fall of 2003.

EFFECTIVE DATE: When it becomes law.

ESTIMATED IMPACT ON STATE: Aon Consulting, the consulting actuary for the Teachers' and State Employees' Comprehensive Major Medical Plan, estimates that enactment of the bill would result in negligible cost. However, Aon states that if the group covered by the bill is enrolled in the Plan, "...it is very likely that the group will have adverse selection." Aon further states that "Claim factors for these types of risk typically range from 125-200% of expected claim costs..." and that they "...would expect a mid-point loss (50%) of \$1,500 per member per year."

Hartman & Associates, consulting actuary for the General Assembly's Fiscal Research Division, estimates that the financial impact on the Plan "...is not expected to be significant." Hartman & Associates does note that "...the potential exists for antiselection" when optional enrollments are provided in health plans.

ASSUMPTIONS AND METHODOLOGY: The Comprehensive Major Medical Plan for Teachers and State Employees is divided into two programs. From October, 1982, through June, 1986, the Plan only had a self-funded indemnity type of program which covered all employees, retired employees, eligible dependents of employees and retired employees, and eligible former employees and their eligible dependents authorized to continue coverage past a termination of employment other than for retirement or disability purposes. A prepaid program of coverage by health maintenance organizations (HMOs) was offered in July, 1986, as an alternative to the Plan's self-insured indemnity program. The benefits of the self-insured indemnity type of program are spelled out in Part 3 of Article 3 of Chapter

135 of the North Carolina General Statutes (i.e., \$350 annual deductible, 20% coinsurance up to \$1,500 annually, etc. paid by the program's members). HMOs are required to offer benefits that are comparable to those provided by the self-insured indemnity program. Beginning in July, 2000, firefighters, rescue squad workers, and members of the National Guard and their eligible dependents were allowed to voluntarily participate in the Plan on a fully contributory basis, provided they were ineligible for any other type of group health benefits and had been without such benefits for at least six months. Employer-paid non-contributory premiums are only authorized for the indemnity program's coverage for employees and retired employees. All other types of premium in the indemnity program are fully contributory, except for job-sharing public school teachers who are authorized partially contributory premiums at 50% of non-contributory rates. The Plan's Executive Administrator has set the premium rates for firefighters, rescue squad workers, and members of the National Guard and their families at 20% more than the comparable rates charged for employees, retired employees, and their families. Premiums paid by employers to HMOs are limited to like amounts paid to the indemnity program with employees and retired employees paying any HMO amounts above the indemnity program's non-contributory rates. Both types of coverage continue to be available in the Plan; however none of the HMOs with certificates of authority to transact business in North Carolina have offered to participate in the Plan since September 30, 2001. The Plan's employees and retired employees select the type of program that they wish for themselves and their dependents during the months of August and September of each year for coverage beginning in October. The demographics of the Plan as of December 31, 2002, include:

	<u>Self-Insured Indemnity Program</u>	<u>Alternative HMOs</u>	<u>Plan Total</u>
<u>Number of Participants</u>			
Active Employees	280,065	-0-	280,065
Active Employee Dependents	137,841	-0-	137,841
Retired Employees	117,225	-0-	117,225
Retired Employee Dependents	18,999	-0-	18,999
Former Employees & Dependents with Continued Coverage	2,535	-0-	2,535
Firefighters, Rescue Squad Workers, National Guard Members & Dependents	7	-0-	7
Total Enrollments	556,672	-0-	556,672
<u>Number of Contracts</u>			
Employee Only	313,439	-0-	313,439
Employee & Child(ren)	40,978	-0-	40,978
Employee & Family	44,710	-0-	44,710
Total Contracts	399,127	-0-	399,127
<u>Percentage of Enrollment by Age</u>			
29 & Under	26.9%	-0-%	26.9%
30-44	20.9	-0-	20.9
45-54	20.9	-0-	20.9
55-64	16.2	-0-	16.2
65 & Over	15.1	-0-	15.1

Percentage of
Enrollment by Sex

Male	38.3%	-0-%	38.3%
Female	61.7	-0-	61.7

Assumptions for the Self-Insured Indemnity Program: For the fiscal year beginning July 1, 2002, the self-insured program started its operations with a beginning cash balance of \$91.6 million. Receipts for the year are estimated to be \$1.370 billion from premium collections and \$7 million from investment earnings for a total of \$1.377 billion in receipts for the year. Disbursements from the self-insured program are expected to be \$1.325 billion in claim payments and \$38 million in administration and claims processing expenses for a total of \$1.363 billion for the year beginning July 1, 2002. For the fiscal year beginning July 1, 2002, the self-insured indemnity program is expected to have a net operating gain of approximately \$14 million for the year. After reserving an additional \$15 million for implementation of the claims data and privacy requirements of the federal Health Insurance Portability and Accountability Act (HIPPA) that take effect on and after April 14, 2003, the Plan's self-insured indemnity program is expected to have an available beginning cash balance of \$90 million for the fiscal year beginning July 1, 2003. The self-insured indemnity program is nonetheless assumed to be unable to carry out its operations for the 2003-2005 biennium without increases in its current premium rates or a reduction in existing benefits or payments to health care providers or both. This assumption is further predicated upon the fact that the program's cost containment strategies (hospital DRG reimbursements, discounts on hospital outpatient services, pre-admission hospital testing, pre-admission hospital inpatient certification with length-of-stay approval, hospital bill audits, case and disease management for selected medical conditions, mental health case management, coordination of benefits with other payers, Medicare benefit "carve-outs", cost reduction contracts with participating physicians and other providers, a prescription drug benefit manager with manufacturer rebates from formularies, and fraud detection) are maintained and improved where possible. Current non-contributory premium rates are \$186.04 monthly for employees whose primary payer of health benefits is Medicare and \$244.38 per month for employees whose primary payer of health benefits is not Medicare. Fully contributory premium amounts for employee and child(ren) contracts are \$115.78 monthly for children whose primary payer of health benefits is Medicare and \$152.32 monthly for other covered children, and \$277.68 per month for family contracts whose dependents have Medicare as the primary payer of health benefits and \$365.36 per month for other family contract dependents. Claim cost trends are expected to increase 13% annually. Total enrollment in the program is expected to increase less than 1% annually over the next two years. The number of enrolled active employees is expected to show no increase over the next two years, whereas the growth in the number of retired employees is assumed to be 5% per year. The program is expected to have a 2% decrease in the number of active employee dependents per year whereas the number of retiree dependents is expected to increase 2% per year. Investment earnings are based upon a 4.5% return on available cash balances. The self-insured indemnity program maintains a claim stabilization reserve for claim cost fluctuations equal to 7.5% of annual claim payments without reserving additional funds for incurred but unreported claims.

Assumptions for the Indemnity Plan's Coverage of Charter School Employees: The 1996 Session of the General Assembly specified that charter schools, as private non-profit corporations within a local public school administrative unit, are employing units under the Teachers' and State Employees' Comprehensive Major Medical Plan. As such, employees of charter schools are eligible for membership in the Plan when they are "deemed to be public employees and members of a State-Supported Retirement System." The U. S. Department of the Treasury issued a letter ruling in January, 1998, which allowed charter school employees to participate in the State Retirement System without adversely affecting the qualification of the System as a governmental retirement plan. Consequently, charter school employees became eligible for benefits under the Teachers' and State Employees' Comprehensive Major Medical Plan on February 1, 1998, upon participation in the State Retirement System. The 1998 Session of the General

Assembly, effective October 30, 1998, acted to no longer require membership in the State Retirement System for participation in the State's Major Medical Plan. Furthermore, boards of directors of charter schools have to make irrevocable elections to join the Plan, and if elected, all employees of the charter schools are eligible for coverage under the Plan, including its HMO alternatives. Charter schools approved by the State Board of Education in 1997 and 1998 had to make an election by the end of November, 1998. Charter schools approved after 1998 have 30 days after the date that a charter is granted to make an election. Of the number of charter schools approved by the State Board of Education, the following reflects the number that are still in operation:

<u>Year Approved</u>	<u>Number Approved</u>	<u>Number in Operation</u>
1997	35	27
1998	32	21
1999	26	19
2000	17	16
2001	9	8
2002	4	2
Total	123	93

Of the 4 charter schools approved in 2002, The Central Park School for Children in Durham and Casa Esperanza in Raleigh expect to become fully operational sometime in 2003.

Of the 93 charter schools that are fully operational, 40 were participating in the Teachers' and State Employees' Comprehensive Major Medical Plan on January 31, 2003. Only 25 of these 40 schools were participating in the Teachers' and State Employees' Retirement System. These 40 schools had a total of 1,115 active employees on December 31, 2002. However, only 718 (64%) of these employees were participating in the Plan on January 31, 2003. Of these 718 employees, 538 had Employee Only coverage, 99 had Employee & Child(ren) coverage with 178 dependent children enrolled, and 81 had Employee & Family coverage with 232 spouses and dependent children enrolled. The Plan also had 9 retired employees who had retired from a charter school. All of these retired employees had Employee Only coverage.

At the end of the Plan's last three fiscal years, the active employee charter schools group had the following characteristics:

	<u>June 30, 2002</u>			<u>June 30, 2001</u>			<u>June 30, 2000</u>		
	<u>Employees</u>	<u>Dependents</u>	<u>Total</u>	<u>Employees</u>	<u>Dependents</u>	<u>Total</u>	<u>Employees</u>	<u>Dependents</u>	<u>Total</u>
Male	141	219	360	117	183	300	77	111	188
Female	512	162	674	396	125	521	248	91	339
Total	653	381	1,034	513	308	821	325	202	527
Age 0-29	164	307	471	126	250	376	77	162	239
Age 30-44	289	45	334	225	29	254	139	18	157
Age 45-54	157	19	176	127	24	151	93	18	111
Age 55-64	40	10	50	32	4	36	15	3	18
Age 65+	3	0	3	3	1	4	1	1	2
Total	653	381	1,034	513	308	821	325	202	527
Individual Contract	485	0	485	382	0	382	237	0	237
Parent/Child Contract	90	162	252	65	116	181	42	79	121
Family Contract	78	219	297	66	192	258	46	123	169

Total	653	381	1,034	513	308	821	325	202	527
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A comparison of the active employee charter school group with the Plan's overall active employee group reveals the following percentages of total group membership over the last three fiscal years:

	Charter School Group			Total Health Plan Group		
	Percent of	Percent of	Percent of	Percent of	Percent of	Percent of
	Employees	Dependents	Group	Employees	Dependents	Group
Age 0-29	24.5%	80.6%	45.5%	12.5%	45.5%	12.5%
Age 30-44	43.6%	10.0%	31.0%	37.3%	31.0%	37.3%
Age 45-54	25.8%	7.2%	18.8%	34.7%	18.8%	34.7%
Age 55-64	5.7%	1.8%	4.2%	14.4%	4.2%	14.4%
Age 65+	0.5%	0.3%	0.4%	1.1%	0.4%	1.1%
Individual Contract	73.9%	0.0%	46.2%	73.2%	46.2%	73.2%
Parent/Child Contract	13.1%	39.8%	23.1%	14.5%	23.1%	14.5%
Family Contract	13.0%	60.2%	30.7%	12.3%	30.7%	12.3%

The active employee charter schools' group compares favorably with the Plan's overall active employee group in these respects and has had a favorable underwriting experience during the last three fiscal years.

SOURCES OF DATA:

- Actuarial Note, Hartman & Associates, House Bill 34, March 14, 2003, original of which is on file in the General Assembly's Fiscal Research Division.
- Actuarial Note, Aon Consulting, House Bill 34, March 14, 2003, original of which is on file with the Comprehensive Major Medical Plan for Teachers and State Employees and the General Assembly's Fiscal Research Division.
- Charter School Approval and Employee Data provided by the Office of Charter Schools, North Carolina Department of Public Instruction.
- Charter School Retirement System Participation & Retiree Data provided by the Retirement Systems Division, North Carolina Department of State Treasurer.

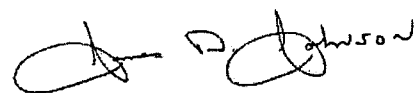
TECHNICAL CONSIDERATIONS: None.

FISCAL RESEARCH DIVISION: 733-4910

PREPARED BY: Sam Byrd



APPROVED BY: James D. Johnson, Director Fiscal Research Division



DATE: March 14, 2003

VISITOR REGISTRATION SHEET

HOUSE COMMITTEE ON EDUCATION

3/18/03

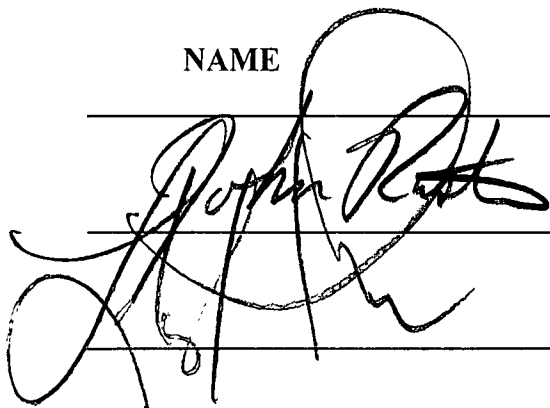
Name of Committee

Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME

FIRM OR AGENCY AND ADDRESS



NCFPC

NEPARA

BROCK MURRAY

NCDPI- Licensure

Michael Houser

NCAE

Abby Emanuel

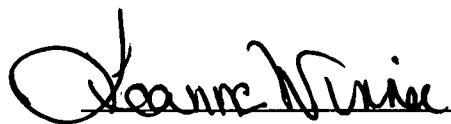
NMSS

Paula Wolf

Covenant

Linda M. Furman

Nat'l Assoc of Social Workers



NCSBA

Marcos Arellano

Intern for Rep. Luetke

Vicky Patton

Central Park School for Children

Hal Miller

NEACCT

VISITOR REGISTRATION SHEET

HOUSE COMMITTEE ON EDUCATION

Name of Committee

3/18/03

Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME

FIRM OR AGENCY AND ADDRESS

John Withrow	NC STATE WITHROW
ROGER GERBER	The League of CHARTER SCHOOLS
Pam Deardorff	Retirement Division
Allison Everett	WCPSS
Jaclyn Myers	DJOP-CPSV
Travis Tyson	
Brenda Doughtie	
Cassie Goodenough	Home School
Natalie Tyson	Home School
Dawn Tyson	Home School
Frank Lewis	OSBM

VISITOR REGISTRATION SHEET

House Committee on Education

Name of Committee

3/18/03

Date

VISITORS: PLEASE SIGN BELOW AND RETURN TO COMMITTEE CLERK

NAME

FIRM OR AGENCY AND ADDRESS

<u>Teress Apple</u>	<u>Home School</u>
<u>Alex Apple</u>	<u>Home School</u>
<u>Lois Pinkerton</u>	<u>Home School</u>
<u>Jennifer Pinkerton</u>	<u>Home School</u>
<u>Jacob Pinkerton</u>	<u>Home School</u>
<u>Joanna Pinkerton</u>	<u>Home School</u>
<u>Andrea Henderson</u>	<u>Homeschool</u>
<u>Blair Jensen</u>	<u>National Heritage Charter School</u>

HOUSE EDUCATION COMMITTEE MEETING

MARCH 25, 2003

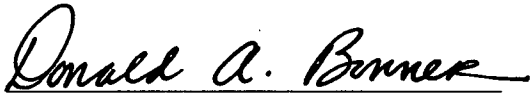
The House Education Committee met on Tuesday, March 25, 2003, in Room 643 in the Legislative Office Building, at 11:00 AM. Representative Rep. Donald A. Bonner, Co-Chair, presided over the meeting. The Attendance Sheet indicates members present.

There were no bills discussed. Representatives from the University System, (Gretchen Bataille, Sr. Vice-President for Academic Affairs) Community College (Martin Lancaster, President, Community College System) and the Public School System (Brad Sneed, Deputy Supt., Dept. of Public Instruction) were guest speakers.

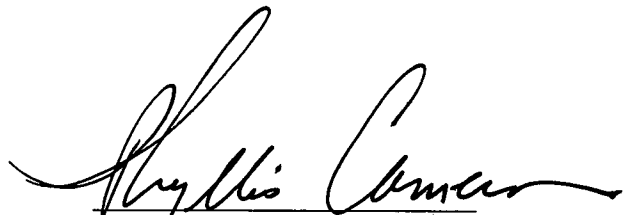
The guest speakers focused on the economical changes that are occurring in all levels of the Educational System. The Educational System is continuing to experience economical recovery, transitional changes and fundamental changes. There are three important factors that are needed to be focused on: economy, recognized quality and affordable assistance for students which includes financial aid. All of the speakers agreed that clearly the state can save money and give quality education.

After each presentation the committee had a brief discussion.

Meeting adjourned.



Rep. Donald A. Bonner, Presiding Co-Chair
Rep. Mark Hilton
Rep. Alex Warner
Rep. Steve Wood



Phyllis Cameron, Committee Clerk

VISITOR REGISTRATION SHEET

HOUSE COMMITTEE ON EDUCATION

MARCH 25, 2003

Name of Committee

Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME

FIRM OR AGENCY AND ADDRESS

Martin Lancaster	NCCCS
John Sullivan	NCCCS
Yvonne Perry	NCSPA
ROGER Gerber	The League of Charter Schools
Allison Hilton	Mark Hilton's spouse Great visiting!
Michael Barrick	Grants Falls NC
Sadyn Myers	BJDP-CPSV
Dyanne Uhm	NCCCS
TEW Kaplan	KQC
JB MMA	UNE
Brian Lewis	Planned Parenthood

Barbara Hart
Leslie Thompson

VISITOR REGISTRATION SHEET

HOUSE COMMITTEE ON EDUCATION

MARCH 25, 2003

Name of Committee

Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME

FIRM OR AGENCY AND ADDRESS

Katherine Joyce	NCASA
Barbara Canale	Consultant
P. Miller	McManis Co
Devon White	Professional Educators of NC
Ann McArthur	Governor's Office
Carroll-Ann T. Shaw	UNC Office of President
Janice Periguet	NC HUMANITIES COUNCIL
DOUGLAS QUIN	NC HUMANITIES COUNCIL
John Ayer	SBE
Chad Essick	Edmisten & Webb
Hal Miller	NCAECT
Ken Melton	Alley Associates, Inc.

HOUSE EDUCATION COMMITTEE MINUTES

March 27, 2003

The House Education Committee met on Thursday, March 27, 2003, at 11:00 am in Room 643 of the Legislative Office Building. Representative Mark Hilton, Co-chair, presided. The attendance sheet indicates the members present.

Rep. Luebke was called on to explain ***HB 34, CHARTER SCHOOL AND STATE RETIREMENT AND MEDICAL PLANS***. After discussion, Rep. Womble made a motion for a favorable report, re-referred to the Committee on Pensions and Retirement. The motion passed.

Rep. McLawhorn was called on to explain ***HB 421, VETERANS DAY A HOLIDAY FOR SCHOOL STAFF***. Rep. Warner moved to adopt the proposed committee substitute. The motion passed. After discussion, Rep. Gorman moved for a favorable report to the proposed committee substitute, unfavorable to the original. The motion passed.

Rep. Glazier was called on to explain ***HB 271, JOB SHARING FOR SCHOOL COUNSELORS/STUDY***. Rep. Glazier called for a motion to adopt the proposed committee substitute. The motion passed. After discussion, Rep. Lucas made a motion for a favorable report to the proposed committee substitute, unfavorable to the original. Rep. Haire offered an amendment and it passed. With much discussion and time was up for the meeting, the bill was placed on the next meetings agenda for further discussion.

Meeting adjourned.

Rep. Mark Hilton, Co-chair



Ann Stancil, Committee Clerk

House Education
Notes for Agenda Items
March 27, 2003

HB 421 Veterans Day a Holiday for School Staff

Rep. McLawhorn

Shirley and Drupti are handling

A PCS needs to be adopted for discussion

NOTE: IF THERE ARE ANY AMENDMENTS, 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.

HB 271 Job-sharing for School Counselors

Reps. Glazier; Warner; Lucas and Insko

Sara and Robin are handling the bill

This bill will need to be re-referred to the Pensions and Retirement Committee

A PCS needs to be adopted for discussion

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

HB 34 Charter Sch. & State Retire. & Medical Plans

Rep. Luebke

Robin and Drupti are handling the bill

This bill has been serially referred to Pensions and Retirement

NOTE: IF THERE ARE ANY AMENDMENT, 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.

**2003 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

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

By Representatives **Bonner, Hilton, Warner, Wood**, (Chairs) for the Committee on
EDUCATION.

☐ Committee Substitute for

H.B. 34 A BILL TO BE ENTITLED AN ACT TO AUTHORIZE CERTAIN CHARTER SCHOOLS TO ELECT TO PARTICIPATE IN THE TEACHERS' AND STATE EMPLOYEES' RETIREMENT SYSTEM AND THE NORTH CAROLINA TEACHERS' AND STATE EMPLOYEES' COMPREHENSIVE MAJOR MEDICAL PLAN.

☐ With a favorable report.

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

☐ 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)

03/19/03

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2003

H

1

HOUSE BILL 34*

Short Title: Charter Sch. & State Retire. & Med. Plans.

(Public)

Sponsors: Representative Luebke.

Referred to: Education, if favorable, Pensions and Retirement.

February 18, 2003

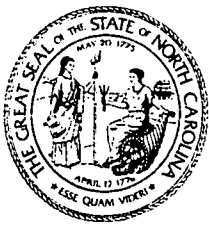
A BILL TO BE ENTITLED

AN ACT TO AUTHORIZE CERTAIN CHARTER SCHOOLS TO ELECT TO PARTICIPATE IN THE TEACHERS' AND STATE EMPLOYEES' RETIREMENT SYSTEM AND THE NORTH CAROLINA TEACHERS' AND STATE EMPLOYEES' COMPREHENSIVE MAJOR MEDICAL PLAN.

The General Assembly of North Carolina enacts:

SECTION 1. Notwithstanding the time limitations contained in G.S. 135-5.3(b) and G.S. 135-40.3A(b), the board of directors of any charter school that received State Board of Education approval under G.S. 115C-238.29D on or after January 1, 2002, may elect to become a participating employer in the Teachers' and State Employees' Retirement System in accordance with Article 1 of Chapter 135 of the General Statutes and may also elect to become a participating employing unit in the North Carolina Teachers' and State Employees' Comprehensive Major Medical Plan in accordance with Article 3 of Chapter 135. The elections authorized by this section shall be made no later than 30 days after the effective date of this act and shall be made in accordance with all other requirements of G.S. 135-5.3 and G.S. 135-40.3A.

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



HOUSE BILL 34: Charter Sch. & State Retire. & Med. Plans

BILL ANALYSIS

Committee: House Education

Date: March 18, 2003

Version: First Edition

Introduced by: Rep. Luebke

Summary by: Robin Johnson

Committee Counsel

SUMMARY: *House Bill 34 would authorize a charter school that received approval on or after January 1, 2002, to elect to become a participating employer in the Teachers' and State Employees' Retirement System and the North Carolina Teachers' and State Employees' Comprehensive Major Medical Plan no later than 30 days after the effective date of this act.*

CURRENT LAW: Under the State Retirement and Medical Plan laws, within 30 days of signing the written charter, the board of directors of a charter school must elect in writing that the charter school wishes to participate in the State Retirement System and the State Medical Plan. There is no statutory provision to allow it to do so at any other time. Further, the Retirement System, the Medical Plan, and the State Board of Education (State Board) have no authority to waive the statutory requirements.

BILL ANALYSIS: This bill would provide a second, one-time only, opportunity for any charter school that signed a charter after January 1, 2002, to elect to participate in the Retirement System and the Major Medical Plan. The election must be made no later than 30 days after the effective date of this act. The bill would not change the 30-day requirement or any other requirements currently contained in the law. The bill would take effect when it becomes law.

BACKGROUND: The written charter is the agreement between the State Board and the board of directors of the charter school. It must be signed when the State Board grants final approval to the charter school. Prior to this year, State Board procedure provided for final approval to be granted in February or March, at which time the schools were required to sign their charters. The schools then were authorized to open that following August. However, many schools chose to delay their opening in order to have a "planning year" to organize and work out operational and administrative details.

This procedure has now been changed. Beginning this year, the State Board has authorized the Charter School Advisory Committee to revise the procedure and timeline for the approvals and signing of charters. The new procedure builds in a planning year by granting preliminary approvals in July and then granting final approvals in the following February or March, at which time the charter is signed. This allows the charter schools the period from July to February to address administrative planning issues such as participation in the Retirement System and Medical Plan.

The General Assembly addressed an issue similar to the one in this bill in 2001 (S.L. 2001-462). That legislation granted a one-time extension for election into the Retirement System to charter schools that did not make the election at the appropriate time. It applied only to charter schools that signed a charter on or after January 1, 2001, and allowed them to make the election within 30 days of the effective date of that act as well.

H34-SMRH-01 (Drupti Chauhan, Committee Counsel, contributed significantly to this summary)

**NORTH CAROLINA GENERAL ASSEMBLY
LEGISLATIVE ACTUARIAL NOTE**

BILL NUMBER: House Bill 34

SHORT TITLE: Charter Schools/State Retirement & Medical Plan

SPONSOR(S): Rep. Luebke

SYSTEM OR PROGRAM AFFECTED: Teachers' and State Employees' Comprehensive Major Medical Plan.

FUNDS AFFECTED: State General Fund, State Highway Fund, other State employer receipts, premium payments for dependents by active and retired teachers and State employees, premium payments for coverages selected by eligible former teachers and State employees, and premium payments for coverages selected by firefighters, rescue squad workers, and members of the National Guard.

BILL SUMMARY: The bill allows the board of directors of any charter school that receives approval from the State Board of Education on and after January 1, 2002, to elect to become a participating employing unit in the Teachers' and State Employees' Comprehensive Major Medical Plan, provided the election occurs within 30 days after the effective date of the enacted bill. To date, two charter schools have been approved by the State Board of Education that meet the requirements of the bill. One is The Central Park School for Children in Durham that expects to have 10 employees hired during 2003. The other is Casa Esperanza in Raleigh that expects to hire 15 employees in the fall of 2003.

EFFECTIVE DATE: When it becomes law.

ESTIMATED IMPACT ON STATE: Aon Consulting, the consulting actuary for the Teachers' and State Employees' Comprehensive Major Medical Plan, estimates that enactment of the bill would result in negligible cost. However, Aon states that if the group covered by the bill is enrolled in the Plan, "...it is very likely that the group will have adverse selection." Aon further states that "Claim factors for these types of risk typically range from 125-200% of expected claim costs..." and that they "...would expect a mid-point loss (50%) of \$1,500 per member per year."

Hartman & Associates, consulting actuary for the General Assembly's Fiscal Research Division, estimates that the financial impact on the Plan "...is not expected to be significant." Hartman & Associates does note that "...the potential exists for antiselection" when optional enrollments are provided in health plans.

ASSUMPTIONS AND METHODOLOGY: The Comprehensive Major Medical Plan for Teachers and State Employees is divided into two programs. From October, 1982, through June, 1986, the Plan only had a self-funded indemnity type of program which covered all employees, retired employees, eligible dependents of employees and retired employees, and eligible former employees and their eligible dependents authorized to continue coverage past a termination of employment other than for retirement or disability purposes. A prepaid program of coverage by health maintenance organizations (HMOs) was offered in July, 1986, as an alternative to the Plan's self-insured indemnity program. The benefits of the self-insured indemnity type of program are spelled out in Part 3 of Article 3 of Chapter

135 of the North Carolina General Statutes (i.e., \$350 annual deductible, 20% coinsurance up to \$1,500 annually, etc. paid by the program's members). HMOs are required to offer benefits that are comparable to those provided by the self-insured indemnity program. Beginning in July, 2000, firefighters, rescue squad workers, and members of the National Guard and their eligible dependents were allowed to voluntarily participate in the Plan on a fully contributory basis, provided they were ineligible for any other type of group health benefits and had been without such benefits for at least six months. Employer-paid non-contributory premiums are only authorized for the indemnity program's coverage for employees and retired employees. All other types of premium in the indemnity program are fully contributory, except for job-sharing public school teachers who are authorized partially contributory premiums at 50% of non-contributory rates. The Plan's Executive Administrator has set the premium rates for firefighters, rescue squad workers, and members of the National Guard and their families at 20% more than the comparable rates charged for employees, retired employees, and their families. Premiums paid by employers to HMOs are limited to like amounts paid to the indemnity program with employees and retired employees paying any HMO amounts above the indemnity program's non-contributory rates. Both types of coverage continue to be available in the Plan; however none of the HMOs with certificates of authority to transact business in North Carolina have offered to participate in the Plan since September 30, 2001. The Plan's employees and retired employees select the type of program that they wish for themselves and their dependents during the months of August and September of each year for coverage beginning in October. The demographics of the Plan as of December 31, 2002, include:

	<u>Self-Insured Indemnity Program</u>	<u>Alternative HMOs</u>	<u>Plan Total</u>
<u>Number of Participants</u>			
Active Employees	280,065	-0-	280,065
Active Employee Dependents	137,841	-0-	137,841
Retired Employees	117,225	-0-	117,225
Retired Employee Dependents	18,999	-0-	18,999
Former Employees & Dependents with Continued Coverage	2,535	-0-	2,535
Firefighters, Rescue Squad Workers, National Guard Members & Dependents	7	-0-	7
Total Enrollments	556,672	-0-	556,672
<u>Number of Contracts</u>			
Employee Only	313,439	-0-	313,439
Employee & Child(ren)	40,978	-0-	40,978
Employee & Family	44,710	-0-	44,710
Total Contracts	399,127	-0-	399,127
<u>Percentage of Enrollment by Age</u>			
29 & Under	26.9%	-0-%	26.9%
30-44	20.9	-0-	20.9
45-54	20.9	-0-	20.9
55-64	16.2	-0-	16.2
65 & Over	15.1	-0-	15.1

Percentage of
Enrollment by Sex

Male	38.3%	-0-%	38.3%
Female	61.7	-0-	61.7

Assumptions for the Self-Insured Indemnity Program: For the fiscal year beginning July 1, 2002, the self-insured program started its operations with a beginning cash balance of \$91.6 million. Receipts for the year are estimated to be \$1.370 billion from premium collections and \$7 million from investment earnings for a total of \$1.377 billion in receipts for the year. Disbursements from the self-insured program are expected to be \$1.325 billion in claim payments and \$38 million in administration and claims processing expenses for a total of \$1.363 billion for the year beginning July 1, 2002. For the fiscal year beginning July 1, 2002, the self-insured indemnity program is expected to have a net operating gain of approximately \$14 million for the year. After reserving an additional \$15 million for implementation of the claims data and privacy requirements of the federal Health Insurance Portability and Accountability Act (HIPPA) that take effect on and after April 14, 2003, the Plan's self-insured indemnity program is expected to have an available beginning cash balance of \$90 million for the fiscal year beginning July 1, 2003. The self-insured indemnity program is nonetheless assumed to be unable to carry out its operations for the 2003-2005 biennium without increases in its current premium rates or a reduction in existing benefits or payments to health care providers or both. This assumption is further predicated upon the fact that the program's cost containment strategies (hospital DRG reimbursements, discounts on hospital outpatient services, pre-admission hospital testing, pre-admission hospital inpatient certification with length-of-stay approval, hospital bill audits, case and disease management for selected medical conditions, mental health case management, coordination of benefits with other payers, Medicare benefit "carve-outs", cost reduction contracts with participating physicians and other providers, a prescription drug benefit manager with manufacturer rebates from formularies, and fraud detection) are maintained and improved where possible. Current non-contributory premium rates are \$186.04 monthly for employees whose primary payer of health benefits is Medicare and \$244.38 per month for employees whose primary payer of health benefits is not Medicare. Fully contributory premium amounts for employee and child(ren) contracts are \$115.78 monthly for children whose primary payer of health benefits is Medicare and \$152.32 monthly for other covered children, and \$277.68 per month for family contracts whose dependents have Medicare as the primary payer of health benefits and \$365.36 per month for other family contract dependents. Claim cost trends are expected to increase 13% annually. Total enrollment in the program is expected to increase less than 1% annually over the next two years. The number of enrolled active employees is expected to show no increase over the next two years, whereas the growth in the number of retired employees is assumed to be 5% per year. The program is expected to have a 2% decrease in the number of active employee dependents per year whereas the number of retiree dependents is expected to increase 2% per year. Investment earnings are based upon a 4.5% return on available cash balances. The self-insured indemnity program maintains a claim stabilization reserve for claim cost fluctuations equal to 7.5% of annual claim payments without reserving additional funds for incurred but unreported claims.

Assumptions for the Indemnity Plan's Coverage of Charter School Employees: The 1996 Session of the General Assembly specified that charter schools, as private non-profit corporations within a local public school administrative unit, are employing units under the Teachers' and State Employees' Comprehensive Major Medical Plan. As such, employees of charter schools are eligible for membership in the Plan when they are "deemed to be public employees and members of a State-Supported Retirement System." The U. S. Department of the Treasury issued a letter ruling in January, 1998, which allowed charter school employees to participate in the State Retirement System without adversely affecting the qualification of the System as a governmental retirement plan. Consequently, charter school employees became eligible for benefits under the Teachers' and State Employees' Comprehensive Major Medical Plan on February 1, 1998, upon participation in the State Retirement System. The 1998 Session of the General

Assembly, effective October 30, 1998, acted to no longer require membership in the State Retirement System for participation in the State's Major Medical Plan. Furthermore, boards of directors of charter schools have to make irrevocable elections to join the Plan, and if elected, all employees of the charter schools are eligible for coverage under the Plan, including its HMO alternatives. Charter schools approved by the State Board of Education in 1997 and 1998 had to make an election by the end of November, 1998. Charter schools approved after 1998 have 30 days after the date that a charter is granted to make an election. Of the number of charter schools approved by the State Board of Education, the following reflects the number that are still in operation:

<u>Year Approved</u>	<u>Number Approved</u>	<u>Number in Operation</u>
1997	35	27
1998	32	21
1999	26	19
2000	17	16
2001	9	8
2002	4	2
Total	123	93

Of the 4 charter schools approved in 2002, The Central Park School for Children in Durham and Casa Esperanza in Raleigh expect to become fully operational sometime in 2003.

Of the 93 charter schools that are fully operational, 40 were participating in the Teachers' and State Employees' Comprehensive Major Medical Plan on January 31, 2003. Only 25 of these 40 schools were participating in the Teachers' and State Employees' Retirement System. These 40 schools had a total of 1,115 active employees on December 31, 2002. However, only 718 (64%) of these employees were participating in the Plan on January 31, 2003. Of these 718 employees, 538 had Employee Only coverage, 99 had Employee & Child(ren) coverage with 178 dependent children enrolled, and 81 had Employee & Family coverage with 232 spouses and dependent children enrolled. The Plan also had 9 retired employees who had retired from a charter school. All of these retired employees had Employee Only coverage.

At the end of the Plan's last three fiscal years, the active employee charter schools group had the following characteristics:

	<u>June 30, 2002</u>			<u>June 30, 2001</u>			<u>June 30, 2000</u>		
	<u>Employees</u>	<u>Dependents</u>	<u>Total</u>	<u>Employees</u>	<u>Dependents</u>	<u>Total</u>	<u>Employees</u>	<u>Dependents</u>	<u>Total</u>
Male	141	219	360	117	183	300	77	111	188
Female	512	162	674	396	125	521	248	91	339
Total	653	381	1,034	513	308	821	325	202	527
Age 0-29	164	307	471	126	250	376	77	162	239
Age 30-44	289	45	334	225	29	254	139	18	157
Age 45-54	157	19	176	127	24	151	93	18	111
Age 55-64	40	10	50	32	4	36	15	3	18
Age 65+	3	0	3	3	1	4	1	1	2
Total	653	381	1,034	513	308	821	325	202	527
Individual Contract	485	0	485	382	0	382	237	0	237
Parent/Child Contract	90	162	252	65	116	181	42	79	121
Family Contract	78	219	297	66	192	258	46	123	169

Total	653	381	1,034	513	308	821	325	202	527
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A comparison of the active employee charter school group with the Plan's overall active employee group reveals the following percentages of total group membership over the last three fiscal years:

	Charter School Group			Total Health Plan Group		
	Percent of Employees	Percent of Dependents	Percent of Group	Percent of Employees	Percent of Dependents	Percent of Group
Age 0-29	24.5%	80.6%	45.5%	12.5%	45.5%	12.5%
Age 30-44	43.6%	10.0%	31.0%	37.3%	31.0%	37.3%
Age 45-54	25.8%	7.2%	18.8%	34.7%	18.8%	34.7%
Age 55-64	5.7%	1.8%	4.2%	14.4%	4.2%	14.4%
Age 65+	0.5%	0.3%	0.4%	1.1%	0.4%	1.1%
Individual Contract	73.9%	0.0%	46.2%	73.2%	46.2%	73.2%
Parent/Child Contract	13.1%	39.8%	23.1%	14.5%	23.1%	14.5%
Family Contract	13.0%	60.2%	30.7%	12.3%	30.7%	12.3%

The active employee charter schools' group compares favorably with the Plan's overall active employee group in these respects and has had a favorable underwriting experience during the last three fiscal years.

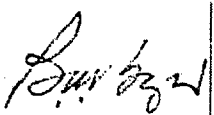
SOURCES OF DATA:

- Actuarial Note, Hartman & Associates, House Bill 34, March 14, 2003, original of which is on file in the General Assembly's Fiscal Research Division.
- Actuarial Note, Aon Consulting, House Bill 34, March 14, 2003, original of which is on file with the Comprehensive Major Medical Plan for Teachers and State Employees and the General Assembly's Fiscal Research Division.
- Charter School Approval and Employee Data provided by the Office of Charter Schools, North Carolina Department of Public Instruction.
- Charter School Retirement System Participation & Retiree Data provided by the Retirement Systems Division, North Carolina Department of State Treasurer.

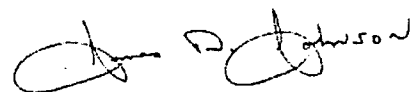
TECHNICAL CONSIDERATIONS: None.

FISCAL RESEARCH DIVISION: 733-4910

PREPARED BY: Sam Byrd



APPROVED BY: James D. Johnson, Director Fiscal Research Division



DATE: March 14, 2003

2003 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES

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

By Representatives **Bonner, Hilton, Warner & Wood**, Chairs for the Committee on
EDUCATION.

-
- ☐ Committee Substitute for
H.B. 421 A BILL TO BE ENTITLED AN ACT TO MAKE VETERANS DAY A
HOLIDAY FOR SCHOOL PERSONNEL.
- ☐ 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)

03/19/03

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2003

H

D

HOUSE BILL 421

PROPOSED COMMITTEE SUBSTITUTE H421-CSSF-2 [v.1]

3/17/2003 4:04:58 PM

Short Title: Veterans Day a Holiday for School Staff.

(Public)

Sponsors:

Referred to:

March 12, 2003

A BILL TO BE ENTITLED

AN ACT TO MAKE VETERANS DAY A HOLIDAY FOR SCHOOL PERSONNEL.

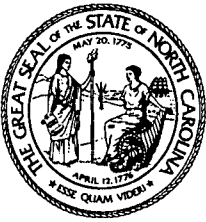
The General Assembly of North Carolina enacts:

SECTION 1. G.S. 115C-84.2(b)(4) reads as rewritten:

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

(4) Veterans Day shall be a holiday for all public school personnel and for all students enrolled in the public schools."

SECTION 2. This act is effective when it becomes law and applies to all school years beginning with the 2004-2005 school year.



HOUSE BILL 421: Veterans Day a Holiday for School Staff

BILL ANALYSIS

Committee: House Education
Date: March 18, 2003
Version: First

Introduced by: Rep. McLawhorn
Summary by: Shirley Iorio
Committee Staff

SUMMARY: *House Bill 421 would make Veterans Day a holiday for students and all public school personnel.*

CURRENT LAW: Local boards of education are required to adopt a school calendar consisting of 220 days. Within that 220-day calendar, the local board must include the same or an equivalent number of legal holidays occurring within the school calendar as those designated by the State Personnel Commission for State Employees. One of the limitations that applies when developing the school calendar is that **Veterans Day must be a holiday for all students enrolled in the public schools**. It is not a required holiday for teachers and other school personnel. The bill would become effective when it becomes law.

BILL ANALYSIS: The bill would require local boards of education to make Veterans Day a holiday for students and staff when they build their school calendar. It would not increase the number of holidays.

BACKGROUND: G.S. 115C- 84.2 (School calendar) was rewritten in 1997 (changes effective in 1998) to give more flexibility to local school systems to build a calendar that would meet the needs of the local community. There was concern at the time about students not getting enough instructional time.

Prior to July 1, 1998, G.S. 115C-84(f) read as follows: "Veterans Day shall be a holiday for all children enrolled in the public schools, but shall be a work day for all school employees, unless designated as a holiday by the local board of education".

Effective July 1, 1998, and still the law, G.S. 115C-84.2(b)(4), reads: "Veteran's Day shall be a holiday for all students enrolled in the public schools".

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2003

H

1

HOUSE BILL 421

Short Title: Veterans Day a Holiday for School Staff.

(Public)

Sponsors: Representative McLawhorn.

Referred to: Education.

March 12, 2003

A BILL TO BE ENTITLED

AN ACT TO MAKE VETERANS DAY A HOLIDAY FOR SCHOOL PERSONNEL.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 115C-84.2(b)(4) reads as rewritten:

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

...

(4) Veterans Day shall be a holiday for all public school personnel and for all students enrolled in the public schools."

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

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2003

H

1

HOUSE BILL 271

Short Title: Job Sharing for School Counselors.

(Public)

Sponsors: Representatives Glazier, Warner, Lucas, Insko (Primary Sponsors); G. Allen, Bordsen, Carney, Dickson, Goodwin, Lewis, Sauls, and Warren.

Referred to: Education.

March 6, 2003

A BILL TO BE ENTITLED
AN ACT TO FACILITATE JOB SHARING BY PUBLIC SCHOOL GUIDANCE
COUNSELORS.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 115C-302.2 reads as rewritten:

"§ 115C-302.2. Job sharing by classroom ~~teachers~~teachers and guidance
counselors.

(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~~State and that there is a shortage of qualified guidance counselors in certain 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 and guidance counselors 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.

(b1) A "guidance counselor in a job-sharing position" is a person who:

- (1) Is employed by a local board of education as a guidance counselor for fifty percent (50%) of the guidance counselor workweek, as defined by that local board of education;
- (2) Is paid on the teacher salary schedule; and
- (3) Is sharing a guidance counselor position with one other employee of that local board of education who meets the requirements of subdivisions (1) and (2) of this subsection.

(c) The State Board of Education shall adopt rules to facilitate job sharing by classroom ~~teachers, teachers and guidance counselors.~~ These rules shall provide that a classroom teacher or a guidance counselor 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 an employee~~ 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. (2002-174, s. 1.)"

SECTION 2. G.S. 135-1(25), as rewritten by Section 1 of S.L. 2002-110, reads as rewritten:

"(25) "Teacher" shall mean any teacher, helping teacher, classroom teacher in a job-sharing position as defined in G.S. 115C-302.2(b) except for a beneficiary in that position, guidance counselor in a job-sharing position as defined in G.S. 115C-302.2(b2) except for a beneficiary in that position, 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 except for a classroom teacher in a job-sharing ~~position, position or a guidance counselor 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. Notwithstanding the foregoing, the term "teacher" shall not include any nonimmigrant alien employed in elementary or secondary public schools (whether employed in a full-time, part-time, temporary, permanent, or substitute teacher position) and participating in an exchange visitor program designated by the United States Department of State pursuant to 22 C.F.R. Part 62."

1 **SECTION 3.** G.S. 135-4(b) reads as rewritten:

2 "(b) The Board of Trustees shall fix and determine by appropriate rules and
3 regulations how much service in any year is equivalent to one year of service, but in no
4 case shall more than one year of service be creditable for all services in one year.
5 Service rendered for the regular school year in any district shall be equivalent to one
6 year's service. Service rendered by a classroom teacher in a job-sharing position or a
7 guidance counselor in a job-sharing position shall be credited at the rate of one-half year
8 for each regular school year of employment.

9 **SECTION 4.** G.S. 135-40.2(a2) reads as rewritten:

10 "(a2) A classroom teacher in a job-sharing position as defined in G.S.
11 115C-302.2(b) or a guidance counselor in a job-sharing position as defined in G.S.
12 115C-302.2(b1) shall be eligible for coverage under the Plan, on a partially contributory
13 basis, subject to the provisions of G.S. 135-40.3. If these employees elect to participate
14 in the Plan, the employing unit shall pay fifty percent (50%) of the Plan's total
15 noncontributory premiums. Individual employees shall pay the balance of the total
16 noncontributory premiums not paid by the employing unit."

17 **SECTION 5.** Nothing in this act shall be construed to require local school
18 administrative units to place part-time employees in job-sharing positions or to hire
19 employees in job-sharing positions.

20 **SECTION 6.** Sections 1 through 4 of this act become effective January 1,
21 2004. The remainder of this act is effective when it becomes law.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2003

H

D

HOUSE BILL 271
PROPOSED COMMITTEE SUBSTITUTE H271-CSRJ-6 [v.4]

3/26/2003 5:18:59 PM

Short Title: Job Sharing for School Counselors/Study.

(Public)

Sponsors:

Referred to:

March 6, 2003

A BILL TO BE ENTITLED

AN ACT TO AMEND THE DEFINITION OF TEACHER IN A JOB-SHARING POSITION, TO FACILITATE JOB SHARING BY PUBLIC SCHOOL GUIDANCE COUNSELORS, AND TO AUTHORIZE THE JOINT LEGISLATIVE EDUCATION OVERSIGHT COMMITTEE TO STUDY ISSUES RELATED TO JOB SHARING BY OTHER PUBLIC SCHOOL EMPLOYEES.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 115C-302.2 reads as rewritten:

"§ 115C-302.2. Job sharing by classroom ~~teachers~~ teachers and guidance counselors.

(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~~ State and that there is a shortage of qualified guidance counselors in certain 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 and would make counseling an attractive option for guidance counselors 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~~ schedule; and
- (3) Spends at least seventy percent (70%) of his or her work time in classroom ~~instruction~~ and instruction.
- ~~(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.~~

1 The term does not include certified instructional support personnel or certified
2 school services personnel such as guidance counselors, media coordinators,
3 psychologists, social workers, audiologists, speech and language pathologists, and
4 nurses.

5 (b1) A "guidance counselor in a job-sharing position" is a person who:

6 (1) Is employed by a local board of education as a guidance counselor for
7 fifty percent (50%) of the guidance counselor workweek, as defined by
8 that local board of education; and

9 (2) Is paid on the teacher salary schedule.

10 (c) The State Board of Education shall adopt rules to facilitate job sharing by
11 ~~classroom teachers.~~ teachers and guidance counselors. These rules shall provide that a
12 classroom teacher or a guidance counselor in a job-sharing position shall receive paid
13 legal holidays, annual vacation leave, sick leave, and personal leave on a pro rata basis.
14 ~~Such a teacher an employee~~ shall also receive service credit under the Teachers' and
15 State Employees' Retirement System as provided in G.S. 135-4(b) and insurance
16 benefits as provided in Article 3 of Chapter 135 of the General Statutes.

17 (d) Before a local board of education designates a teaching position as a job-
18 sharing position, the board must determine that there is a shortage in that local school
19 administrative unit of qualified classroom teachers in that area of certification or at that
20 grade level. Before a local board of education designates a guidance counselor position
21 as a job-sharing position, the board must determine that there is a shortage in that local
22 school unit of guidance counselors."

23 SECTION 2. G.S. 135-1(25) reads as rewritten:

24 "(25) "Teacher" shall mean any teacher, helping teacher, classroom teacher
25 in a job-sharing position as defined in G.S. 115C-302.2(b) except for a
26 beneficiary in that position, guidance counselor in a job-sharing
27 position as defined in G.S. 115C-302.2(b1) except for a beneficiary in
28 that position, librarian, principal, supervisor, superintendent of public
29 schools or any full-time employee, city or county, superintendent of
30 public instruction, or any full-time employee of Department of Public
31 Instruction, president, dean or teacher, or any full-time employee in
32 any educational institution supported by and under the control of the
33 State: Provided, that the term "teacher" shall not include any part-time,
34 temporary, or substitute teacher or employee except for a classroom
35 teacher in a job-sharing position, position or a guidance counselor in a
36 job-sharing position and shall not include those participating in an
37 optional retirement program provided for in G.S. 135-5.1 or G.S.
38 135-5.4. In all cases of doubt, the Board of Trustees, hereinbefore
39 defined, shall determine whether any person is a teacher as defined in
40 this Chapter. On and after August 1, 2001, a person who is a
41 nonimmigrant alien and who otherwise meets the requirements of this
42 subdivision shall not be excluded from the definition of "teacher"
43 solely because the person holds a temporary or time-limited visa.
44 Notwithstanding the foregoing, the term "teacher" shall not include

1 any nonimmigrant alien employed in elementary or secondary public
2 schools (whether employed in a full-time, part-time, temporary,
3 permanent, or substitute teacher position) and participating in an
4 exchange visitor program designated by the United States Department
5 of State pursuant to 22 C.F.R. Part 62."

6 **SECTION 3.** G.S. 135-4(b) reads as rewritten:

7 "(b) The Board of Trustees shall fix and determine by appropriate rules and
8 regulations how much service in any year is equivalent to one year of service, but in no
9 case shall more than one year of service be creditable for all services in one year.
10 Service rendered for the regular school year in any district shall be equivalent to one
11 year's service. Service rendered by a classroom teacher in a job-sharing position or a
12 guidance counselor in a job-sharing position shall be credited at the rate of one-half year
13 for each regular school year of employment.

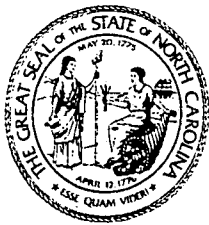
14 **SECTION 4.** G.S. 135-40.2(a2) reads as rewritten:

15 "(a2) A classroom teacher in a job-sharing position as defined in G.S.
16 115C-302.2(b) or a guidance counselor in a job-sharing position as defined in G.S.
17 115C-302.2(b1) shall be eligible for coverage under the Plan, on a partially contributory
18 basis, subject to the provisions of G.S. 135-40.3. If these employees elect to participate
19 in the Plan, the employing unit shall pay fifty percent (50%) of the Plan's total
20 noncontributory premiums. Individual employees shall pay the balance of the total
21 noncontributory premiums not paid by the employing unit."

22 **SECTION 5.** Nothing in this act shall be construed to require local school
23 administrative units to place part-time employees in job-sharing positions or to hire
24 employees in job-sharing positions.

25 **SECTION 6.** The Joint Education Oversight Committee shall study issues
26 relating to job sharing by public school employees other than teachers and guidance
27 counselors. In the course of the study the Committee shall study the need to facilitate
28 job sharing for these employees, the cost to the local school administrative unit to hire
29 employees in job-sharing positions and the impact on the Teachers' and State
30 Employees Retirement System and the Comprehensive Major Medical Plan. The
31 Committee shall report on the results of this study to the 2004 General Assembly.

32 **SECTION 7.** Sections 1 through 4 of this act become effective January 1,
33 2004. The remainder of this act is effective when it becomes law.



HOUSE BILL 271: Job Sharing for School Counselors.

BILL ANALYSIS

Committee: House Education
Date: March 26, 2003
Version: PCS for First Edition
H271-CSRJ-6 (v.4)

Introduced by: Reps. Glazier, Warner, Lucas
and Insko
Summary by: Sara Kamprath
Committee Analyst

SUMMARY: *The proposed committee substitute for House Bill 271 would facilitate job sharing by guidance counselors who do not wish to work full time by requiring the State Board of Education to adopt rules that provide holidays and leave benefits on a pro rata basis. The proposed committee substitute for the bill also amends the creditable service section of the Teachers' and State Employees' Retirement System for a guidance counselor in a job-sharing position as defined in G.S. 115C-302.2(b1). The bill also amends the eligibility criteria of the Comprehensive Major Medical Plan to allow coverage on a partially contributory basis for those employees. The Joint Legislative Education Oversight Committee shall study issues relating to job sharing by other public school employees.*

Major Differences between the Proposed Committee Substitute and the First Edition

1. The proposed committee substitute deletes the requirement in existing law that a classroom teacher in a job-sharing position can only share that position with another teacher who also is eligible to be a teacher in a job-sharing position.
2. Before a teacher position can be classified as a job-sharing position, the local board must make a determination that a shortage of qualified classroom teachers with that certification or at that grade level exists in the school unit. Before a guidance counselor position can be classified as a job-sharing position, the local board must make a determination that a shortage of guidance counselors exists in the school unit.
3. The Joint Legislative Education Oversight Committee shall study job sharing by other public school employees, including the cost to the local school unit and the impact on the State Retirement System and Major Medical Plan.

BACKGROUND:

Under current law, only those State employees who work a minimum of 30 hours per week or more for nine or more months per year are members of the Teachers' and State Employees' Retirement System and are eligible for coverage under the Teachers' and State Employees' Comprehensive Major Medical Plan.

During the 2002 Session, the General Assembly passed legislation allowing a classroom teacher to share a teacher position with another classroom teacher employed by the same local board of education. Both teachers had to be employed for 50% of the teacher workweek, be paid on the teacher salary schedule and spend 70% of their time in classroom instruction. Other certified instructional support personnel and certified school services personnel, including guidance counselors, were specifically excluded.

HOUSE BILL 271

Page 2

BILL ANALYSIS:

Section 1. The proposed committee substitute for House Bill 271 deletes the current requirement that a classroom teacher in a job-sharing position must share that position with one other employee who also is eligible to be a teacher in a job-sharing position.

The proposed committee substitute amends G.S. 115C-302.2 to facilitate job sharing for guidance counselors who choose not to work full time. Under rules adopted by the State Board of Education, these job sharing guidance counselors will have paid legal holidays, annual vacation leave, sick leave and personal leave on a pro rata basis. A job sharing guidance counselor will also receive service credit under the Teachers' and State Employees' Retirement System and insurance benefits. A guidance counselor in a job-sharing position is defined as a person who is:

1. Employed by a local board of education as a guidance counselor for 50% of the guidance counselor workweek; and
2. Paid on the teacher salary schedule.

Section 2. House Bill 271 rewrites G.S. 135-1(25) by amending the definition of "Teacher" in the Teachers' and State Employees' Retirement System (TSERS) to include a guidance counselor in a job-sharing position as defined in G.S. 115C-302.2(b1).

Section 3. The proposed committee substitute for House Bill 271 rewrites G.S. 135-4 regarding creditable service in the TSERS to allow a guidance counselor in a job-sharing position as defined in G.S. 115C-302.2(b1) to receive credit at the rate of one-half year for each regular school year that the individual was employed, but the salary credited shall be that of the full-time position.

Section 4. The proposed committee substitute for House Bill 271 allows a guidance counselor in a job-sharing position as defined in G.S. 115C-302.2(b1) to be eligible for coverage under the Comprehensive Major Medical Plan on a partially contributory basis. If such 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. Nothing in the proposed committee substitute for 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 6. The Joint Legislative Education Oversight Committee shall study job sharing by other public school employees including the need for it, the cost to local school units and the impact on the State Retirement System and the State Health Plan.

Sections 1 through 4 of the bill become effective January 1, 2004. The rest of the bill becomes effective when it becomes law.

H271-SMRJ-003

17.1 – Job-Sharing for Teachers

17.1.1 Overview

The purpose of the policy is to promote job sharing among public school teachers. The legislation requires a 50-50 split of the shared position. The State Board of Education policy requires that if the local board wishes to employ job-sharing teachers, it designate one or more 40 hour per week teaching positions as job-sharing positions.

17.1.2 Eligibility

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;
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 section.

These job-sharing provisions are for classroom teachers **only**. They do not apply to 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.

17.1.3 Reemployed Retirees

Because the benefits for teachers employed in job-sharing positions include retirement, retirees can only be employed in temporary job-sharing positions. Retirees employed in temporary job-sharing positions do not earn leave benefits but remain subject to the Teachers' and State Employees' Retirement System earnings cap. (See Section 16).

17.1.4 Salary

Teachers in job sharing positions will be paid pro-rata based on the teacher salary schedules. 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.

17.1.5 Benefits

A teacher in a permanent job-sharing position shall receive paid legal holidays, annual vacation leave, sick leave, and personal leave on a pro-rata basis. Such a teacher also receives service credit under the Teachers' and State Employees' Retirement System as provided in G.S. 135-4(b) and insurance benefits as provided in G.S. 135-40.2. Retirement is earned at a rate of one-half year of retirement credit for each regular school year of employment. Participation in the State Health Plan is an optional benefit. If the employee elects to participate in the State Health Plan the employing school unit pays 50% of the Plan's total non-contributory premiums and the employee pays the balance.

Legal Reference(s)

G. S. 115C-302.2
G.S. 135-4(b)
G.S. 153-40.2
16 NCAC 6C.0405

Buck CONSULTANTS

A Mellon Financial Company

200 Galleria Parkway, N.W., Suite 1900
Atlanta, Georgia 30339-5945

March 21, 2003

Ms. Pam Deardorff
Director of External Relations
Retirement Systems Division
Department of State Treasurer
325 North Salisbury Street
Raleigh, NC 27603-1385

House Bill 271

Dear Ms. Deardorff:

We have received your letter of March 19 regarding House Bill 271 which affects the Teachers' and State Employees' Retirement System.

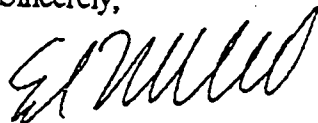
This legislation appears, in Section 1, to amend G.S. 115C-302.1(b) to include guidance counselors. This legislation appears, in Section 2, to amend the definition of "teacher" to include guidance counselors in a job-sharing position as defined in G.S. 115C-302.2(b2). Section 3 appears to amend the provision of G.S. 135-4(b) regarding creditable service in the TSERS to allow a guidance counselor in a job-sharing position to receive credit at the rate of one-half year for each regular school year of employment.

Sections 1 through 4 would become effective January 1, 2004, and the remainder of the Act would be effective upon ratification.

There would be no cost to the System due to this legislation.

If we can be of further assistance with regard to this legislation, please do not hesitate to contact us.

Sincerely,

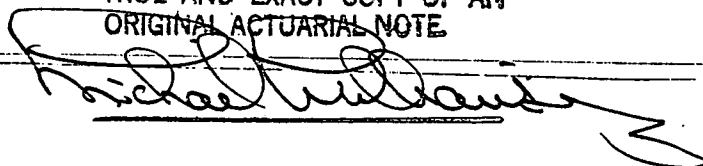


Edward A. Macdonald
Principal, Consulting Actuary

EAM:sr

P:\North Carolina Teachers\2003\Correspondence\House Bill 271.doc
387 RET03-169

THIS IS TO CERTIFY THAT THIS IS A
TRUE AND EXACT COPY OF AN
ORIGINAL ACTUARIAL NOTE



Buck Consultants, Inc.

770 1955-2488 Fax 770 1933-8336

**NORTH CAROLINA GENERAL ASSEMBLY
LEGISLATIVE ACTUARIAL NOTE**

BILL NUMBER: House Bill 271, Sections 4 & 6

SHORT TITLE: Job Sharing for School Counselors

SPONSOR(S): Rep. Glazier.

SYSTEM OR PROGRAM AFFECTED: Teachers' and State Employees' Comprehensive Major Medical Plan.

FUNDS AFFECTED: State General Fund, State Highway Fund, other State employer receipts, premium payments for dependents by active and retired teachers and State employees, premium payments for coverages selected by eligible former teachers and State employees and premium payments for coverages selected by firefighters, rescue squad workers, and members of the National Guard..

BILL SUMMARY: The bill adds guidance counselors to the public school jobs that are allowed job-sharing privileges, including partially contributory premiums for coverage by the Teachers' and State Employees' Comprehensive Major Medical Plan. Partially contributory premiums are only authorized at 50% of non-contributory rates paid by public school employers with the remainder of the non-contributory rates paid by job sharing employees. A job sharing job is one in which an employee is employed by a local board of education for 50% of the employee's normal workweek as determined by the board, is one in which the employee is paid on a state salary schedule, and one in which the employee shares the job with another job sharing employee.

EFFECTIVE DATE: January 1, 2004.

ESTIMATED IMPACT ON STATE: Aon Consulting, the consulting actuary for the Teachers' and State Employees' Comprehensive Major Medical Plan, does not expect any additional cost to the Plan for enactment of the bill. Hartman & Associates, the consulting actuary for the General Assembly's Fiscal Research Division, does not expect enactment of the bill to produce a significant financial impact to the Plan.

ASSUMPTIONS AND METHODOLOGY: The Comprehensive Major Medical Plan for Teachers and State Employees is divided into two programs. From October, 1982, through June, 1986, the Plan only had a self-funded indemnity type of program which covered all employees, retired employees, eligible dependents of employees and retired employees, and eligible former employees and their eligible dependents authorized to continue coverage past a termination of employment other than for retirement or disability purposes. A prepaid program of coverage by health maintenance organizations (HMOs) was offered in July, 1986, as an alternative to the Plan's self-insured indemnity program. The benefits of the self-insured indemnity type of program are spelled out in Part 3 of Article 3 of Chapter 135 of the North Carolina General Statutes (i.e., \$350 annual deductible, 20% coinsurance up to \$1,500 annually, etc. paid by the program's members). HMOs are required to offer benefits that are comparable to those provided by the self-insured indemnity program. Beginning in July, 2000, firefighters, rescue squad workers, and members of the National Guard and their eligible dependents were allowed to voluntarily participate in the Plan on a fully contributory basis, provided they were ineligible for any other type of group health benefits and had been without such benefits for at least six months. Employer-paid non-contributory premiums are only authorized for the indemnity program's

coverage for employees and retired employees. All other types of premium in the indemnity program are fully contributory, except for job-sharing public school teachers who are authorized partially contributory premiums at 50% of non-contributory rates. The Plan's Executive Administrator has set the premium rates for firefighters, rescue squad workers, and members of the National Guard and their families at 20% more than the comparable rates charged for employees, retired employees, and their families. Premiums paid by employers to HMOs are limited to like amounts paid to the indemnity program with employees and retired employees paying any HMO amounts above the indemnity program's non-contributory rates. Both types of coverage continue to be available in the Plan; however none of the HMOs with certificates of authority to transact business in North Carolina have offered to participate in the Plan since September 30, 2001. The Plan's employees and retired employees select the type of program that they wish for themselves and their dependents during the months of August and September of each year for coverage beginning in October. The demographics of the Plan as of December 31, 2002, include:

	Self-Insured <u>Indemnity Program</u>	Alternative <u>HMOs</u>	Plan <u>Total</u>
<u>Number of Participants</u>			
Active Employees	280,065	-0-	280,065
Active Employee Dependents	137,841	-0-	137,841
Retired Employees	117,225	-0-	117,225
Retired Employee Dependents	18,999	-0-	18,999
Former Employees & Dependents with Continued Coverage	2,535	-0-	2,535
Firefighters, Rescue Squad Workers, National Guard Members & Dependents	7	-0-	7
Total Enrollments	556,672	-0-	556,672
<u>Number of Contracts</u>			
Employee Only	313,439	-0-	313,439
Employee & Child(ren)	40,978	-0-	40,978
Employee & Family	44,710	-0-	44,710
Total Contracts	399,127	-0-	399,127
<u>Percentage of Enrollment by Age</u>			
29 & Under	26.9%	-0-%	26.9%
30-44	20.9	-0-	20.9
45-54	20.9	-0-	20.9
55-64	16.2	-0-	16.2
65 & Over	15.1	-0-	15.1
<u>Percentage of Enrollment by Sex</u>			
Male	38.3%	-0-%	38.3%
Female	61.7	-0-	61.7

Assumptions for the Self-Insured Indemnity Program: For the fiscal year beginning July 1, 2002, the self-insured program started its operations with a beginning cash balance of \$91.6 million. Receipts for the year are estimated to be \$1.370 billion from premium collections and \$7 million from investment earnings for a total of \$1.377 billion in receipts for the year. Disbursements from the self-insured program are expected to be \$1.325 billion in claim payments and \$38 million in administration and claims processing expenses for a total of \$1.363 billion for the year beginning July 1, 2002. For the fiscal year beginning July 1, 2002, the self-insured indemnity program is expected to have a net operating gain of approximately \$14 million for the year. After reserving an additional \$15 million for implementation of the claims data and privacy requirements of the federal Health Insurance Portability and Accountability Act (HIPPA) that take effect on and after April 14, 2003, the Plan's self-insured indemnity program is expected to have an available beginning cash balance of \$90 million for the fiscal year beginning July 1, 2003. The self-insured indemnity program is nonetheless assumed to be unable to carry out its operations for the 2003-2005 biennium without increases in its current premium rates or a reduction in existing benefits or payments to health care providers or both. This assumption is further predicated upon the fact that the program's cost containment strategies (hospital DRG reimbursements, discounts on hospital outpatient services, pre-admission hospital testing, pre-admission hospital inpatient certification with length-of-stay approval, hospital bill audits, case and disease management for selected medical conditions, mental health case management, coordination of benefits with other payers, Medicare benefit "carve-outs", cost reduction contracts with participating physicians and other providers, a prescription drug benefit manager with manufacturer rebates from formularies, and fraud detection) are maintained and improved where possible. Current non-contributory premium rates are \$186.04 monthly for employees whose primary payer of health benefits is Medicare and \$244.38 per month for employees whose primary payer of health benefits is not Medicare. Fully contributory premium amounts for employee and child(ren) contracts are \$115.78 monthly for children whose primary payer of health benefits is Medicare and \$152.32 monthly for other covered children, and \$277.68 per month for family contracts whose dependents have Medicare as the primary payer of health benefits and \$365.36 per month for other family contract dependents. Claim cost trends are expected to increase 13% annually. Total enrollment in the program is expected to increase less than 1% annually over the next two years. The number of enrolled active employees is expected to show no increase over the next two years, whereas the growth in the number of retired employees is assumed to be 5% per year. The program is expected to have a 2% decrease in the number of active employee dependents per year whereas the number of retiree dependents is expected to increase 2% per year. Investment earnings are based upon a 4.5% return on available cash balances. The self-insured indemnity program maintains a claim stabilization reserve for claim cost fluctuations equal to 7.5% of annual claim payments without reserving additional funds for incurred but unreported claims.

Assumptions for the Indemnity Plan's Coverage of Job Sharing Employees: Effective January 1, 2003, the 2002 Session of the General Assembly provided for partially contributory premiums to the Plan for public school classroom teachers in job sharing appointments. Job sharing appointments are teachers employed for 50% of a teacher's normal workweek as determined by each employing local board of education. For these job sharing appointments, employing boards pay 50% of the Plan's non-contributory premium amount to the Plan with the job sharing teacher paying the remainder of the non-contributory premium amount. Information provided by the North Carolina Department of Public Instruction indicates that for the 2001-02 school year, a total of 3,217 guidance counselors were employed by local public school boards (2,979 from state funds, 202 from local funds, and 36 from federal funds). Additional data provided by the Department also reveals that in October, 2002, only 24 vacancies were reported by these local boards in jobs requiring guidance counselor licensure. The Department states that data is not available on the experience of local boards of education with job sharing classroom teachers authorized by the 2002 Session of the General Assembly.

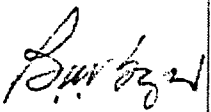
SOURCES OF DATA:

- Actuarial Note, Hartman & Associates, House Bill 271, March 11, 2003, original of which is on file in the General Assembly's Fiscal Research Division.
- Actuarial Note, Aon Consulting, House Bill 271, March 13, 2003, original of which is on file with the Comprehensive Major Medical Plan for Teachers and State Employees and the General Assembly's Fiscal Research Division.

TECHNICAL CONSIDERATIONS: None.

FISCAL RESEARCH DIVISION: 733-4910

PREPARED BY: Sam Byrd



APPROVED BY: James D. Johnson



DATE: March 17, 2003.

NORTH CAROLINA GENERAL ASSEMBLY AMENDMENT

(Please type or use ballpoint pen)

EDITION No. _____

H. B. No. 271

DATE 3-27-03

S. B. No. _____

Amendment No. _____

COMMITTEE SUBSTITUTE ✓

(to be filled in by
Principal Clerk)

Rep.) _____
Sen.) _____

1 moves to amend the bill on page 2, line 17-22

2 () WHICH CHANGES THE TITLE

3 by deleting these the first sentence of
4 subsection d, page 2

5 _____

6 _____

7 _____

8 _____

9 _____

10 _____

11 _____

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SIGNED Theresa Davis

ADOPTED _____ FAILED _____ TABLED _____

VISITOR REGISTRATION SHEET

HOUSE COMMITTEE ON EDUCATION

Name of Committee

3-27-03

Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME

FIRM OR AGENCY AND ADDRESS

Elizabeth Grossman	OSBM
Allison Hilton	
REBECCA PALACIO	NC Justice Center
Logan Stewart	NCAE
Michael Houser	WCAE
Candace McKenney	NCAE
Jennifer M. Sullivan	NASW-NC
Oliver Harrison	WCPSS
C. Verasile	Asheville
Paul Pully	NCAATL

VISITOR REGISTRATION SHEET

HOUSE COMMITTEE ON EDUCATION

Name of Committee

3/27/03

Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME

FIRM OR AGENCY AND ADDRESS

P. Walker	Mullen Co
Tim McLean	McLean
Gene Casby	NCSCA
Katherine Joyce	NCASA
Julia Duggan	SBE
Glenn Harris	PSF
Leanne Kinnick	NC SBA
Amy Dobson	NC State Watch
John McHugh	COG OFFICE
Otho Tucker	DPI
Marcos Arellano	Intern (Rep. Luebke)

HOUSE EDUCATION COMMITTEE MINUTES

April 1, 2003

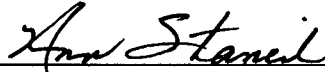
The House Education Committee met on Tuesday, April 1, 2003, at 11:00 am in Room 643 of the Legislative Office Building. Representative Alex Warner, Co-chair, presided. The attendance sheet indicates the members present.

Rep. Rick Glazier was called upon to explain ***House Bill 271, JOB-SHARING FOR SCHOOL COUNSELORS***. Rep. Goodwin made a motion to adopt the amendment. The motion passed with a favorable report as to the committee substitute and with a recommendation for referral to the Pensions and Retirement committee and an unfavorable report to the original bill.

Rep. Paul Miller was called upon to explain ***House Bill 17, SCHOOL CURRICULUM MUST INCLUDE CONSUMER EDUCATION***. An amendment was offered by Rep. Blackwood and it passed. Rep. McAllister offered an amendment and it passed. Rep. Hilton offered an amendment and it passed. Time was called and this bill was placed on the next meeting's agenda.



Rep. Alex Warner, Co-chair
Rep. Donald Bonner, Co-chair
Rep. Mark Hilton, Co-chair
Rep. Steve Wood, Co-chair



Ann Stancil, Committee Clerk

House Education
Notes for Agenda Items
April 1, 2003

HB 17 School Curriculum Must Include Consumer Education

Rep. Miller

Sara and Drupti are handling

NOTE: IF THERE ARE ANY AMENDMENTS, 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.

HB 271 Job-sharing for School Counselors

Reps. Glazier; Warner; Lucas and Insko

Sara and Robin are handling the bill

This bill will need to be re-referred to the Pensions and Retirement Committee

PCS has been adopted for discussion and one amendment has been adopted

NOTE: IF THERE ARE ANY AMENDMENTS, 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 WITH A RECOMMENDATION FOR REREFERRAL TO THE PENSIONS AND RETIREMENT COMMITTEE AND AN UNFAVORABLE REPORT TO THE ORIGINAL BILL.

HB 303 Physical Education Required in Schools

Rep. Bell

Shirley and Robin are handling the bill

PCS needs to be adopted for discussion.

June Atkinson, DPI, will be in the audience to answer questions

NOTE: IF THERE ARE ANY AMENDMENTS, 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.

2003 COMMITTEE REPORT HOUSE OF REPRESENTATIVES

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

By Representatives **Bonner, Hilton, Warner, Wood** (Chairs) for the Committee on
EDUCATION.

-
- ☐ Committee Substitute for
H.B. 271 A BILL TO BE ENTITLED AN ACT TO FACILITATE JOB SHARING BY
PUBLIC SCHOOL GUIDANCE COUNSELORS.
- ☐ 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 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)

03/19/03

NORTH CAROLINA GENERAL ASSEMBLY AMENDMENT

(Please type or use ballpoint pen)

EDITION No. _____

H. B. No. 271

DATE _____

S. B. No. _____

Amendment No. _____

COMMITTEE SUBSTITUTE ✓

(to be filled in by
Principal Clerk)

Rep.) _____

) _____

Sen.) _____

1 moves to amend the bill on page 2, line 17-22

2 () WHICH CHANGES THE TITLE

3 by ~~deleting these~~ the first sentence of

4 subsection d, page 2

5 _____

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SIGNED

Christine

ADOPTED _____ FAILED _____ TABLED _____

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2003

H

1

HOUSE BILL 271

Short Title: Job Sharing for School Counselors.

(Public)

Sponsors: Representatives Glazier, Warner, Lucas, Insko (Primary Sponsors); G. Allen, Bordsen, Carney, Dickson, Goodwin, Lewis, Sauls, and Warren.

Referred to: Education.

March 6, 2003

A BILL TO BE ENTITLED

AN ACT TO FACILITATE JOB SHARING BY PUBLIC SCHOOL GUIDANCE COUNSELORS.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 115C-302.2 reads as rewritten:

"§ 115C-302.2. Job sharing by classroom ~~teachers~~teachers and guidance counselors.

(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~~State and that there is a shortage of qualified guidance counselors in certain 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 and guidance counselors 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.

(b1) A "guidance counselor in a job-sharing position" is a person who:

- (1) Is employed by a local board of education as a guidance counselor for fifty percent (50%) of the guidance counselor workweek, as defined by that local board of education;
- (2) Is paid on the teacher salary schedule; and
- (3) Is sharing a guidance counselor position with one other employee of that local board of education who meets the requirements of subdivisions (1) and (2) of this subsection.

(c) The State Board of Education shall adopt rules to facilitate job sharing by classroom ~~teachers~~ teachers and guidance counselors. These rules shall provide that a classroom teacher or a guidance counselor 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~~ an employee 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. (2002-174, s. 1.)"

SECTION 2. G.S. 135-1(25), as rewritten by Section 1 of S.L. 2002-110, reads as rewritten:

"(25) "Teacher" shall mean any teacher, helping teacher, classroom teacher in a job-sharing position as defined in G.S. 115C-302.2(b) except for a beneficiary in that position, guidance counselor in a job-sharing position as defined in G.S. 115C-302.2(b2) except for a beneficiary in that position, 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 except for a classroom teacher in a job-sharing ~~position~~ position or a guidance counselor 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. Notwithstanding the foregoing, the term "teacher" shall not include any nonimmigrant alien employed in elementary or secondary public schools (whether employed in a full-time, part-time, temporary, permanent, or substitute teacher position) and participating in an exchange visitor program designated by the United States Department of State pursuant to 22 C.F.R. Part 62."

1 **SECTION 3.** G.S. 135-4(b) reads as rewritten:

2 "(b) The Board of Trustees shall fix and determine by appropriate rules and
3 regulations how much service in any year is equivalent to one year of service, but in no
4 case shall more than one year of service be creditable for all services in one year.
5 Service rendered for the regular school year in any district shall be equivalent to one
6 year's service. Service rendered by a classroom teacher in a job-sharing position or a
7 guidance counselor in a job-sharing position shall be credited at the rate of one-half year
8 for each regular school year of employment.

9 **SECTION 4.** G.S. 135-40.2(a2) reads as rewritten:

10 "(a2) A classroom teacher in a job-sharing position as defined in G.S.
11 115C-302.2(b) or a guidance counselor in a job-sharing position as defined in G.S.
12 115C-302.2(b1) shall be eligible for coverage under the Plan, on a partially contributory
13 basis, subject to the provisions of G.S. 135-40.3. If these employees elect to participate
14 in the Plan, the employing unit shall pay fifty percent (50%) of the Plan's total
15 noncontributory premiums. Individual employees shall pay the balance of the total
16 noncontributory premiums not paid by the employing unit."

17 **SECTION 5.** Nothing in this act shall be construed to require local school
18 administrative units to place part-time employees in job-sharing positions or to hire
19 employees in job-sharing positions.

20 **SECTION 6.** Sections 1 through 4 of this act become effective January 1,
21 2004. The remainder of this act is effective when it becomes law.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2003

H

D

HOUSE BILL 271
PROPOSED COMMITTEE SUBSTITUTE H271-PCS30186-RJ-6

Short Title: Job Sharing for School Counselors/Study.

(Public)

Sponsors:

Referred to:

March 6, 2003

A BILL TO BE ENTITLED
AN ACT TO AMEND THE DEFINITION OF TEACHER IN A JOB-SHARING
POSITION, TO FACILITATE JOB SHARING BY PUBLIC SCHOOL
GUIDANCE COUNSELORS, AND TO AUTHORIZE THE JOINT
LEGISLATIVE EDUCATION OVERSIGHT COMMITTEE TO STUDY ISSUES
RELATED TO JOB SHARING BY OTHER PUBLIC SCHOOL EMPLOYEES.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 115C-302.2 reads as rewritten:

**"§ 115C-302.2. Job sharing by classroom ~~teachers~~teachers and guidance
counselors.**

(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 and that there is a shortage of qualified guidance counselors in certain 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 and would make counseling an attractive option for guidance counselors 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~~schedule; and
- (3) Spends at least seventy percent (70%) of his or her work time in classroom ~~instruction~~and instruction.
- (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.~~

1 The term does not include certified instructional support personnel or certified
2 school services personnel such as guidance counselors, media coordinators,
3 psychologists, social workers, audiologists, speech and language pathologists, and
4 nurses.

5 (b1) A "guidance counselor in a job-sharing position" is a person who:

6 (1) Is employed by a local board of education as a guidance counselor for
7 fifty percent (50%) of the guidance counselor workweek, as defined by
8 that local board of education; and

9 (2) Is paid on the teacher salary schedule.

10 (c) The State Board of Education shall adopt rules to facilitate job sharing by
11 ~~classroom teachers.~~ teachers and guidance counselors. These rules shall provide that a
12 classroom teacher or a guidance counselor in a job-sharing position shall receive paid
13 legal holidays, annual vacation leave, sick leave, and personal leave on a pro rata basis.
14 ~~Such a teacher an employee~~ shall also receive service credit under the Teachers' and
15 State Employees' Retirement System as provided in G.S. 135-4(b) and insurance
16 benefits as provided in Article 3 of Chapter 135 of the General Statutes.

17 (d) Before a local board of education designates a guidance counselor position as
18 a job-sharing position, the board must determine that there is a shortage of guidance
19 counselors in that local school unit."

20 SECTION 2. G.S. 135-1(25) reads as rewritten:

21 "(25) "Teacher" shall mean any teacher, helping teacher, classroom teacher
22 in a job-sharing position as defined in G.S. 115C-302.2(b) except for a
23 beneficiary in that position, guidance counselor in a job-sharing
24 position as defined in G.S. 115C-302.2(b1) except for a beneficiary in
25 that position, librarian, principal, supervisor, superintendent of public
26 schools or any full-time employee, city or county, superintendent of
27 public instruction, or any full-time employee of Department of Public
28 Instruction, president, dean or teacher, or any full-time employee in
29 any educational institution supported by and under the control of the
30 State: Provided, that the term "teacher" shall not include any part-time,
31 temporary, or substitute teacher or employee except for a classroom
32 teacher in a job-sharing ~~position~~ position or a guidance counselor in a
33 job-sharing position and shall not include those participating in an
34 optional retirement program provided for in G.S. 135-5.1 or G.S.
35 135-5.4. In all cases of doubt, the Board of Trustees, hereinbefore
36 defined, shall determine whether any person is a teacher as defined in
37 this Chapter. On and after August 1, 2001, a person who is a
38 nonimmigrant alien and who otherwise meets the requirements of this
39 subdivision shall not be excluded from the definition of "teacher"
40 solely because the person holds a temporary or time-limited visa.
41 Notwithstanding the foregoing, the term "teacher" shall not include
42 any nonimmigrant alien employed in elementary or secondary public
43 schools (whether employed in a full-time, part-time, temporary,
44 permanent, or substitute teacher position) and participating in an

1 exchange visitor program designated by the United States Department
2 of State pursuant to 22 C.F.R. Part 62."

3 **SECTION 3.** G.S. 135-4(b) reads as rewritten:

4 "(b) The Board of Trustees shall fix and determine by appropriate rules and
5 regulations how much service in any year is equivalent to one year of service, but in no
6 case shall more than one year of service be creditable for all services in one year.
7 Service rendered for the regular school year in any district shall be equivalent to one
8 year's service. Service rendered by a classroom teacher in a job-sharing position or a
9 guidance counselor in a job-sharing position shall be credited at the rate of one-half year
10 for each regular school year of employment."

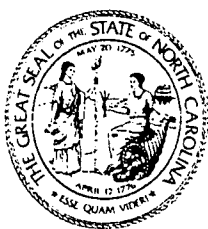
11 **SECTION 4.** G.S. 135-40.2(a2) reads as rewritten:

12 "(a2) A classroom teacher in a job-sharing position as defined in G.S.
13 115C-302.2(b) or a guidance counselor in a job-sharing position as defined in G.S.
14 115C-302.2(b1) shall be eligible for coverage under the Plan, on a partially contributory
15 basis, subject to the provisions of G.S. 135-40.3. If these employees elect to participate
16 in the Plan, the employing unit shall pay fifty percent (50%) of the Plan's total
17 noncontributory premiums. Individual employees shall pay the balance of the total
18 noncontributory premiums not paid by the employing unit."

19 **SECTION 5.** Nothing in this act shall be construed to require local school
20 administrative units to place part-time employees in job-sharing positions or to hire
21 employees in job-sharing positions.

22 **SECTION 6.** The Joint Legislative Education Oversight Committee shall
23 study issues relating to job sharing by public school employees other than teachers and
24 guidance counselors. In the course of the study, the Committee shall study the need to
25 facilitate job sharing for these employees, the cost to the local school administrative unit
26 to hire employees in job-sharing positions, and the impact of job sharing on the
27 Teachers' and State Employees' Retirement System and the Comprehensive Major
28 Medical Plan. The Committee shall report on the results of this study to the 2004
29 Regular Session of the 2003 General Assembly.

30 **SECTION 7.** Sections 1 through 4 of this act become effective January 1,
31 2004. The remainder of this act is effective when it becomes law.



HOUSE BILL 271: Job Sharing for School Counselors.

BILL ANALYSIS

Committee: House Education
Date: March 26, 2003
Version: PCS for First Edition
H271-CSRJ-6 (v.4)

Introduced by: Reps. Glazier, Warner, Lucas
and Insko
Summary by: Sara Kamprath
Committee Analyst

SUMMARY: *The proposed committee substitute for House Bill 271 would facilitate job sharing by guidance counselors who do not wish to work full time by requiring the State Board of Education to adopt rules that provide holidays and leave benefits on a pro rata basis. The proposed committee substitute for the bill also amends the creditable service section of the Teachers' and State Employees' Retirement System for a guidance counselor in a job-sharing position as defined in G.S. 115C-302.2(b1). The bill also amends the eligibility criteria of the Comprehensive Major Medical Plan to allow coverage on a partially contributory basis for those employees. The Joint Legislative Education Oversight Committee shall study issues relating to job sharing by other public school employees.*

Major Differences between the Proposed Committee Substitute and the First Edition

1. The proposed committee substitute deletes the requirement in existing law that a classroom teacher in a job-sharing position can only share that position with another teacher who also is eligible to be a teacher in a job-sharing position.
2. Before a teacher position can be classified as a job-sharing position, the local board must make a determination that a shortage of qualified classroom teachers with that certification or at that grade level exists in the school unit. Before a guidance counselor position can be classified as a job-sharing position, the local board must make a determination that a shortage of guidance counselors exists in the school unit.
3. The Joint Legislative Education Oversight Committee shall study job sharing by other public school employees, including the cost to the local school unit and the impact on the State Retirement System and Major Medical Plan.

BACKGROUND:

Under current law, only those State employees who work a minimum of 30 hours per week or more for nine or more months per year are members of the Teachers' and State Employees' Retirement System and are eligible for coverage under the Teachers' and State Employees' Comprehensive Major Medical Plan.

During the 2002 Session, the General Assembly passed legislation allowing a classroom teacher to share a teacher position with another classroom teacher employed by the same local board of education. Both teachers had to be employed for 50% of the teacher workweek, be paid on the teacher salary schedule and spend 70% of their time in classroom instruction. Other certified instructional support personnel and certified school services personnel, including guidance counselors, were specifically excluded.

HOUSE BILL 271

Page 2

BILL ANALYSIS:

Section 1. The proposed committee substitute for House Bill 271 deletes the current requirement that a classroom teacher in a job-sharing position must share that position with one other employee who also is eligible to be a teacher in a job-sharing position.

The proposed committee substitute amends G.S. 115C-302.2 to facilitate job sharing for guidance counselors who choose not to work full time. Under rules adopted by the State Board of Education, these job sharing guidance counselors will have paid legal holidays, annual vacation leave, sick leave and personal leave on a pro rata basis. A job sharing guidance counselor will also receive service credit under the Teachers' and State Employees' Retirement System and insurance benefits. A guidance counselor in a job-sharing position is defined as a person who is:

1. Employed by a local board of education as a guidance counselor for 50% of the guidance counselor workweek; and
2. Paid on the teacher salary schedule.

Section 2. House Bill 271 rewrites G.S. 135-1(25) by amending the definition of "Teacher" in the Teachers' and State Employees' Retirement System (TSERS) to include a guidance counselor in a job-sharing position as defined in G.S. 115C-302.2(b1).

Section 3. The proposed committee substitute for House Bill 271 rewrites G.S. 135-4 regarding creditable service in the TSERS to allow a guidance counselor in a job-sharing position as defined in G.S. 115C-302.2(b1) to receive credit at the rate of one-half year for each regular school year that the individual was employed, but the salary credited shall be that of the full-time position.

Section 4. The proposed committee substitute for House Bill 271 allows a guidance counselor in a job-sharing position as defined in G.S. 115C-302.2(b1) to be eligible for coverage under the Comprehensive Major Medical Plan on a partially contributory basis. If such 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. Nothing in the proposed committee substitute for 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 6. The Joint Legislative Education Oversight Committee shall study job sharing by other public school employees including the need for it, the cost to local school units and the impact on the State Retirement System and the State Health Plan.

Sections 1 through 4 of the bill become effective January 1, 2004. The rest of the bill becomes effective when it becomes law.

H271-SMRJ-003

17.1 – Job-Sharing for Teachers

17.1.1 Overview

The purpose of the policy is to promote job sharing among public school teachers. The legislation requires a 50-50 split of the shared position. The State Board of Education policy requires that if the local board wishes to employ job-sharing teachers, it designate one or more 40 hour per week teaching positions as job-sharing positions.

17.1.2 Eligibility

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;
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 section.

These job-sharing provisions are for classroom teachers **only**. They do not apply to 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.

17.1.3 Reemployed Retirees

Because the benefits for teachers employed in job-sharing positions include retirement, retirees can only be employed in temporary job-sharing positions. Retirees employed in temporary job-sharing positions do not earn leave benefits but remain subject to the Teachers' and State Employees' Retirement System earnings cap. (See Section 16).

17.1.4 Salary

Teachers in job sharing positions will be paid pro-rata based on the teacher salary schedules. 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.

17.1.5 Benefits

A teacher in a permanent job-sharing position shall receive paid legal holidays, annual vacation leave, sick leave, and personal leave on a pro rata basis. Such a teacher also receives service credit under the Teachers' and State Employees' Retirement System as provided in G.S. 135-4(b) and insurance benefits as provided in G.S. 135-40.2. Retirement is earned at a rate of one-half year of retirement credit for each regular school year of employment. Participation in the State Health Plan is an optional benefit. If the employee elects to participate in the State Health Plan the employing school unit pays 50% of the Plan's total non-contributory premiums and the employee pays the balance.

Legal Reference(s)

G. S. 115C-302.2
G.S. 135-4(b)
G.S. 153-40.2
16 NCAC 6C.0405

**JCK
CONSULTANTS**

A Mellon Financial Company

200 Galleria Parkway, N.W., Suite 1900
Atlanta, Georgia 30339-5945

March 21, 2003

Ms. Pam Deardorff
Director of External Relations
Retirement Systems Division
Department of State Treasurer
325 North Salisbury Street
Raleigh, NC 27603-1385

House Bill 271

Dear Ms. Deardorff:

We have received your letter of March 19 regarding House Bill 271 which affects the Teachers' and State Employees' Retirement System.

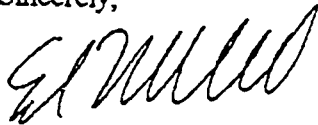
This legislation appears, in Section 1, to amend G.S. 115C-302.1(b) to include guidance counselors. This legislation appears, in Section 2, to amend the definition of "teacher" to include guidance counselors in a job-sharing position as defined in G.S. 115C-302.2(b2). Section 3 appears to amend the provision of G.S. 135-4(b) regarding creditable service in the TSERS to allow a guidance counselor in a job-sharing position to receive credit at the rate of one-half year for each regular school year of employment.

Sections 1 through 4 would become effective January 1, 2004, and the remainder of the Act would be effective upon ratification.

There would be no cost to the System due to this legislation.

If we can be of further assistance with regard to this legislation, please do not hesitate to contact us.

Sincerely,

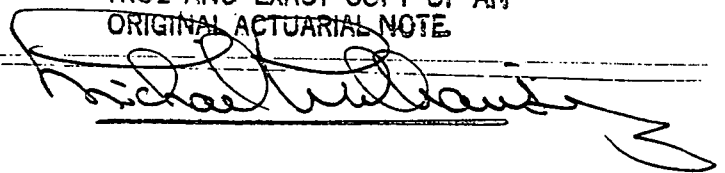


Edward A. Macdonald
Principal, Consulting Actuary

EAM:sr

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167 RETD-169

THIS IS TO CERTIFY THAT THIS IS A
TRUE AND EXACT COPY OF AN
ORIGINAL ACTUARIAL NOTE



Buck Consultants, Inc.

770 1955-2488 Fax 770 1933-8336

**NORTH CAROLINA GENERAL ASSEMBLY
LEGISLATIVE ACTUARIAL NOTE**

BILL NUMBER: House Bill 271. Sections 4 & 6

SHORT TITLE: Job Sharing for School Counselors

SPONSOR(S): Rep. Glazier.

SYSTEM OR PROGRAM AFFECTED: Teachers' and State Employees' Comprehensive Major Medical Plan.

FUNDS AFFECTED: State General Fund, State Highway Fund, other State employer receipts, premium payments for dependents by active and retired teachers and State employees, premium payments for coverages selected by eligible former teachers and State employees and premium payments for coverages selected by firefighters, rescue squad workers, and members of the National Guard..

BILL SUMMARY: The bill adds guidance counselors to the public school jobs that are allowed job-sharing privileges, including partially contributory premiums for coverage by the Teachers' and State Employees' Comprehensive Major Medical Plan. Partially contributory premiums are only authorized at 50% of non-contributory rates paid by public school employers with the remainder of the non-contributory rates paid by job sharing employees. A job sharing job is one in which an employee is employed by a local board of education for 50% of the employee's normal workweek as determined by the board, is one in which the employee is paid on a state salary schedule, and one in which the employee shares the job with another job sharing employee.

EFFECTIVE DATE: January 1, 2004.

ESTIMATED IMPACT ON STATE: Aon Consulting, the consulting actuary for the Teachers' and State Employees' Comprehensive Major Medical Plan, does not expect any additional cost to the Plan for enactment of the bill. Hartman & Associates, the consulting actuary for the General Assembly's Fiscal Research Division, does not expect enactment of the bill to produce a significant financial impact to the Plan.

ASSUMPTIONS AND METHODOLOGY: The Comprehensive Major Medical Plan for Teachers and State Employees is divided into two programs. From October, 1982, through June, 1986, the Plan only had a self-funded indemnity type of program which covered all employees, retired employees, eligible dependents of employees and retired employees, and eligible former employees and their eligible dependents authorized to continue coverage past a termination of employment other than for retirement or disability purposes. A prepaid program of coverage by health maintenance organizations (HMOs) was offered in July, 1986, as an alternative to the Plan's self-insured indemnity program. The benefits of the self-insured indemnity type of program are spelled out in Part 3 of Article 3 of Chapter 135 of the North Carolina General Statutes (i.e., \$350 annual deductible, 20% coinsurance up to \$1,500 annually, etc. paid by the program's members). HMOs are required to offer benefits that are comparable to those provided by the self-insured indemnity program. Beginning in July, 2000, firefighters, rescue squad workers, and members of the National Guard and their eligible dependents were allowed to voluntarily participate in the Plan on a fully contributory basis, provided they were ineligible for any other type of group health benefits and had been without such benefits for at least six months. Employer-paid non-contributory premiums are only authorized for the indemnity program's

coverage for employees and retired employees. All other types of premium in the indemnity program are fully contributory, except for job-sharing public school teachers who are authorized partially contributory premiums at 50% of non-contributory rates. The Plan's Executive Administrator has set the premium rates for firefighters, rescue squad workers, and members of the National Guard and their families at 20% more than the comparable rates charged for employees, retired employees, and their families. Premiums paid by employers to HMOs are limited to like amounts paid to the indemnity program with employees and retired employees paying any HMO amounts above the indemnity program's non-contributory rates. Both types of coverage continue to be available in the Plan; however none of the HMOs with certificates of authority to transact business in North Carolina have offered to participate in the Plan since September 30, 2001. The Plan's employees and retired employees select the type of program that they wish for themselves and their dependents during the months of August and September of each year for coverage beginning in October. The demographics of the Plan as of December 31, 2002, include:

	<u>Self-Insured Indemnity Program</u>	<u>Alternative HMOs</u>	<u>Plan Total</u>
<u>Number of Participants</u>			
Active Employees	280,065	-0-	280,065
Active Employee Dependents	137,841	-0-	137,841
Retired Employees	117,225	-0-	117,225
Retired Employee Dependents	18,999	-0-	18,999
Former Employees & Dependents with Continued Coverage	2,535	-0-	2,535
Firefighters, Rescue Squad Workers, National Guard Members & Dependents	7	-0-	7
Total Enrollments	556,672	-0-	556,672
<u>Number of Contracts</u>			
Employee Only	313,439	-0-	313,439
Employee & Child(ren)	40,978	-0-	40,978
Employee & Family	44,710	-0-	44,710
Total Contracts	399,127	-0-	399,127
<u>Percentage of Enrollment by Age</u>			
29 & Under	26.9%	-0-%	26.9%
30-44	20.9	-0-	20.9
45-54	20.9	-0-	20.9
55-64	16.2	-0-	16.2
65 & Over	15.1	-0-	15.1
<u>Percentage of Enrollment by Sex</u>			
Male	38.3%	-0-%	38.3%
Female	61.7	-0-	61.7

Assumptions for the Self-Insured Indemnity Program: For the fiscal year beginning July 1, 2002, the self-insured program started its operations with a beginning cash balance of \$91.6 million. Receipts for the year are estimated to be \$1.370 billion from premium collections and \$7 million from investment earnings for a total of \$1.377 billion in receipts for the year. Disbursements from the self-insured program are expected to be \$1.325 billion in claim payments and \$38 million in administration and claims processing expenses for a total of \$1.363 billion for the year beginning July 1, 2002. For the fiscal year beginning July 1, 2002, the self-insured indemnity program is expected to have a net operating gain of approximately \$14 million for the year. After reserving an additional \$15 million for implementation of the claims data and privacy requirements of the federal Health Insurance Portability and Accountability Act (HIPPA) that take effect on and after April 14, 2003, the Plan's self-insured indemnity program is expected to have an available beginning cash balance of \$90 million for the fiscal year beginning July 1, 2003. The self-insured indemnity program is nonetheless assumed to be unable to carry out its operations for the 2003-2005 biennium without increases in its current premium rates or a reduction in existing benefits or payments to health care providers or both. This assumption is further predicated upon the fact that the program's cost containment strategies (hospital DRG reimbursements, discounts on hospital outpatient services, pre-admission hospital testing, pre-admission hospital inpatient certification with length-of-stay approval, hospital bill audits, case and disease management for selected medical conditions, mental health case management, coordination of benefits with other payers, Medicare benefit "carve-outs", cost reduction contracts with participating physicians and other providers, a prescription drug benefit manager with manufacturer rebates from formularies, and fraud detection) are maintained and improved where possible. Current non-contributory premium rates are \$186.04 monthly for employees whose primary payer of health benefits is Medicare and \$244.38 per month for employees whose primary payer of health benefits is not Medicare. Fully contributory premium amounts for employee and child(ren) contracts are \$115.78 monthly for children whose primary payer of health benefits is Medicare and \$152.32 monthly for other covered children, and \$277.68 per month for family contracts whose dependents have Medicare as the primary payer of health benefits and \$365.36 per month for other family contract dependents. Claim cost trends are expected to increase 13% annually. Total enrollment in the program is expected to increase less than 1% annually over the next two years. The number of enrolled active employees is expected to show no increase over the next two years, whereas the growth in the number of retired employees is assumed to be 5% per year. The program is expected to have a 2% decrease in the number of active employee dependents per year whereas the number of retiree dependents is expected to increase 2% per year. Investment earnings are based upon a 4.5% return on available cash balances. The self-insured indemnity program maintains a claim stabilization reserve for claim cost fluctuations equal to 7.5% of annual claim payments without reserving additional funds for incurred but unreported claims.

Assumptions for the Indemnity Plan's Coverage of Job Sharing Employees: Effective January 1, 2003, the 2002 Session of the General Assembly provided for partially contributory premiums to the Plan for public school classroom teachers in job sharing appointments. Job sharing appointments are teachers employed for 50% of a teacher's normal workweek as determined by each employing local board of education. For these job sharing appointments, employing boards pay 50% of the Plan's non-contributory premium amount to the Plan with the job sharing teacher paying the remainder of the non-contributory premium amount. Information provided by the North Carolina Department of Public Instruction indicates that for the 2001-02 school year, a total of 3,217 guidance counselors were employed by local public school boards (2,979 from state funds, 202 from local funds, and 36 from federal funds). Additional data provided by the Department also reveals that in October, 2002, only 24 vacancies were reported by these local boards in jobs requiring guidance counselor licensure. The Department states that data is not available on the experience of local boards of education with job sharing classroom teachers authorized by the 2002 Session of the General Assembly.

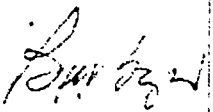
SOURCES OF DATA:

- Actuarial Note, Hartman & Associates, House Bill 271, March 11, 2003, original of which is on file in the General Assembly's Fiscal Research Division.
- Actuarial Note, Aon Consulting, House Bill 271, March 13, 2003, original of which is on file with the Comprehensive Major Medical Plan for Teachers and State Employees and the General Assembly's Fiscal Research Division.


TECHNICAL CONSIDERATIONS: None.

FISCAL RESEARCH DIVISION: 733-4910

PREPARED BY: Sam Byrd



APPROVED BY: James D. Johnson



DATE: March 17, 2003.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2003

H

1

HOUSE BILL 17

Short Title: School Curriculum Must Include Consumer Educ.

(Public)

Sponsors: Representatives Miller; and Cole.

Referred to: Education.

February 13, 2003

A BILL TO BE ENTITLED

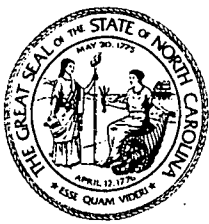
AN ACT TO REQUIRE THE PUBLIC SCHOOLS TO PROVIDE CONSUMER
EDUCATION IN GRADES NINE THROUGH TWELVE.

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, 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 2003-2004 school year.



HOUSE BILL 17:

School Curriculum Must Include Consumer Ed.

BILL ANALYSIS

Committee: House Education

Date: March 31, 2003

Version: First Edition

Introduced by: Rep. Miller

Summary by: Sara Kamprath

Committee Analyst

SUMMARY: *House Bill 17 requires that the State Board of Education adopt a consumer education curriculum for the 9th through 12th grade. The act is effective when it becomes law and begins with the 2003-04 school year.*

BACKGROUND: There are no courses that students are required to take that offer a comprehensive consumer education curriculum. Students may be exposed to some of the principles of consumer education in Career-Technical Education courses in the program area of Business Education, especially the course on the Principles of Business and Personal Finance. The Career-Technical Education courses are electives so every student may not take one of these courses. Students may also be exposed to some of the principles of consumer education in the 10th grade course, Civics and Economics. This course is a graduation requirement.

BILL ANALYSIS: House Bill 17 directs the State Board of Education to adopt a consumer education curriculum for 9th through 12th graders. The Board shall specify the minimum amount of instructional time needed. The bill also lists the topics that shall be covered in the curriculum. The new requirement would begin with the 2003-04 school year.

H17-SMRJ-001



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2001



SATURDAY, MAY 5
ENTRY INFO

Greenspan wants more financially literate citizens Understanding concepts of budgets, savings could forestall poor choices

By JEANNINE AVERSA Associated Press
The Herald-Sun
Saturday, April 07, 2001
Final Edition
Inside Front Section
Page A9

WASHINGTON - Helping Americans - especially young ones - understand basic concepts about budgeting and saving should prevent them from making bad financial decisions, Federal Reserve Chairman Alan Greenspan said Friday.

Greenspan stressed the importance of beginning the learning process as early as possible.

"Improving basic financial education at the elementary and secondary school level is essential to providing a foundation for financial literacy that can help prevent younger people from making poor financial decisions that can take years to overcome," Greenspan said in a speech to a Fed-sponsored conference on community development.

In his speech, Greenspan made no comments about the state of the nation's economy or the future course of interest rates.

The central bank has cut rates three times this year in an effort to stave off recession. Economists believe more reductions are on the way.

Greenspan said improving financial literacy among children and adults is particularly crucial given the ever-expanding financial choices facing consumers, as well as the ever-growing role of technology at home and at work.

"Education can play a critical role in equipping consumers with the fundamental knowledge required to choose among the myriad of products and providers in the financial services industry," Greenspan said.

In particular, a sound financial education "may help to prevent vulnerable consumers from becoming entangled in some types of financially devastating credit arrangements," he said.

Those consumers, often low-income, generally don't have access to or don't use banking services, such as checking and savings accounts.

Being armed with a financial education could be particularly helpful in stemming predatory lending, Greenspan said.

That's abusive mortgage lending, which Greenspan has criticized as unfair to minorities and the elderly.

But financial literacy can be useful in more basic ways - giving people the knowledge to create household budgets, initiate savings plans and make strategic investment decisions, he said.

"Such financial planning can help families to meet their near-term obligations," Greenspan said.

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U.S. SENATE COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Hearing on "The State of Financial Literacy and Education in America." First Hearing in a Series.

Prepared Statement of the Honorable Alan Greenspan Chairman, Board of Governors Federal Reserve System

9:30 a.m., Tuesday, February 5, 2002 - Dirksen 106

I am pleased to be here this morning to discuss the importance of improving financial literacy and learning for consumers.

Given the importance of accurate and timely information in the financial services industry, it is not surprising that this sector has benefited enormously from the innovative application of new technologies that have facilitated the development of a wide range of new financial providers and products. For consumers of household and business credit, computer and telecommunications technologies have lowered the cost and broadened the scope of financial services. As a consequence, we have seen a proliferation of specialized lenders and new financial products that are tailored to meet very specific market needs. At the same time, the development of credit-scoring tools and the securitization of loan pools holds the potential for opening doors to national credit markets for both consumers and businesses. In addition to technological advancement, deregulation has created important structural changes in the financial services industry and contributed significantly to creating a marketplace that is increasingly competitive and highly innovative as a result of the entry or expansion of new players.

Throughout our banking history, we have seen significant adjustments made to existing policies to enable markets to respond to the demand for services. These structural changes have heightened competition, resulting in market efficiencies that continue to help drive down costs and foster the emergence of increasingly diverse and highly specialized organizations. Through these entities, which range from banks and brokerage firms that offer their services exclusively through electronically based delivery mechanisms to locally based public-private partnerships that provide counseling and financing arrangements to facilitate access to mortgage credit for low- and moderate-income families, consumers have increased access to a variety of credit and savings instruments. Corporations, for example, often allow employees to self-direct their investments in pension and other benefit plans, whereas employers dictated such decisions twenty years ago, and the advent of on-line brokerage firms has enabled individual investors to directly conduct stock transactions.

For an increasingly complex financial system to function effectively, widespread dissemination of timely financial and other relevant information among educated market participants is essential if they are to make the type of informed judgments that promote their own well-being and foster the most efficient allocation of capital.

However beneficial, constant change, of course, can be unsettling, and one challenge we face is

overcoming such anxieties. But just as the rapid adoption of new information technologies has expanded the scope and utility of our financial products, so has it increased our means for addressing some of the challenges these changes pose. For example, just as universities provide remote learning options to allow students to pursue continuing education via the Internet, consumers can utilize software to create customized budgets to develop long-term savings strategies for retirement or their children's college education. In both scenarios, technological advances represent the opportunity for achieving efficiencies and exercising preferences, but only when the end users possess the knowledge of how to access pertinent information and how to capitalize on those choices.

As in the workplace, fostering education that will enable individuals to overcome their reluctance or inability to take full advantage of technological advances and product innovation in the financial sector can be a means of increasing economic opportunity. As market forces continue to expand the range of providers of financial services, consumers will have more choice and flexibility in how they manage their financial matters. They will also need to accumulate the appropriate knowledge about how to use new technologies and how to make financial decisions in an informed manner.

Indeed, surveys repeatedly demonstrate a strong link between education and the use of new financial technologies. For example, data from the Federal Reserve's Survey of Consumer Finances (SCF) suggest that a higher level of education significantly increases the chances that a household will use an electronic banking product. In particular, in 1998, the typical user of an electronic source of information for savings or borrowing decisions had a college degree--a level of education currently achieved by only about one-third of U.S. households.

These most recent data from the SCF exhibit a mixed picture of the financial status of households, providing evidence that we need to reach out to those who have not been able to participate fully. For example, while the median real net worth for all families increased 17-1/2 percent between 1995 and 1998, this trend did not hold where the head of the household had a high-school level of education or less, family earnings were less than \$25,000 annually, or the ethnicity of the respondent was non-white or Hispanic. That families with low-to-moderate incomes and minorities did not appear to fully benefit from the highly favorable economic developments of the mid-1990s is, of course, troubling, and the data from the 2001 survey that will be available later this year will warrant a detailed look. Through 1998 we found that families with incomes below \$25,000 did increase their direct or indirect holdings of stock, and more reported that they had a transactions account. However, they were less likely to hold nonfinancial assets--particularly homes, which constitute the bulk of the value of assets for those below the top quintile according to income. At the same time, one encouraging finding from the survey is that the homeownership rate among minorities rose from 44 percent to 47 percent between 1995 and 1998, and according to the Census surveys, the rate edged above 48 percent as of the fourth quarter of 2001. This trend may be a sign of improved access to credit for minorities.

Other findings of the SCF through 1998 include the rise in families' median level of debt burden, financial stress (defined as debt payments that represent more than 40 percent of income), and incidence of late debt repayment. The findings showed increases in each of these categories across all income and age groups, with the highest levels of financial stress among households headed by people 65 and older and earning less than \$25,000 annually. The recent evident rise in subprime loan delinquencies is of some concern in this regard.

In considering means to improve the financial status of families, education can play a critical role by equipping consumers with the knowledge required to make wise decisions when choosing among the myriad of financial products and providers. This is especially the case for populations that have traditionally been underserved by our financial system. In particular, financial literacy education may help to prevent vulnerable consumers from becoming entangled in financially devastating credit

arrangements. In the quest to stem the occurrence of abusive, and at times illegal, lending practices, regulators, consumer advocates, and policymakers all agree that consumer education is essential to combating predatory lending. An informed borrower is simply less vulnerable to fraud and abuse. Financial literacy can empower consumers to be better shoppers, allowing them to obtain goods and services at lower cost. This effectively increases their household budgets, providing more opportunity to consume and save or invest. In addition, comprehensive education can help provide individuals with the financial knowledge necessary to create household budgets, initiate savings plans, manage debt, and make strategic investment decisions for their retirement or their children's education. Having these basic financial planning skills can help families to meet their near-term obligations and to maximize their longer-term financial well-being.

While data to measure the efficacy of financial education are not plentiful, the limited research is encouraging. For example, a recent study by Freddie Mac, one of the nation's largest purchasers of home mortgages, finds that homebuyers who obtain structured homeownership education have reduced rates of loan delinquency. Similarly, an evaluation conducted by the National Endowment for Financial Education on its high-school-based programs found that participation in financial-planning programs improved students' knowledge, behavior, and confidence with respect to personal finance, with nearly half of participants beginning to save more as a result of the program. Another Freddie Mac study of the relationship between financial behavior and financial outcomes revealed that comprehension of the general principles of sound financial behavior, such as budgeting and saving, is actually more beneficial in producing successful financial results over time than specific and detailed information on financial transactions.

These findings underscore the importance of beginning the learning process as early as possible. Indeed, in many respects, improving basic financial education at the elementary and secondary school level is essential to providing a foundation for financial literacy that can help prevent younger people from making poor financial decisions that can take years to overcome. In particular, it has been my experience that competency in mathematics--both in numerical manipulation and in understanding its conceptual foundations--enhances a person's ability to handle the more ambiguous and qualitative relationships that dominate our day-to-day financial decisionmaking. For example, through an understanding of compounding interest, one can appreciate the cumulative benefit of routine saving. Similarly, learning how to conduct research in a library or on the Internet helps one find information to evaluate decisions. Focusing on improving fundamental mathematic and problem-solving skills can develop knowledgeable consumers who can take full advantage of the sophisticated financial services offered in an ever-changing marketplace.

As I noted earlier, we have seen the marketplace respond to an increased demand for conceptual job skills by increasing the range of educational options available to individuals. We are also beginning to see similar efforts to provide consumers with information and training that will improve their knowledge about financial matters throughout their lives. For example, the U.S. military, in response to surveys that revealed that nearly one-third of enlisted service members reported moderate-to-severe difficulty in paying bills, has mandated that all incoming enlisted personnel receive financial education.

Some school systems have introduced financial-management classes as part of their high-school curricula and many employers are taking up the challenge as well. At the Federal Reserve Board, for example, interest in financial education prompted an employee committee to host a seminar on financial-planning strategies, and our Consumer and Community Affairs staff recently hosted several well-attended educational programs for Federal Reserve employees, providing information on qualifying for a mortgage and managing debt. In fact, in conjunction with National Consumers' Week, today an additional employee seminar on budgeting is underway.

Despite the existence and proliferation of numerous training programs offered by a wide variety of public, private, and nonprofit organizations, evaluation of the efficacy of such programs has just recently begun. A study commissioned and published by the Fannie Mae Foundation recommended that financial education programs equip consumers of all ages and across all socioeconomic groups with the ability to know when they need information, where they can find it, and how to apply it.

The Federal Reserve also has a keen interest in measuring the effectiveness of financial literacy programs. For example, we hosted a forum highlighting best practices in credit education focusing on effective tools and techniques and identifying programmatic challenges and issues. More recently, we have included studies that evaluate the impact of such training initiatives in our call for papers for the Community Affairs Research Conference scheduled for the spring of 2003. Additionally, our Community Affairs and Public Information Offices have embarked on a national initiative to highlight the importance of financial literacy and heighten the visibility of economic education programs. Quantitative study of the quality and long-term success of education and training will be of particular interest to the Federal Reserve System, as we develop and distribute a wide variety of financial and economic literacy products.

Both individually and through long-standing partnerships with a variety of local, regional, and national organizations, each of the twelve Federal Reserve Banks and the Board provide extensive information on these topics to a wide range of audiences, including school-age children, low- and moderate-income families, and minority and immigrant populations. The scope of these activities ranges from the sponsorship of competitions on economic principles for high-school students and workshops on homeownership and wealth-building strategies to the development of computer-based tools for understanding mortgage borrowing and creating household budgets and savings plans. The economic educators of the Federal Reserve System launched an interactive web site offering students, educators, and the general public an introduction to the workings of the Fed and the nation's banking system. The goal is to offer consumers a clearer picture of, for example, how the Federal Reserve's decisions influence the economy and consequently affect their monetary choices.

In closing, let me simply reiterate that the pace of technological change and competitive pressures can only increase. These changes are affecting both financial and nonfinancial institutions around the world. We cannot know the precise directions in which technological change will take us, but as in recent years, the role of banks and other providers of financial services will surely be significantly affected by the same basic forces that guide the real economy. Building bridges between community organizations, our educational institutions, and private business will be an essential aspect of our efforts to increase familiarity with new technological and financial tools that are fundamental to improving individual economic well-being. And the success of such efforts will have a significant bearing on how well prepared we are to meet the challenges of an increasingly knowledge-based economy.

VISITOR REGISTRATION SHEET

Education

Name of Committee

4/1/03

Date

VISITORS: PLEASE SIGN BELOW AND RETURN TO COMMITTEE CLERK

NAME

FIRM OR AGENCY AND ADDRESS

Gene Caysky	NCEESA
Susan Harrison	WCPSS
Y. M. Howell	UCLU
Max Denny	VIF
	Muller Co
Devon White	Professional Educators of NC
Katherine Joyce	NCAAA
June Atkinson	DPI
Jane Trankam	Office of the SBE
Ann McArthur	Governor's Office
Leanne Wrenn	NCSEA
Zany Wilson	Office of SBE
Jason de arclaff	Retirement Division
Paul Stock	NC Bankers Assn.
Butch Gunnells	NCSDA
Hal Miller	NEAECT
Chris Nichols	Horton & Williams
Johnny Bowditch	ADA
John R. R.	NCFPC
Amy Denson	NC Statewide
Michael Houser	NCAE
Dike Hawkins	Advantage West
Yvonne Perry	NCSPA
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House Education Committee

April 8, 2003

Minutes

The House Education Committee met on Tuesday, April 8, 2003 at 11:00 a.m. in Room 643 of the Legislative Office Building. Chairman Steve Wood called the meeting to order and introduced the Pages and Sergeant-at-Arms assigned to serve the House Education Committee at this meeting (Attachment I). The attendance sheet indicates members present (Attachment II). The Visitor Registration sheet (Attachment III) and Notes for Agenda Items (Attachment IV) are also attached.

Chairman Wood stated House Bill 17 (Attachment V) was being continued from the last meeting and there is a new Proposed Committee Substitute for this bill.

Representative Bonner made a motion for the Proposed Committee Substitute for House Bill 17 to be adopted for discussion purposes.

Representative Paul Miller was recognized to explain the Proposed Committee Substitute for House Bill 17, A BILL TO BE ENTITLED AN ACT TO ENCOURAGE THE PUBLIC SCHOOLS TO PROVIDE CONSUMER EDUCATION IN GRADES NINE THROUGH TWELVE (Attachment VI). Representative Miller stated the Proposed Committee Substitute adds the permissive language and makes other small alterations to the bill. He also asked for a Favorable Report for the PCS.

Chairman Wood opened the floor for discussion.

Representative Michaux made a motion for a Favorable Report to the Proposed Committee Substitute, Unfavorable to the original. Motion passed.

Chairman Wood recognized Representative Bell to explain House Bill 303, A BILL TO BE ENTITLED AN ACT TO REQUIRE ALL SCHOOL CHILDREN TO RECEIVE AT LEAST THIRTY MINUTES OF PHYSICAL EDUCATION ACTIVITY DURING A SCHOOL DAY (Attachment VII). Chairman Wood stated there was a Proposed Committee Substitute for House Bill 303, A BILL TO BE ENTITLED AN ACT TO PROMOTE HEALTHY, ACTIVE CHILDREN IN KINDERGARTEN THROUGH EIGHTH GRADE (Attachment VIII).

Chairman Hilton moved for adoption of the Proposed Committee Substitute for discussion.

Representative Bell stated the Proposed Committee Substitute was needed to try to do something to improve children's health and asked for a Favorable Report.

Proposed Committee Substitute was displaced until Representative Bell could consult with staff concerning discrepancies.

Representative Gorman was recognized to explain House Bill 345, A BILL TO BE ENTITLED AN ACT TO PERMIT THE STATE BOARD OF EDUCATION TO GRANT OR RENEW SCHOOL CHARTERS FOR A PERIOD OF UP TO TEN YEARS (Attachment IX). Representative Gorman stated this bill changes the time frame, for which Charters are granted, from five years to ten years.

Chairman Wood opened the floor for discussion.

Dr. Ortho Tucker from the Office of Charter Schools, DPI responded to questions from the Committee.

Representative Gorman made a motion for a Favorable Report. Motion passed.

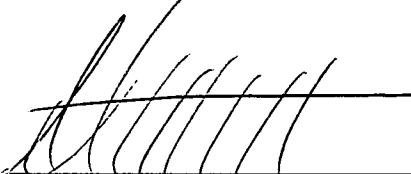
The Proposed Committee Substitute for House Bill 303 was distributed and Chairman Wood recognized Representative Bell to explain.

Representative Bell stated three visitors were present to speak to the Committee concerning this bill. He introduced Sue Lynn Ledford, RN, BSN NCSN, School Health Coordinator for Cherokee County Schools, Dr. Mary Lou Veal, Associate Professor of Exercise and Sport Science at UNCG, and Ms. Shellie Pfohl, Executive Director of Be Active North Carolina. Ms. Ledford and Dr. Veal spoke on behalf of the bill.

Chairman Wood opened the floor for discussion.

Representative Michaux made a motion for a Favorable Report to the Proposed Committee Substitute, Unfavorable to the original. Motion passed.

Meeting was adjourned.


Representative Steve Wood
Chairman


Wendy Miller
Committee Clerk

TV

House Education
Notes for Agenda Items
April 8, 2003

Remind the committee:

- there are 11 bills currently in this committee, 12 bills in the subcommittees, and we expect more since the bill introduction deadline isn't until Wednesday
- only 5 meetings, including today, until crossover on April 24
- therefore, subcommittees must meet to hear the bills in their committees

HB 17 School Curriculum Must Include Consumer Education

Rep. Miller

Sara and Drupti are handling

A PCS needs to be adopted for discussion

June Atkinson, DPI, will be in the audience to answer questions

NOTE: IF THERE ARE ANY AMENDMENTS, 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.

HB 303 Physical Education Required in Schools

Rep. Bell

Shirley and Robin are handling the bill

PCS needs to be adopted for discussion.

June Atkinson, DPI, will be in the audience to answer questions

NOTE: IF THERE ARE ANY AMENDMENTS, 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.

Continued on next page

HB 345 Charter Schools Approved for 10 Years

Rep. Gorman

Shirley and Robin are handling

Otho Tucker, Office of Charter Schools, DPI, will be in the audience to answer questions

NOTE: IF THERE ARE ANY AMENDMENTS, 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.

April 8, 2003

2003 COMMITTEE REPORT HOUSE OF REPRESENTATIVES

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

By Representatives **Bonner, Hilton, Warner and Wood** (Chairs) for the Committee on
EDUCATION.

☐ Committee Substitute for
H.B. 17 A BILL TO BE ENTITLED AN ACT TO REQUIRE THE PUBLIC SCHOOLS TO
PROVIDE CONSUMER EDUCATION IN GRADES NINE THROUGH TWELVE.

- ☐ 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)

03/19/03

V

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2003

H

1

HOUSE BILL 17

Short Title: School Curriculum Must Include Consumer Educ.

(Public)

Sponsors: Representatives Miller; and Cole.

Referred to: Education.

February 13, 2003

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, 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 2003-2004 school year.

VI

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2003

H

D

HOUSE BILL 17
PROPOSED COMMITTEE SUBSTITUTE H17-CSRJ-7 [v.1]

4/4/2003 10:36:57 AM

Short Title: Sch. Curriculum Should Include Consumer Educ.

(Public)

Sponsors:

Referred to:

February 13, 2003

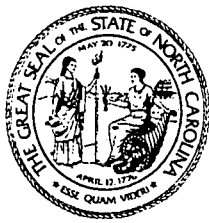
1 A BILL TO BE ENTITLED
2 AN ACT TO ENCOURAGE THE PUBLIC SCHOOLS TO PROVIDE CONSUMER
3 EDUCATION IN GRADES NINE THROUGH TWELVE.

4 The General Assembly of North Carolina enacts:

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

6 "(i) The State Board of Education is encouraged to adopt a consumer education
7 curriculum for grades 9 through 12 and should specify the minimum amount of
8 instructional time that shall be devoted to it. Topics covered in the curriculum shall
9 include, but not be limited to, installment purchasing, budgeting, investing, banking,
10 bank lending practices, comparisons between conventional and sub-prime lending
11 sources, consumer credit issues, comparisons of prices, and an understanding of the
12 consumer's role in formulating and achieving the goals of the free enterprise system."

13 SECTION 2. This act is effective when it becomes law and applies
14 beginning with the 2003-2004 school year.



HOUSE BILL 17: School Curriculum Must Include Consumer Ed.

BILL ANALYSIS

Committee: House Education
Date: March 31, 2003
Version: First Edition

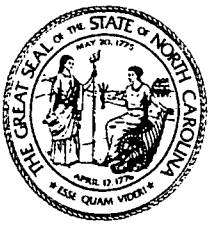
Introduced by: Rep. Miller
Summary by: Sara Kamprath
Committee Analyst

SUMMARY: *House Bill 17 requires that the State Board of Education adopt a consumer education curriculum for the 9th through 12th grade. The act is effective when it becomes law and begins with the 2003-04 school year.*

BACKGROUND: There are no courses that students are required to take that offer a comprehensive consumer education curriculum. Students may be exposed to some of the principles of consumer education in Career-Technical Education courses in the program area of Business Education, especially the course on the Principles of Business and Personal Finance. The Career-Technical Education courses are electives so every student may not take one of these courses. Students may also be exposed to some of the principles of consumer education in the 10th grade course, Civics and Economics. This course is a graduation requirement.

BILL ANALYSIS: House Bill 17 directs the State Board of Education to adopt a consumer education curriculum for 9th through 12th graders. The Board shall specify the minimum amount of instructional time needed. The bill also lists the topics that shall be covered in the curriculum. The new requirement would begin with the 2003-04 school year.

H17-SMRJ-001



HOUSE BILL 17: School Curriculum Must Include Consumer Ed.

BILL ANALYSIS

Committee: House Education
Date: April 8, 2003
Version: PCS for First Edition
H17-CSRJ-7[v.1]

Introduced by: Rep. Miller
Summary by: Sara Kamprath
Committee Analyst

SUMMARY: *The proposed committee substitute (PCS) for House Bill 17 encourages the State Board of Education to adopt a consumer education curriculum for the 9th through 12th grade. The act is effective when it becomes law and begins with the 2003-04 school year.*

Differences Between the PCS and the First Edition

The PCS includes the two amendments that were adopted at the last meeting. First, the State Board is encouraged to adopt a consumer education curriculum instead of requiring the Board to adopt one. Second, the reference to the mixed free enterprise system in the list of topics to be covered was deleted.

BACKGROUND: There are no courses that students are required to take that offer a comprehensive consumer education curriculum. Students may be exposed to some of the principles of consumer education in Career-Technical Education courses in the program area of Business Education, especially the course on the Principles of Business and Personal Finance. The Career-Technical Education courses are electives so every student may not take one of these courses. Students may also be exposed to some of the principles of consumer education in the 10th grade course, Civics and Economics. This course is a graduation requirement.

BILL ANALYSIS: House Bill 17 encourages the State Board of Education to adopt a consumer education curriculum for 9th through 12th graders. The Board should specify the minimum amount of instructional time needed. The bill also lists the topics that shall be covered in the curriculum. The new requirement would begin with the 2003-04 school year.

H17-SMRJ-002

**2003 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

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

By Representatives **Bonner, Hilton, Warner and Wood** (Chairs) for the Committee on
EDUCATION.

☐ Committee Substitute for

H.B. 303 A BILL TO BE ENTITLED AN ACT TO REQUIRE ALL SCHOOL CHILDREN
TO RECEIVE AT LEAST THIRTY MINUTES OF PHYSICAL EDUCATION ACTIVITY
DURING A SCHOOL DAY.

☐ With a favorable report.

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

☐ With a favorable report, as amended.

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

☒ With a favorable report as to 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)

03/19/03

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2003

H

1

HOUSE BILL 303

Short Title: Physical Education Required in Schools.

(Public)

Sponsors: Representatives Bell; Miller, Insko, and Jeffus.

Referred to: Education.

March 6, 2003

A BILL TO BE ENTITLED

AN ACT TO REQUIRE ALL SCHOOL CHILDREN TO RECEIVE AT LEAST
THIRTY MINUTES OF PHYSICAL EDUCATION ACTIVITY DURING A
SCHOOL DAY.

The General Assembly of North Carolina enacts:

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

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

- (1) A core curriculum for all students that takes into account the special needs of children and includes appropriate modifications for the learning disabled, the academically or intellectually gifted students, and the students with discipline and emotional problems;
- (2) A set of competencies, by grade level, for each curriculum area;
- (2a) A requirement that all school children receive at least 30 minutes of physical education activity each school day;
- (3) A list of textbooks for use in providing the curriculum;
- (4) Standards for student performance and promotion based on the mastery of competencies, including standards for graduation, that take into account children with special needs and, in particular, include appropriate modifications;
- (5) A program of remedial education;
- (6) Required support programs;
- (7) A definition of the instructional day;
- (8) Class size recommendations and requirements;
- (9) Prescribed staffing allotment ratios;
- (10) Material and equipment allotment ratios;
- (11) Facilities guidelines that reflect educational program appropriateness, long-term cost efficiency, and safety considerations; and

1 (12) Any other information the Board considers appropriate and necessary.

2 The State Board shall not adopt or enforce any rule that requires Algebra I as a
3 graduation standard or as a requirement for a high school diploma for any student whose
4 individualized education program (i) identifies the student as learning disabled in the
5 area of mathematics and (ii) states that this learning disability will prevent the student
6 from mastering Algebra I."

7 **SECTION 2.** G.S. 115C-47 is amended by adding a new subdivision to read:

8 "**§ 115C-47. Powers and duties generally.**

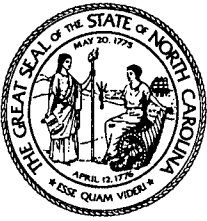
9 In addition to the powers and duties designated in G.S. 115C-36, local boards of
10 education shall have the power or duty:

11

...

12 (44) To Ensure That All Students Participate in Physical Education. – It is
13 the duty of each local board of education to ensure that all students
14 participate in at least 30 minutes of physical education activity each
15 school day."

16 **SECTION 3.** This act is effective when it becomes law and applies to all
17 school years beginning with the 2003-2004 school year.



HOUSE BILL 303: Physical Education Required in Schools

BILL ANALYSIS

Committee: House Education
Date: April 1, 2003
Version: First

Introduced by: Representative Bell
Summary by: Shirley Iorio
Committee Staff

SUMMARY: *House Bill 303 would require local boards of education to ensure that all students participate in at least thirty minutes of physical education activity each school day.*

The act would become effective when it becomes law and would apply to all school years beginning with the 2003-2004 school year.

CURRENT LAW: G.S. 115C-81 sets out the Basic Education Program (BEP) which describes the education program to be offered to every child in the public schools. Instruction shall be offered in the areas of arts, communication skills, **physical education** and personal health and safety, mathematics, media and computer skills, science, second languages, social studies, and vocational and technical education. The BEP must include course requirements and descriptions and a set of competencies, by grade level, for each curriculum area.

One of the duties of teachers listed in G.S. 115C-307(b) is to provide for the well-being of students:

"(b) To provide for General Well-Being of Students. - It shall be the duty of all teachers, including student teachers, substitute teachers, or voluntary teachers, and teacher assistants when given authority over some part of the school program by the principal or supervising teacher, to encourage temperance, morality, industry, and neatness; to promote the health of all pupils, especially of children in the first three grades, by providing frequent periods of recreation, to supervise the play activities during recess, and to encourage wholesome exercises for all children."

BACKGROUND: There is a standard course of study for Healthful Living for grades Kindergarten-12 that includes physical education. Also, the State Board of Education policy requires high school students to take one credit (135 hours) of Health/Physical Education as a requirement for graduation. There is no specified number of hours or minutes for any course, including physical education, in grades K-8.

On January 9, 2003, the State Board of Education adopted the Healthy Active Children policy. The new policy has the following requirements:

- Each local school district must establish and maintain a local School Health Advisory Council to help plan, implement, and monitor this policy;
- The local School Health Advisory Council must be composed of community and school representatives from the eight areas of a coordinated school health program¹, representatives of the local health department and school administration;
- Each school district shall require students enrolled in pre-kindergarten, kindergarten, and grade levels below high school to participate in physical activity as part of the district's physical

¹ The eight areas of a coordinated school health program are safe environment, physical education, health education, staff wellness, health services, mental and social health, nutrition services, and parental/family involvement.

HOUSE BILL 303

Page 2

education curriculum. Elementary schools should consider having 150 minutes per week and middle schools should consider having 225 minutes per week of physical activity including a minimum of every other day of physical education throughout the year;

- The physical education course shall be the environment in which students learn, practice and are assessed on the knowledge and skills defined in the North Carolina Healthful Living Standard Course of Study;
- Structured recess and other physical activity shall not be taken away as a form of punishment;
- Appropriate amounts of recess and physical activity shall be provided for all students;
- The physical activity required must involve physical exertion of at least a moderate intensity level and for a duration sufficient to provide a significant health benefit to students;
- The State Board of Education shall make available to each school district a coordinated school health model² designed to address health issues of children; and
- The North Carolina Department of Public Instruction (DPI) shall notify each school district of the availability of professional development opportunities and provide technical assistance in implementing coordinated school health programs at the local level.

This policy must be fully implemented by the 2006-2007 school year:

- Each local school system must develop an action plan, prepared in collaboration with the local School Health Advisory Council, which must identify steps that need to be taken each year to fully implement the policy by 2006-2007 and shall include a review and appropriate modifications of existing physical education and health curricula;
- Action plan must be submitted to DPI by July 15, 2004, and progress reports must be submitted to DPI by July 15, 2005 and 2006; and
- Beginning July 15, 2007, each local school district in collaboration with the local School Health Advisory Council shall prepare a report annually which will include the minutes of physical education and physical activity received by students in each school within the district and will remain on file for a period of 12 months to be provided upon request of DPI.

The Department of Public Instruction has defined "physical education" and "physical activity":

Physical education is a structured and sequential education program that teaches students the skills and concepts necessary to participate in physical activities that can assist in maintaining physical fitness throughout their lives. Physical education is taught to help students comprehend and improve their motor skills, allow for opportunities to use these skills, value diversity and movement, and develop knowledge of lifetime fitness through various resources. The program is taught under the direction and supervision of a teacher.

Physical activity is the opportunity to participate in activity that requires movement of the body. Physical activity can be structured or unstructured and occur before, during, or after the school day.

H303-SMSF-001

² North Carolina has demonstration schools and other models for schools to refer for ideas. The 2001 demonstration schools are located on the DPI website at www.ncpublicschools.org/educators/pe_demo2001.html.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2003

H

D

HOUSE BILL 303
PROPOSED COMMITTEE SUBSTITUTE H303-CSLE-1 [v.2]

4/3/2003 3:04:39 PM

Short Title: Healthy, Active Children in Grades K-8

(Public)

Sponsors:

Referred to:

March 6, 2003

1 A BILL TO BE ENTITLED
2 AN ACT TO PROMOTE HEALTHY, ACTIVE CHILDREN IN KINDERGARTEN
3 THROUGH EIGHTH GRADE.

4 The General Assembly of North Carolina enacts:

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

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

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

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

14 (2a) A requirement that children in kindergarten through the eighth grade
15 participate in daily physical education at least 30 minutes each school
16 day;

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

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

22 (5) A program of remedial education;

23 (6) Required support programs;

24 (7) A definition of the instructional day;

25 (8) Class size recommendations and requirements;

26 (9) Prescribed staffing allotment ratios;

27 (10) Material and equipment allotment ratios;

(11) Facilities guidelines that reflect educational program appropriateness, long-term cost efficiency, and safety considerations; and

(12) Any other information the Board considers appropriate and necessary.

The State Board shall not adopt or enforce any rule that requires Algebra I as a graduation standard or as a requirement for a high school diploma for any student whose individualized education program (i) identifies the student as learning disabled in the area of mathematics and (ii) states that this learning disability will prevent the student from mastering Algebra I."

SECTION 2. G.S. 115C-47 is amended by adding a new subdivision to read:
"§ 115C-47. Powers and duties generally.

In addition to the powers and duties designated in G.S. 115C-36, local boards of education shall have the power or duty:

...
(44) To Ensure That All Students in Kindergarten through Eighth Grade Participate in Physical Education. – It is the duty of each local board of education to ensure that all students in kindergarten through eighth grade participate in at least 30 minutes of physical activity in a physical education program each school day. Physical activity shall consist of physical exertion of at least moderate intensity level and for a duration sufficient to provide a significant health benefit to students. It shall take place in an environment in which students learn, practice and are assessed on developmentally appropriate motor skills, social skills, and knowledge.

Local boards of education shall establish specific learning goals and objectives for the program based on the North Carolina Healthful Living Curriculum. The physical education program shall:

- a. Emphasize knowledge and skills for a lifetime of regular physical activity;
 - b. Be consistent with the North Carolina Healthful Living Standard Course of Study;
 - c. Provide many different physical activity choices;
 - d. Feature cooperative as well as competitive games;
 - e. Meet the needs of all students, especially those who are not athletically gifted;
 - f. Take into account gender and cultural differences in students' interests;
 - g. Teach self-management skills as well as movement skills;
 - h. Actively teach cooperation, fair play, and responsible participation in physical activity incorporating character education concepts;
 - i. Be an enjoyable experience for students;
 - j. Be a safe environment in which children learn and participate;
- and

j. Integrate health-related fitness testing into the curriculum as an instructional tool except in the early elementary grades.

No student shall be permitted to waive or substitute other classes for the physical education requirement. Suitably adapted physical education shall be included as a part of the individual education plans for students with chronic health problems, other disabling conditions, or other special needs that preclude participating in regular physical education instruction or activities.

...."

SECTION 3. This act is effective when it becomes law and applies to all school years beginning with the 2003-2004 school year.

April 8, 2003

2003 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES

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

By Representatives **Bonner, Hilton, Warner and Wood** (Chairs) for the Committee on
EDUCATION.

-
- ☐ Committee Substitute for
H.B. 345 A BILL TO BE ENTITLED AN ACT TO PERMIT THE STATE BOARD OF
EDUCATION TO GRANT OR RENEW SCHOOL CHARTERS FOR A PERIOD OF UP
TO TEN 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 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)

03/19/03

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2003

H

1

HOUSE BILL 345

Short Title: Charter Schools Approved for 10 Years.

(Public)

Sponsors: Representatives Gorman, Parmon (Primary Sponsors); Crawford and Lewis.

Referred to: Education.

March 6, 2003

A BILL TO BE ENTITLED

AN ACT TO PERMIT THE STATE BOARD OF EDUCATION TO GRANT OR
RENEW SCHOOL CHARTERS FOR A PERIOD OF UP TO TEN YEARS.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 115C-238.29D(d) reads as rewritten:

"(d) The State Board of Education may grant the initial charter for a period not to exceed ~~five~~10 years and may renew the charter upon the request of the chartering entity for subsequent periods not to exceed ~~five~~10 years each. A material revision of the provisions of a charter application shall be made only upon the approval of the State Board of Education.

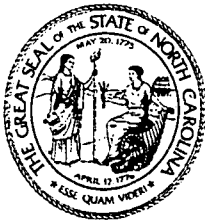
It shall not be considered a material revision of a charter application and shall not require the prior approval of the State Board for a charter school to increase its enrollment during the charter school's second year of operation and annually thereafter (i) by up to ten percent (10%) of the school's previous year's enrollment or (ii) in accordance with planned growth as authorized in the charter. Other enrollment growth shall be considered a material revision of the charter application, and the State Board may approve such additional enrollment growth of greater than ten percent (10%) only if the State Board finds that:

- (1) The actual enrollment of the charter school is within ten percent (10%) of its maximum authorized enrollment;
- (2) The charter school has commitments for ninety percent (90%) of the requested maximum growth;
- (3) The board of education of the local school administrative unit in which the charter school is located has had an opportunity to be heard by the State Board of Education on any adverse impact the proposed growth would have on the unit's ability to provide a sound basic education to its students;
- (4) The charter school is not currently identified as low-performing;

1 (5) The charter school meets generally accepted standards of fiscal
2 management; and,

3 (6) It is otherwise appropriate to approve the enrollment growth."

4 **SECTION 2.** This act is effective when it becomes law. Section 1 of this act
5 applies only to charters granted or renewed on or after that date.



HOUSE BILL 345: Charter Schools Approved for 10 Years

BILL ANALYSIS

Committee: House Education
Date: April 8, 2003
Version: First

Introduced by: Reps. Gorman and Parmon
Summary by: Shirley Iorio
Committee Staff

SUMMARY: *House Bill 345 would permit the State Board of Education to grant initial charters and renew school charters for up to 10 years.*

The bill would become effective when it becomes law and would apply only to charters granted or renewed on or after that date.

CURRENT LAW: The State Board may grant the initial charter for a period not to exceed 5 years and may renew the charter upon the request of the chartering entity for subsequent periods not to exceed five years. A charter is a contract between the State Board of Education (State Board) and a charter school. The NC Constitution allows the State and its subdivisions to enter into contracts and does not limit the length of the term of the contracts. It does, however, prohibit a contract to pledge the full faith and credit of the State to secure any debt created by the entity with which the State is contracting. The law governing charter schools specifically states, "No indebtedness of any kind incurred or created by the charter school shall constitute an indebtedness of the State or its political subdivisions, and no indebtedness of the charter school shall involve or be secured by the faith, credit, or taxing power of the State or its political subdivisions." The law further requires each charter school to include that sentence in every contract or lease into which it enters.

The State Board may terminate or not renew a charter upon any of the following grounds (i) failure to meet the charter's requirements for student performance; (ii) failure to meet generally accepted standards of fiscal management; (iii) violations of law; (iv) material violation of any of the charter school law's conditions, standards, or procedures; (v) two-thirds of the school's faculty and instructional support personnel request termination or nonrenewal; or (vi) any other good cause shown.

BILL ANALYSIS: House Bill 345 would extend the terms of charters, and their renewals, from a maximum of five years to a maximum of 10 years. This change would take effect when it becomes law and would apply to charters granted or renewed on or after that date.

VISITOR REGISTRATION SHEET

711

HOUSE COMMITTEE ON EDUCATION

4/8/03

Name of Committee

Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Juan Harmon	WCPS
Gene Causby	NCSESA
Tim McInerney	NCLC
Elizabeth Dutton	Bone & Associates
John Phower	NEP/APA
Mary Denny	VTF
Deron White	Professional Educators of NC
RON OTTAVIO	WACHOVIA
Eric Guckian	Teach For America
BILL SCOBBER	KCLH
Katherine Joyce	NCASA

VISITOR REGISTRATION SHEET

HOUSE COMMITTEE ON EDUCATION

Name of Committee

4/8/03
Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME

FIRM OR AGENCY AND ADDRESS

Frank Dyer	SBE
Leanne Wince	NCSBA
Joe Allen	DPI
Arnette Tolson	ANA
Shellie Pfohl	Be Active NC
Mary Lou Veal	NC Alliance for Athletics, Health, PE, Recreation + Dance
Shirley Halford RN	Cherokee County School Health
Jimmy NEWBIE	NC Div. of Public Health, DHHS
RON MORROW	NC Alliance for Athletics, Health PE Recreation + Dance
Okno Tucker	NC DPI
John R. R.	NCFPC

VISITOR REGISTRATION SHEET

HOUSE COMMITTEE ON EDUCATION

Name of Committee

4/8/03
Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME

FIRM OR AGENCY AND ADDRESS

John Bowdich

Am. Diabetes Assoc.

Phyllis Parish

WRAL-TV

Peg O'Connell

M R NC

Dawn Clements

Duke University Medical Center

Margaret Black

Duke University Medical Center

Chris Nichols

Hunter + Williams

Jennifer Duke

Rep. Nye's Intern

Hal Miller

DeACCT

Kevin Dowling

NC Justice Academy, NCDOJ
P.O. Box 600, Eden, NC

Nancy Mims

Western Carolina University

Betsy Burrows

Western Carolina University

VISITOR REGISTRATION SHEET

Educator

Name of Committee

4/8/03

Date

VISITORS: PLEASE SIGN BELOW AND RETURN TO COMMITTEE CLERK

NAME

FIRM OR AGENCY AND ADDRESS

Arlene C. Harris	Rosman High School, Rosman, N.C.
Melvin L. Hawkins	Camden County Schools / East Carolina University / Camden NC
S.C. Kitchen	Co. Atty. Assoc. / Aalegh, NC
Yvonne Perry	NCSPA
R PALAZIO	NC Justice CTR
M. Ernest Marshall, M.D.	Southeastern Medical Oncology Ctr, Goldsboro
A. Clark Gaither, M.D.	Goldsboro Family Physicians, Goldsboro, N.C.
Daphne Jones, M.D.	Wayne Women's Clinic, Goldsboro N.C.
W. James Stackhouse, M.D.	Goldsboro Medical Specialists
Arion Carter	Eden
Carole Lawler	EGHS
Mike Hawkins	AWNC
WIZ MOREY	LEAGUE OF CHARTER SCHOOLS
Michael Houser	NCAE
John Withrow	NC State Watch
Harry Rappin	ATA
Butler Gennells	NCSDA
Henry Hutaff	NCSDA

House Pages

1. Name: Margaret Armstrong
 County: Nash
 Sponsor: Tolson
2. Name: Danielle Lucas
 County: Cumberland
 Sponsor: Lucas
3. Name: Amy McClellan
 County: Cumberland
 Sponsor: Lucas

Sgt-At-Arms

1. Name: Martha Parrish
2. Name: Charlie Grady
3. Name: Aaron Woodlief
4. Name: Matt Myers

HOUSE EDUCATION COMMITTEE MEETING

APRIL 15, 2003

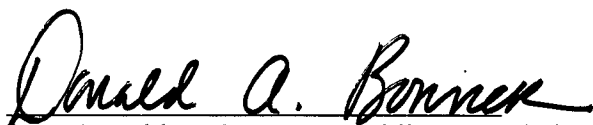
The House Education Committee met on Tuesday, April 15, 2003, in Room 643 in the Legislative Office Building, at 11:00 AM. Representative Rep. Donald A. Bonner, Co-Chair, presided over the meeting. The Attendance Sheet indicates members present.

Rep. Bell was asked to explain **HB 317, AN ACT TO AUTHORIZING THE STATE BOARD OF EDUCATION TO IDENTIFY AND PROVIDE ASSISTANCE TO LOW-PERFORMING SCHOOL ADMINISTRATIVE UNITS..** Rep. Lucas moved to adopt the Proposed Committee Substitute. The motion passed. Rep. Stiller made a motion for the bill to have a favorable report to the Committee Substitute, unfavorable as to the original bill.

Rep. Glazier was asked to explain **HB 678, AN ACT TO ELIMINATE THE HIGH SCHOOL EXIT EXAM AND RESTRICT THE STATE BOARD OF EDUCATION FROM DEVELOPING ANY FURTHER STANDARDIZED TESTS THAT ARE NOT REQUIRED TO FULFILL THE NO CHILD LEFT BEHIND ACT OF 2001 OR OTHER FEDERAL LAW.** Rep. McAllister moved for a favorable report.

After discussion of the bill the motion was voted on and passed.

Meeting adjourned.

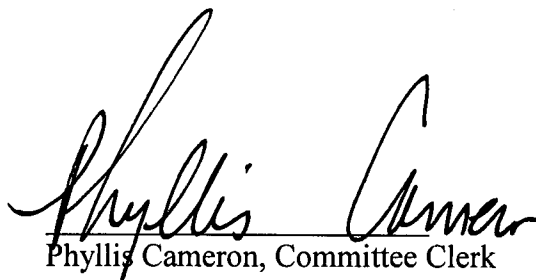


Rep. Donald A. Bonner, Presiding Co-Chair

Rep. Mark Hilton

Rep. Alex Warner

Rep. Steve Wood



Phyllis Cameron, Committee Clerk

**2003 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

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

By Representative(s) Bonner, Hilton, Warner, Woods (Chairs) for the Committee on
EDUCATION.

☐ Committee Substitute for

H.B. 317 A BILL TO BE ENTITLED AN ACT AUTHORIZING THE STATE BOARD OF
EDUCATION TO IDENTIFY AND PROVIDE ASSISTANCE TO LOW-PERFORMING
SCHOOL ADMINISTRATIVE UNITS.

☐ 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)

4/15/03

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2003

H

1

HOUSE BILL 317*

Short Title: State Assistance to Low-Performing LEAs.-AB

(Public)

Sponsors: Representatives Bell, Preston, Warren (Primary Sponsors); Alexander, Crawford, Glazier, C. Johnson, Lucas, Luebke, McLawhorn, and Tolson.

Referred to: Education.

March 6, 2003

A BILL TO BE ENTITLED
AN ACT AUTHORIZING THE STATE BOARD OF EDUCATION TO IDENTIFY
AND PROVIDE ASSISTANCE TO LOW-PERFORMING SCHOOL
ADMINISTRATIVE UNITS.

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, schools and low-performing school administrative units.**

(a) The State Board of Education shall design and implement a procedure to identify low-performing schools and local school administrative units on an annual basis. Low-performing schools and local school administrative units 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.

(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, including how the superintendent and other central office administrators will work with the school and monitor the school's progress. 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,

1 may offer recommendations to modify the plan. The local board shall consider any
2 recommendations made by the State Board.

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

11 **SECTION 2. G.S. 115C-105.38 reads as rewritten:**

12 **"§ 115C-105.38. Assistance teams; review by State Board.**

13 (a) The State Board of Education may assign an assistance team to any school or
14 local school administrative unit identified as low-performing under this Article or to any
15 other school that requests an assistance team and that the State Board determines would
16 benefit from an assistance team. The State Board shall give priority to low-performing
17 schools and local school administrative units in which the educational performance of
18 the students is declining. The Department of Public Instruction shall, with the approval
19 of the State Board, provide staff as needed and requested by an assistance team.

20 (b) When assigned to an identified low-performing ~~school~~, school or local school
21 administrative unit, an assistance team shall:

- 22 (1) Review and investigate all facets of school operations and assist in
23 developing recommendations for improving student performance at
24 that school.
- 25 (2) Evaluate at least semiannually the personnel assigned to the school or
26 local school administrative unit and make findings and
27 recommendations concerning their performance.
- 28 (3) Collaborate with school staff, central offices, and local boards of
29 education in the design, implementation, and monitoring of a plan that,
30 if fully implemented, can reasonably be expected to alleviate problems
31 and improve student performance at that ~~school~~, school or local school
32 administrative unit.
- 33 (4) Make recommendations as the school or local school administrative
34 unit develops and implements this plan.
- 35 (5) Review the school's ~~progress~~, progress or that of the local school
36 administrative unit.
- 37 (6) Report, as appropriate, to the local board of education, the community,
38 and the State Board on the school's or the local school administrative
39 unit's progress. If an assistance team determines that an accepted
40 school improvement plan developed under G.S. 115C-105.27 is
41 impeding student performance at a ~~school~~, school or a local school
42 administrative unit, the team may recommend to the local board that it
43 vacate the relevant portions of that plan and direct the school or local
44 school administrative unit to revise those portions.

1 (b1) Report to the State Board of Education if a school or local school
2 administrative unit and its local board of education are not responsive to the team's
3 recommendations. A copy of that report shall be made available to the local board, and
4 the local board shall have an opportunity to respond. Notwithstanding G.S. 115C-36 and
5 other provisions of this Chapter, if the State Board confirms that the school or local
6 school administrative unit and the local board have failed to take appropriate steps to
7 improve student performance at that school, the State Board shall assume all powers and
8 duties previously conferred upon that local board and that school or local school
9 administrative unit and shall have general control and supervision of all matters
10 pertaining to that school or local school administrative unit until student performance at
11 the school meets or exceeds the standards set for the ~~school~~ school or local school
12 administrative unit. The State Board may, as it considers appropriate, delegate any
13 powers and duties to that local board or school before the school or local school
14 administrative unit meets or exceeds those standards.

15 (c) If a school or local school administrative unit fails to improve student
16 performance after assistance is provided under this section, the assistance team may
17 recommend that the assistance continues or that the State Board take further action
18 under G.S. 115C-105.39.

19 (d) The State Board shall annually review the progress made in identified
20 low-performing ~~schools~~ schools or local school administrative units."

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

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2003

H

D

HOUSE BILL 317*

PROPOSED COMMITTEE SUBSTITUTE H317-CSRH-8 [v.3]

4/14/2003 1:35:19 PM

Short Title: State Assistance to Low-Performing LEAs.-AB

(Public)

Sponsors:

Referred to:

March 6, 2003

A BILL TO BE ENTITLED

AN ACT AUTHORIZING THE STATE BOARD OF EDUCATION TO IDENTIFY
AND PROVIDE ASSISTANCE TO LOW-PERFORMING SCHOOL
ADMINISTRATIVE UNITS.

The General Assembly of North Carolina enacts:

SECTION 1. Part 3 of Article 8B of Chapter 115C of the General Statutes is amended by adding the following new section to read:

"§ 115C-105.42. Low-performing local school administrative units; identification; assistance.

(a) The State Board of Education shall design and implement a procedure to identify low-performing local school administrative units on an annual basis. Low-performing local school administrative units are those in which there is a failure to meet the minimum performance composite score, as defined by the State Board, and a majority of students are performing below grade level.

(b) The local board of education in a low-performing local school administrative unit may request the State Board to assign a system-wide assistance team to the local school administrative unit to assist the local board in identifying system-wide impediments to student achievement and making recommendations to the board about ways to improve student performance. Upon request, the State Board may assign an assistance team to any low-performing local school administrative unit to assist the local board with the development of a school system improvement plan that contains goals and strategies for improving student performance in the local school administrative unit. The State Board may direct the system-wide assistance team to work with the local board and school personnel to implement the plan and otherwise improve student achievement.

(c) A local school administrative unit that has been identified as a low-performing local school administrative unit for two consecutive years shall be deemed a continually low-performing local school administrative unit. The State Board may

1 assign a system-wide assistance team to any continually low-performing local school
2 administrative unit. When assigned to a continually low-performing local school
3 administrative unit, the system-wide assistance team shall:

- 4 (1) Review and investigate all facets of school system operations and
5 assist in developing recommendations for improving student
6 performance in that local school administrative unit.
- 7 (2) As deemed necessary by the system-wide assistance team, evaluate
8 any central office or school-based administrators.
- 9 (3) Collaborate with the staffs of the local board, central office, and local
10 schools to design, implement and monitor a plan that, if fully
11 implemented, can reasonably be expected to alleviate identified
12 problems and improve student performance in the local school
13 administrative unit.
- 14 (4) Make continuing recommendations as the plan is developed and
15 implemented.
- 16 (5) Review the progress of the local school administrative unit.
- 17 (6) Report, as appropriate, to the local board, the community, and the State
18 Board on the local school administrative unit's progress under the
19 plan.

20 (d) If a continually low-performing local school administrative unit fails to
21 improve student performance after assistance is provided under subsection (c) of this
22 section, the assistance team may recommend that the assistance continue to that local
23 school administrative unit or that the State Board take further action under G.S. 115C-
24 105.39(c)(3).

25 (e) The State Board may direct the Department of Public Instruction staff to
26 provide support to a system-wide assistance team.

27 (f) The State Board shall annually review the progress made in identified low-
28 performing local school administrative units."

29 **SECTION 2.** G.S. 115C-105-39(c) reads as rewritten:

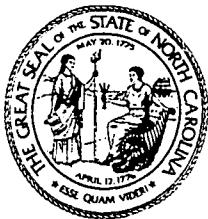
30 "(c) The State Board may appoint an interim superintendent in a local school
31 administrative unit:

- 32 (1) Upon the identification of more than half the schools in that unit as
33 low-performing under G.S. 115C-105.37; or G.S. 115C-105.37;
- 34 (2) Upon the recommendation from an assistance team assigned to a
35 school located in that unit that has been identified as low-performing
36 under G.S. 115C-105.37. This recommendation shall be based upon a
37 finding that the superintendent has failed to cooperate with the
38 assistance team or has otherwise hindered that school's ability to
39 improve; improve; or
- 40 (3) Upon the recommendation from a system-wide assistance team
41 assigned to a continually low-performing local school administrative
42 unit under G.S. 115C-105.42. This recommendation shall be based
43 upon a finding that the superintendent has failed to cooperate with the

1 assistance team or has otherwise hindered the local school
2 administrative unit's ability to improve.

3 The State Board may assign any of the powers and duties of the local superintendent
4 and the local finance officer to the interim superintendent that the Board considers are
5 necessary or appropriate to improve student performance in the local school
6 administrative unit. The interim superintendent shall perform all of these assigned
7 powers and duties. The State Board of Education may terminate the contract of any
8 local superintendent entered into on or after July 1, 1996, when it appoints an interim
9 superintendent. The Administrative Procedure Act shall apply to that decision. Neither
10 party to that contract is entitled to damages."

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



HOUSE BILL 317: State Assistance to Low-Performing LEAs.-AB

BILL ANALYSIS

Committee: House Education
Date: April 15, 2003
Version: H317-CSRH-8[v.3]

Introduced by: Rep. Bell
Summary by: Robin Johnson *Robin*
Committee Counsel

SUMMARY: *House Bill is introduced at the request of the State Board of Education. It would create a new procedure for the State Board to identify low-performing school systems, to provide assistance teams to those units, and to take further action if student performance fails to improve after assistance is provided. The bill would be effective when it becomes law.*

CURRENT LAW: The State Board has authority to identify low-performing schools and to assign assistance teams to those schools. A school is low-performing when there is a failure to meet the minimum growth standards, as defined by the Board, and a majority of students are performing below grade level. If assigned to a low-performing school, the assistance team must: (i) review all facets of school operation and make recommendations for improving student performance at the school; (ii) evaluate the school personnel at least semiannually; (iii) collaborate with school staff, central offices, and local boards to design, implement, and make recommendations as to a plan that can reasonably be expected to improve student performance at the school; (iv) review the school's progress; (v) report to the local board, community and State Board; and (vi) recommend to the local board that it vacate any portion of a school improvement plan that the team determines is impeding student performance.

The State Board has authority to make recommendations regarding the dismissal of personnel assigned to the school. And the Board may appoint an interim superintendent (i) upon identification of more than half the schools as low-performing, or (ii) upon the recommendation of an assistance team assigned to a low-performing school where the recommendation is based on a finding that the superintendent has failed to cooperate with the team or has otherwise hindered that school's ability to improve. Superintendents' contracts entered into on or after July 1, 1996, may be terminated if the Board appoints an interim superintendent. If the Board appoints an interim superintendent and the Board finds the local board has failed to cooperate with that superintendent or has otherwise hindered the ability to improve student performance in the system or in a school in that system, the Board may suspend the powers and duties of that local board. In such a case, the Board will perform those duties and may recommend governance changes in that system to the General Assembly.

BILL ANALYSIS: House Bill would create a new G.S. 115C-105.42 in Article 8B of Chapter 115C (School-Based Management and Accountability Program – aka ABC's Program). This new section would direct the State Board to design and implement a procedure for the annual identification of low-performing school systems and continually low-performing school systems. A low-performing school system is one in which there is a failure to meet the minimum performance composite score, as determined by the Board, and more than half the students are performing below grade level. A continually low-performing system has been identified as low-performing for two consecutive years.

Low-performing school systems may request the assignment of a system-wide assistance team. If the Board assigns a team, it must assist the local board in developing a plan to improve student performance in the system and may work with the local board and school personnel to implement that plan. The Board may assign a system-wide assistance team to any continually low-performing local school administrative

HOUSE BILL 317

Page 2

unit. If assigned to a continually low-performing school system, the team must: (i) review all facets of school system operations and make recommendations for improving student performance in that system; (ii) evaluate, if necessary, any central office or school-based administrators; (iii) collaborate with staffs of the local board, central offices, and local schools to design, implement, and make recommendations as to a plan that can reasonably be expected to improve student performance in that system; (iv) review the system's progress; and (v) report to the local board, community and State Board.

When a continually low-performing system fails to improve student performance after assistance is provided, the assistance team may recommend that the assistance continues or that the Board remove the superintendent and appoint an interim superintendent. If the Board appoints an interim superintendent and the Board finds the local board has failed to cooperate with that superintendent or has otherwise hindered the ability to improve student performance in the system or in a school in that system, the Board may suspend the powers and duties of that local board. In such a case, the Board will perform those duties and may recommend governance changes in that system to the General Assembly.

H317-SMRH-001

~~2003 COMMITTEE REPORT~~
~~HOUSE OF REPRESENTATIVES~~

~~The following report(s) from standing committee(s) is/are presented.~~

By Representatives Bonner, Hilton, Warner, Wood, (Chairs) for the Committee on
EDUCATION.

☐ Committee Substitute for

H.B. 678 A BILL TO BE ENTITLED AN ACT TO ELIMINATE THE HIGH SCHOOL EXIT EXAM AND RESTRICT THE STATE BOARD OF EDUCATION FROM DEVELOPING ANY FURTHER STANDARDIZED TESTS THAT ARE NOT REQUIRED TO FULFILL THE NO CHILD LEFT BEHIND ACT OF 2001 OR OTHER FEDERAL LAW.

☒ 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)

03/19/03

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2003

H

1

HOUSE BILL 678

Short Title: Eliminate High School Exit Exam.

(Public)

Sponsors: Representatives Glazier, Dickson (Primary Sponsors); G. Allen, Parmon, Pate, Rapp, Ross, and Weiss.

Referred to: Education.

March 26, 2003

A BILL TO BE ENTITLED
AN ACT TO ELIMINATE THE HIGH SCHOOL EXIT EXAM AND RESTRICT
THE STATE BOARD OF EDUCATION FROM DEVELOPING ANY FURTHER
STANDARDIZED TESTS THAT ARE NOT REQUIRED TO FULFILL THE NO
CHILD LEFT BEHIND ACT OF 2001 OR OTHER FEDERAL LAW.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 115C-12(9a) and G.S. 115C-12(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 of Education and not inconsistent with G.S. 115C-174.11(d). 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 on a regular basis. 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, designated by the State Board of Education not inconsistent with G.S. 115C-174.11(d), 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 2. G.S. 115C-174.11 reads as rewritten:

"§ 115C-174.11. Components of the testing program.

(a) Assessment Instruments for First and Second Grades. – The State Board of Education shall adopt and provide to the local school administrative units

developmentally appropriate individualized assessment instruments consistent with the Basic Education Program for the first and second grades, rather than standardized tests. Local school administrative units may use these assessment instruments provided to them by the State Board for first and second grade students, and shall not use standardized tests.

(b) Competency Testing Program.

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

(2) The tests shall be administered annually to all ninth grade students in the public schools. Students who fail to attain the required minimum standard for graduation in the ninth grade shall be given remedial instruction and additional opportunities to take the test up to and including the last month of the twelfth grade. Students who fail to pass parts of the test shall be retested on only those parts they fail. Students in the ninth grade who are enrolled in special education programs or who have been officially designated as eligible for participation in such programs may be excluded from the testing programs.

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

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

(c) Annual Testing Program.

(1) The State Board of Education shall adopt a system of annual testing for grades three through 12. These tests shall be designed to measure progress toward reading, communication skills, and mathematics for grades three through eight, and toward competencies designated by the State Board for grades nine through 12. Students who do not pass the tests adopted for eighth grade shall be provided remedial instruction in the ninth grade. This assistance shall be calculated to prepare the students to pass the competency test administered under subsection (b) of this section. ~~Notwithstanding subsection (a) of this section, the State Board shall develop and implement a study allowing selected local school administrative units that volunteer to administer a standardized test in May, 12 months prior to the third grade end of grade test, in order to establish a baseline that will be used to measure academic growth at the end of third grade. Initially, the State Board shall select 12 volunteer local school administrative units that are diverse in~~

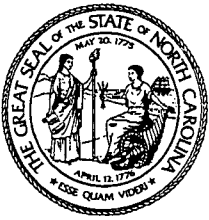
1 ~~geography and size to participate in the study. If the State Board~~
2 ~~determines that a standardized test administered in May, 12 months~~
3 ~~prior to the third grade end of grade test, is more reliable than a~~
4 ~~standardized test administered at the beginning of third grade for the~~
5 ~~purpose of measuring academic growth, the State Board may change~~
6 ~~the test date for additional local school units. The State Board shall~~
7 ~~report the results of the study to the Joint Legislative Education~~
8 ~~Oversight Committee by October 15, 2000.~~

9 Baseline measurements administered in May, 12 months prior to
10 the third grade end-of-grade test, are not public records as provided in
11 Chapter 132 of the General Statutes.

- 12 (2) If the State Board of Education finds that additional testing in grades
13 three through 12 is desirable to allow comparisons with national
14 indicators of student achievement, that testing shall be conducted with
15 the smallest size sample of students necessary to assure valid
16 comparisons with other states.

17 (d) Limitation on Additional Tests. – The State Board of Education shall not
18 require any additional standardized tests beyond those that were administered in the
19 2002-2003 academic year, unless the administration of the tests is required to comply
20 with the No Child Left Behind Act, Public Law 107-110 (115 U.S. Stat. 1425-2094) or
21 any other federal law. Nothing in this subsection shall preclude modification of existing
22 tests or the creation of an end-of-course test for Civics and Economics."

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



HOUSE BILL 678: Eliminate High School Exit Exam.

BILL ANALYSIS

Committee: House Education
Date: April 15, 2003
Version: First Edition

Introduced by: Reps. Glazier and Dickson
Summary by: Sara Kamprath
Committee Analyst

SUMMARY: *House Bill 678 would stop implementation of the high school exit exam and eliminate the requirement that the State Board of Education must administer end-of-course tests for the high school courses that constitute the minimum course requirements for admission to a UNC constituent institution. The Board also is prohibited from requiring any additional standardized test(s) other than those administered during the 2002-03 school year unless the test(s) is necessary to comply with the federal No Child Left Behind Act or other federal law. The bill also makes a technical change by deleting the language referring to a study that has already been conducted. The Act is effective when it becomes law.*

BACKGROUND: In 1997, the General Assembly enacted legislation that directed the State Board of Education (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. 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 emphasizing grammar, composition, and literature

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.

Currently, high school end-of-course tests are administered as part of the State Testing Program for the following courses: English 1, Algebra 1, Algebra 11, Geometry, ELPS, US History, Physical Science, Biology, Chemistry, and Physics. A statewide writing assessment at grade 10 was implemented beginning with the 2002-03 school year.

HOUSE BILL 678

Page 2

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.

BILL ANALYSIS: House Bill 678 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. **A table of the required tests for 2002-03 is attached.**

The bill would also eliminate the high school exit exam that was being developed but that was put on hold last year. The exit exam was being designed to measure communication, problem solving, processing information, and using numbers and data. The exit exam was intended to replace the current competency tests in reading and mathematics (currently required for a high school diploma). The exit exam would have been implemented in 2004 for the graduates of 2005.

The bill also prohibits the State Board from requiring any additional standardized tests other than those tests administered during the 2002-03 school year unless the test(s) are necessary to comply with the federal No Child Left Behind Act or other federal law.

The bill also deletes obsolete language authorizing a study that has already been completed.

EFFECTIVE DATE: House Bill 678 would become effective when it becomes law.

H678-SMRJ-001

North Carolina Testing Program Required Testing for 2002-03¹

Grade Level	Reading	Math	Social Studies	Science	Writing	Other
3	Pretest & EOG	Pretest & EOG				NC Alternate Assessments ³
4	EOG	EOG			Narrative ⁶	NC Alternate Assessments ³
5	EOG	EOG				NC Alternate Assessments ³
6	EOG	EOG				NC Alternate Assessments ³
7	EOG	EOG			Expository ⁶	NC Alternate Assessments ³
8	EOG	EOG				NC Alternate Assessments ³ Computer Skills ⁴
9	English I ²	Algebra I ²	ELPS ²	Physical Science ²		Competency Test ⁵
10	High School Comprehensive Test ⁸	Geometry ² High School Comprehensive Test ⁸		Biology ²	Informational ⁶	NC Alternate Assessments ³
11		Algebra II ²	US History ²	Chemistry ²		Exit Exam ⁷
12				Physics ²		

¹Tests currently administered as part of the North Carolina Testing Program are located in the shaded boxes. Field tests may be administered annually in selected subjects and grades at randomly selected sites. Some North Carolina students also participate in the National Assessment of Educational Progress (NAEP), the PSAT, the SAT, and the ACT. The grade 3 pretest is administered during the first three weeks of school; the end-of-grade tests are administered during the last three weeks of school. The locally-selected test dates must be on consecutive school days.

²The end-of-course tests are administered where the courses are taught within the final 10 days of school (or the equivalent for alternative schedules).

Students with disabilities who do not participate in the grade 3 pretest, the end-of-grade tests, or the writing assessment (grades 4 and 7) must be administered a state-mandated alternate assessment. Currently the state-mandated alternate assessments are the North Carolina Alternate Assessment Academic Inventory (a curriculum-based checklist) and the North Carolina Alternate Assessment Portfolio for students with serious cognitive deficits. The alternate assessments are implemented in response to the federal Individuals with Disabilities Education Act (IDEA).

⁴Students who entered the eighth grade in 1996-97 (Class of 2001 and beyond) are required to meet the proficiency standard on the computer skills multiple-choice and performance tests as a graduation requirement. A student with a disability who is following the Occupational Course of Study must meet the computer skills proficiency standard as stated in the student's Individual Education Program (IEP).

⁵The competency tests in reading and mathematics are required for all students entering the ninth grade in 1994-95 and beyond.

⁶The writing assessment at grade 10 is being implemented statewide effective with the 2002-03 school year. The model for scoring the writing assessments at grades 4, 7 & 10 is being changed to an analytic process effective with the 2002-03 school year.

⁷The Exit Exam will be field tested statewide during 2002-03 school year. It will measure communication, problem solving, processing information, and using numbers and data. The test is being developed in response to G.S. 115C-12(9b), and is expected to replace the current competency tests in reading and mathematics, once implemented in 2004 for the graduates of 2005. ⁸The high school comprehensive test in reading and mathematics will be reinstated as a statewide administration for all students in grade 10 effective with the 2002-03 school year in response to ESEA requirements.

HOUSE EDUCATION COMMITTEE MINUTES

April 17, 2003

The House Education Committee met on Thursday, April 17, 2003, 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. Ross was called on to explain ***House Bill 797, ASSISTANCE TO LEAs ON IMPLEMENTATION OF NCLB***. Rep. Bonner made the motion to adopt the proposed committee substitute and it passed. After discussion Rep. Lewis asked for a favorable report as to the proposed committee substitute, unfavorable to the original, and it passed.

Rep. Glazier was called on to explain ***House Bill 1032, SCHOOL/FOOD BEVERAGE PURCHASES***. Rep. Glazier made the motion to adopt the proposed committee substitute and it passed. After discussion Rep. Insko asked for a favorable report as to the proposed committee substitute, unfavorable to the original, and it passed.

Rep. Allred was called on to explain ***House Bill 31, RAISE CAP ON CHARTER SCHOOLS***. Rep. Hilton made the motion to adopt the proposed committee substitut, and it passed. After discussion Rep. McAllister asked for a favorable report as to the proposed committee substitute, unfavorable to the original, and it passed.

Rep. Tolson was called on to explain ***House Bill 1210, N.C. SCHOOL OF THE ARTS/BOARD MEMBERSHIP***. After discussion Rep. Tolson asked for a favorable report, and it passed.

Rep. Yongue was called on to explain ***House Bill 1211, N.C. ARBORETUM/BOARD MEMBERSHIP***. After discussion Rep. Tolson asked for a favorable report, and it passed.

Rep. Wood was called on to explain ***House Bill 1183, COMMUNITY COLLEGES OFFER 4-YEAR DEGREES***. Without objection, Rep. Wood pulled the bill and it was displaced to study.

Rep. Wood was called on to explain ***House Bill 1184, ESTABLISH A VIRTUAL ACADEMY PROGRAM***. Without objection from Rep. Wood, the bill was displaced.

Rep. Juffus was called on to explain ***House Bill 1117, ASSISTANT REQUIRED/LARGE KINDERGARTEN CLASS***. Rep. Warren made a motion for a favorable report and to be re-referred to Committee on Appropriations. The motion passed.

The meeting adjourned.



Rep. Alex Warner, Co-chair
Rep. Bonner, Co-chair
Rep. Mark Hilton, Co-chair
Rep. Steve Wood, Co-chair



Ann Stancil, Committee clerk

**2003 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

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

By Representatives **Bonner, Hilton, Warner, Wood** (Chairs) for the Committee on
EDUCATION.

☐ Committee Substitute for

H.B. 797 A BILL TO BE ENTITLED AN ACT DIRECTING THE STATE BOARD OF
EDUCATION TO ASSIST LOCAL SCHOOL ADMINISTRATIVE UNITS ON THE
IMPLEMENTATION OF THE NO CHILD LEFT BEHIND 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 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)

03/19/03

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2003

H

D

HOUSE BILL 797
PROPOSED COMMITTEE SUBSTITUTE H797-CSSF-7 [v.1]

4/14/2003 2:02:16 PM

Short Title: Assistance to LEAs on Implementation of NCLB.

(Public)

Sponsors:

Referred to:

March 31, 2003

1 A BILL TO BE ENTITLED
2 AN ACT DIRECTING THE STATE BOARD OF EDUCATION TO ASSIST LOCAL
3 SCHOOL ADMINISTRATIVE UNITS ON THE IMPLEMENTATION OF THE
4 NO CHILD LEFT BEHIND ACT OF 2001.

5 The General Assembly of North Carolina enacts:

6 **SECTION 1.** G.S. 115C-12 is amended by adding a new subdivision to read:
7 "**§ 115C-12. Powers and duties of the Board generally.**

8 The general supervision and administration of the free public school system shall be
9 vested in the State Board of Education. The State Board of Education shall establish
10 policy for the system of free public schools, subject to laws enacted by the General
11 Assembly. The powers and duties of the State Board of Education are defined as
12 follows:

13 ...
14 (30a) Duty to Assist Schools in Meeting Adequate Yearly Progress. – The
15 State Board of Education shall:

- 16 a. Identify which schools are meeting adequate yearly progress
17 with subgroups as specified in the No Child Left Behind Act of
18 2001;
19 b. Study the instructional, administrative, and fiscal practices and
20 policies employed by the schools selected by the State Board of
21 Education that are meeting adequate yearly progress specified
22 in the No Child Left Behind Act of 2001;
23 c. Create assistance models for each subgroup based on the
24 practices and policies used in schools that are meeting adequate
25 yearly progress. The schools of education at the constituent
26 institutions of The University of North Carolina, in
27 collaboration with the University of North Carolina Center for

- 1 School Leadership Development, shall assist the State Board of
2 Education in developing these models; and
3 d. Offer technical assistance based on these assistance models to
4 local school administrative units not meeting adequate yearly
5 progress, giving priority to those local school administrative
6 units with high concentrations of schools that are not meeting
7 adequate yearly progress. The State Board of Education shall
8 determine the number of local school administrative units that
9 can be served effectively in the first two years. This technical
10 assistance shall include peer assistance and professional
11 development by teachers, support personnel, and administrators
12 in schools with subgroups that are meeting adequate yearly
13 progress.

14 "

15 **SECTION 2.** The State Board of Education and the Department of Public
16 Instruction shall report to the Joint Legislative Education Oversight Committee by June
17 15, 2004, and December 15, 2005, on the implementation of Section 1 of this act. The
18 report shall include:

- 19 (1) The number and locations of schools meeting adequate yearly progress
20 with the subgroups specified in the No Child Left Behind Act of 2001;
21 (2) The assistance models developed for each subgroup;
22 (3) Technical assistance provided to a local school administrative unit or a
23 school; and
24 (4) The need for additional resources to implement this act on a statewide
25 basis.

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

Some of my best
friends are "color
folks"

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2003

H

D

HOUSE BILL 797

PROPOSED COMMITTEE SUBSTITUTE H797-CSSF-7 [v.1]

4/14/2003 2:02:16 PM

Short Title: Assistance to LEAs on Implementation of NCLB.

(Public)

Sponsors:

Referred to:

March 31, 2003

A BILL TO BE ENTITLED

AN ACT DIRECTING THE STATE BOARD OF EDUCATION TO ASSIST LOCAL
SCHOOL ADMINISTRATIVE UNITS ON THE IMPLEMENTATION OF THE
NO CHILD LEFT BEHIND ACT OF 2001.

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:

...
(30a) Duty to Assist Schools in Meeting Adequate Yearly Progress. – The State Board of Education shall:

- a. Identify which schools are meeting adequate yearly progress with subgroups as specified in the No Child Left Behind Act of 2001;
- b. Study the instructional, administrative, and fiscal practices and policies employed by the schools selected by the State Board of Education that are meeting adequate yearly progress specified in the No Child Left Behind Act of 2001;
- c. Create assistance models for each subgroup based on the practices and policies used in schools that are meeting adequate yearly progress. The schools of education at the constituent institutions of The University of North Carolina, in collaboration with the University of North Carolina Center for

1 School Leadership Development, shall assist the State Board of
2 Education in developing these models; and

- 3 d. Offer technical assistance based on these assistance models to
4 local school administrative units not meeting adequate yearly
5 progress, giving priority to those local school administrative
6 units with high concentrations of schools that are not meeting
7 adequate yearly progress. The State Board of Education shall
8 determine the number of local school administrative units that
9 can be served effectively in the first two years. This technical
10 assistance shall include peer assistance and professional
11 development by teachers, support personnel, and administrators
12 in schools with subgroups that are meeting adequate yearly
13 progress.

14"

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16 Instruction shall report to the Joint Legislative Education Oversight Committee by June
17 15, 2004, and December 15, 2005, on the implementation of Section 1 of this act. The
18 report shall include:

- 19 (1) The number and locations of schools meeting adequate yearly progress
20 with the subgroups specified in the No Child Left Behind Act of 2001;
21 (2) The assistance models developed for each subgroup;
22 (3) Technical assistance provided to a local school administrative unit or a
23 school; and
24 (4) The need for additional resources to implement this act on a statewide
25 basis.

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

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2003

H

1

HOUSE BILL 797

Short Title: Assistance to LEAs on Implementation of NCLB.

(Public)

Sponsors: Representatives Ross, Yongue, Preston, Womble (Primary Sponsors);
Warner, Glazier, B. Allen, Bonner, Goforth, Goodwin, Gorman, Insko,
C. Johnson, Luebke, Parmon, Warren, and Weiss.

Referred to: Education.

March 31, 2003

A BILL TO BE ENTITLED

AN ACT DIRECTING THE STATE BOARD OF EDUCATION TO ASSIST LOCAL
SCHOOL ADMINISTRATIVE UNITS ON THE IMPLEMENTATION OF THE
NO CHILD LEFT BEHIND ACT OF 2001.

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:

...
(30a) Duty to Assist Schools in Meeting Adequate Yearly Progress. – The
State Board of Education shall:

- a. Identify which schools are meeting adequate yearly progress
with subgroups as specified in the No Child Left Behind Act of
2001;
- b. Study the instructional, administrative, and fiscal practices and
policies employed by the schools selected by the State Board of
Education that are meeting adequate yearly progress specified
in the No Child Left Behind Act of 2001;
- c. Create assistance models based on the practices and policies
used in schools that are meeting adequate yearly progress. The
schools of education at the constituent institutions of The
University of North Carolina, in collaboration with the
University of North Carolina Center for School Leadership

1 Development, shall assist the State Board of Education in
2 developing these models; and

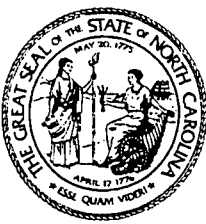
- 3 d. Offer technical assistance based on these assistance models to
4 local school administrative units not meeting adequate yearly
5 progress, giving priority to those local school administrative
6 units with high concentrations of schools that are not meeting
7 adequate yearly progress. The State Board of Education shall
8 determine the number of local school administrative units that
9 can be served effectively in the first two years. This technical
10 assistance shall include peer assistance and professional
11 development by teachers, support personnel, and administrators
12 in schools with subgroups that are meeting adequate yearly
13 progress.

14 "

15 **SECTION 2.** The State Board of Education and the Department of Public
16 Instruction shall report to the Joint Legislative Education Oversight Committee by June
17 15, 2004, and December 15, 2005, on the implementation of Section 1 of this act. The
18 report shall include:

- 19 (1) The number and locations of schools meeting adequate yearly progress
20 with the subgroups specified in the No Child Left Behind Act of 2001;
21 (2) The assistance models developed for each subgroup;
22 (3) Technical assistance provided to a local school administrative unit or a
23 school; and
24 (4) The need for additional resources to implement this act on a statewide
25 basis to comply with the requirements of the No Child Left Behind Act
26 of 2001.

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



HOUSE BILL 797:

Assistance to LEAs on Implementation of NCLB

BILL ANALYSIS

Committee: House Education
Date: April 15, 2003
Version: PCS to First Edition
H797-CSSF-7[v.1]

Introduced by: Reps. Ross, Yongue, Preston,
Womble
Summary by: Shirley Iorio
Committee Staff

SUMMARY: *The Proposed Committee Substitute (PCS) to House Bill 797 would direct the State Board of Education to assist local school systems with the implementation of the No Child Left Behind Act of 2001.*

The PCS makes technical corrections to the original bill.

The act would become effective when it becomes law.

BILL ANALYSIS: The PCS to House Bill 797 would amend G.S. 115C-12 (Powers and duties of the Board generally) by adding a subdivision. The State Board of Education (State Board) would be required to assist schools in meeting the Adequate Yearly Progress provision of the federal No Child Left Behind (NCLB) legislation:

- By identifying schools that are meeting Adequate Yearly Progress with subgroups specified in NCLB;
- By studying the instructional, administrative, and fiscal practices and policies used by the schools selected by the State Board that are meeting Adequate Yearly Progress;
- By creating assistance models for each subgroup based on the practices and policies used in schools that are meeting adequate yearly progress. The schools of education at the constituent institutions of the UNC, in collaboration with the Center for School Leadership Development shall assist the State Board in developing these models; and
- By offering technical assistance based on these assistance models to local school systems that are not meeting adequate yearly progress with priority given to those local school systems with high concentrations of schools that are not meeting adequate yearly progress.

The State Board must determine the number of local school systems that could be served effectively in the first two years of implementation. The technical assistance must include peer assistance and professional development by teachers, support personnel, and administrators in schools with subgroups that are meeting adequate yearly progress.

The State Board of Education and the Department of Public Instruction would have to report to the Joint Legislative Education Oversight Committee by June 15, 2004 and December 15, 2005 on the implementation of this act: the number and location of schools meeting adequate yearly progress, the assistance models developed, the technical assistance provided, and the need for additional resources to implement this act statewide.

BACKGROUND: The reauthorization of the Elementary and Secondary Education Act (ESEA), also known as the No Child Left Behind Act (NCLB) has an Adequate Yearly Progress (AYP) provision. Adequate yearly progress refers to the progress made toward the ultimate goal of having 100% of students proficient in reading and mathematics (according to state standards) by the end of the 2013-2014 school

HOUSE BILL 797

Page 2

year. The states have each set the target goals for AYP based on the 2001-2002 performances. For a school to make AYP the percent of students passing the statewide tests in reading and mathematics, schoolwide and by **each** subgroup, must meet or exceed the AYP targets for the year. Put another way, if any of the disaggregated groups do not meet the target goals, then the school will be considered to have failed to meet adequate yearly progress. Student performance will be measured and reported for the following subgroups:

- The school as a whole;
- White;
- Black;
- Native American;
- Asian/Pacific Islander;
- Hispanic;
- Multiracial;
- Limited English proficient;
- Students with disabilities; and
- Economically disadvantaged students.

Forty or more students in a category in a school comprise a subgroup, and the school must test at least 95% of the students in each subgroup.¹

Another way of determining adequate yearly progress is if the percentage of students not scoring proficient in a subgroup is reduced by at least 10 % in a year, and the subgroup makes progress on the other academic indicator. For North Carolina schools, the indicator is likely to be the graduation rate for a school that has as a 12th grade and graduates seniors. If a school does not have a 12th grade and/or does not graduate seniors, then the attendance rate will be used as the other indicator.

H797-SMSF-001

¹ The improvement of minority achievement and closing the achievement gaps between minority students and white students are already priorities in North Carolina. In 2001, the General Assembly required that beginning in the 2002-2003 school year, the state must include a "closing the achievement gap" component in its measurement of educational growth in student performance for each school.

**2003 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

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

By Representatives **Bonner, Hilton, Warner, Wood** (Chairs) for the Committee on
EDUCATION.

☒ Committee Substitute for

H.B. 1032 A BILL TO BE ENTITLED AN ACT REQUIRING LOCAL BOARDS OF
EDUCATION TO GIVE PREFERENCE IN PURCHASING CONTRACTS TO HIGH-
CALCIUM FOODS AND BEVERAGES.

- ☐ 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)

03/19/03

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2003

H

1

HOUSE BILL 1032

Short Title: School Food/Beverage Purchases.

(Public)

Sponsors: Representatives Glazier, England (Primary Sponsors); Bordsen, Fox, Gibson, and Goforth.

Referred to: Education.

April 10, 2003

A BILL TO BE ENTITLED

AN ACT REQUIRING LOCAL BOARDS OF EDUCATION TO GIVE PREFERENCE IN PURCHASING CONTRACTS TO HIGH-CALCIUM FOODS AND BEVERAGES.

The General Assembly of North Carolina enacts:

SECTION 1. Part 2 of Article 17 of Chapter 115C is amended by adding a new section to read:

"§ 115C-264.1. Preference to high-calcium foods and beverages in purchasing contracts.

(a) In addition to any requirements established by the United States Department of Agriculture under the National School Lunch Program, the School Breakfast Program, or other federally supported food service programs, local boards of education shall give preference in purchasing contracts to high-calcium foods and beverages. For purposes of this section, 'high-calcium foods and beverages' means foods and beverages that contain a higher level of calcium and that are equal to or lower in price than other products of the same type or quality.

(b) Notwithstanding the provisions of subsection (a) of this section, if a local school board determines that a high-calcium food or beverage would interfere with the proper treatment and care of an individual receiving services from the public school food program, the local school board shall not be required to purchase a high-calcium food or beverage for that individual. A local school board that has entered into a contract with a supplier to purchase food or beverages before July 1, 2003, is not required to purchase high-calcium foods or beverages for the duration of that contract if purchasing those products would change the terms of the contract."

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

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2003

H

1

HOUSE BILL 1032

Short Title: School Food/Beverage Purchases.

(Public)

Sponsors: Representatives Glazier, England (Primary Sponsors); Bordsen, Fox, Gibson, and Goforth.

Referred to: Education.

April 10, 2003

A BILL TO BE ENTITLED

AN ACT REQUIRING LOCAL BOARDS OF EDUCATION TO GIVE PREFERENCE IN PURCHASING CONTRACTS TO HIGH-CALCIUM FOODS AND BEVERAGES.

The General Assembly of North Carolina enacts:

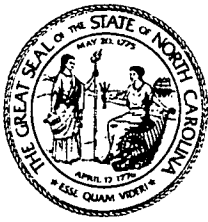
SECTION 1. Part 2 of Article 17 of Chapter 115C is amended by adding a new section to read:

"§ 115C-264.1. Preference to high-calcium foods and beverages in purchasing contracts.

(a) In addition to any requirements established by the United States Department of Agriculture under the National School Lunch Program, the School Breakfast Program, or other federally supported food service programs, local boards of education shall give preference in purchasing contracts to high-calcium foods and beverages. For purposes of this section, 'high-calcium foods and beverages' means foods and beverages that contain a higher level of calcium and that are equal to or lower in price than other products of the same type or quality.

(b) Notwithstanding the provisions of subsection (a) of this section, if a local school board determines that a high-calcium food or beverage would interfere with the proper treatment and care of an individual receiving services from the public school food program, the local school board shall not be required to purchase a high-calcium food or beverage for that individual. A local school board that has entered into a contract with a supplier to purchase food or beverages before July 1, 2003, is not required to purchase high-calcium foods or beverages for the duration of that contract if purchasing those products would change the terms of the contract."

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



HOUSE BILL 1032: School Food/Beverage Purchases

BILL ANALYSIS

Committee: Education

Date: April 16, 2003

Version: 1st Edition

Introduced by: Reps. Glazier and England

Summary by: Drupti Chauhan

Committee Counsel

SUMMARY: *This bill would require local boards of education to give preference to high-calcium foods and beverages when making purchasing contracts.*

CURRENT LAW: Local school boards are required to provide school food services to the extent practicable. G.S. 115C-264 requires public schools to participate in the federal National School Lunch program and abide by the federal guidelines that have been established.

BILL ANALYSIS: This bill would require local boards of education to give preference to "high-calcium foods and beverages" when making purchasing contracts. "High calcium foods and beverages" are defined in the bill as foods and beverages that contain a higher level of calcium and are equal to or lower in price than other products of the same type or quality. If a local board of education determines that a high calcium food or beverage would interfere with the proper treatment and care of individuals receiving services from a school food program, the local board of education would not be required to purchase high-calcium foods or beverages for that individual. Local boards of education that have entered into contracts to purchase food or beverages before July 1, 2003 are not required to purchase high-calcium foods or beverages for the duration of the contract if purchasing those products would change the terms of the contract. This last sentence could cause problems if the bill is not enacted until after July 1, 2003 because it would be require these contracts to abide by a provision that was not law when the contracts were made.

BACKGROUND: The National School Lunch Program is a federally assisted meal program that provides nutritionally balanced, low-cost, or free lunches to children in public and non-profit private schools. School systems that take part in the lunch program receive cash subsidies and donated commodities from the USDA. The school must serve lunches that meet the federal nutritional requirements although the decisions about what specific foods to serve and how they are prepared are made by local school food authorities. The school must also offer free or reduced price lunches to eligible children. The School Breakfast program operates in the same manner as the National School Lunch Program. Schools that choose to participate receive cash subsidies from the USDA and they must offer freed or reduced breakfasts to eligible children.

EFFECTIVE DATE: This act becomes effective when it becomes law.



NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
House Bill 1032

H1032-ARQ-7 [v.3]

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

Page 1 of 1

Date _____, 2003

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

Representative _____

- 1 moves to amend the bill on page 1, line 22 by deleting the phrase "July 1, 2003," and
2 substituting the phrase "the effective date of this section".
3

SIGNED _____
Amendment Sponsor

Passed

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED _____ FAILED _____ TABLED _____

**2003 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

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

By Representatives **Bonner, Hilton, Warner, Wood** (Chairs) for the Committee on
EDUCATION.

☐ Committee Substitute for

H.B. 31 A BILL TO BE ENTITLED AN ACT TO REMOVE THE CAP ON THE
NUMBER OF CHARTER SCHOOLS.

☐ With a favorable report.

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

☐ With a favorable report, as amended.

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

☒ With a favorable report as to 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)

03/19/03

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2003

H

D

HOUSE BILL 31

PROPOSED COMMITTEE SUBSTITUTE H31-PCS45056-RH-4

Short Title: Raise Cap on Charter Schools.

(Public)

Sponsors:

Referred to:

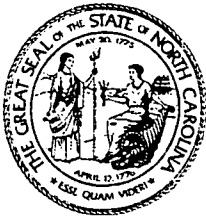
February 17, 2003

1 A BILL TO BE ENTITLED
2 AN ACT TO RAISE THE CAP ON THE NUMBER OF CHARTER SCHOOLS.
3 The General Assembly of North Carolina enacts:

4 SECTION 1. G.S. 115C-238.29D(b) reads as rewritten:

5 "(b) The State Board shall authorize no more than five charter schools per year in
6 one local school administrative unit. The State Board shall authorize no more than ~~400~~
7 110 charter schools statewide. If more than five charter schools in one local school
8 administrative unit or more than ~~400~~ 110 schools statewide meet the standards for final
9 approval, the State Board shall give priority to applications that are most likely to
10 further State education policies and to strengthen the educational program offered in the
11 local school administrative units in which they are located."

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



HOUSE BILL 31: Raise Cap on Charter Schools.

BILL ANALYSIS

Committee: House Education
Date: April 17, 2003
Version: PCS

Introduced by: Rep. Allred
Summary by: Robin Johnson
Committee Counsel

Robin

SUMMARY: *The bill would raise the cap on the number of charter schools statewide from 100 to 110. (The original bill would have allowed an unlimited number of charter schools – both statewide and within local school administrative units.) The bill would become effective when it becomes law.*

CURRENT LAW: The State Board of Education may authorize no more than 100 charter schools statewide. Each year, the Board may authorize a maximum of five charter schools in any one local school administrative unit. At this time, there are 95 charter schools in North Carolina.

Charter schools are public schools. Currently, any person, group of persons, or nonprofit corporation may apply for a charter to establish a charter school or to convert an existing public school to a charter school. Application for preliminary approval is made to the local board of education of the local school administrative unit where the school will be located, the board of trustees of a UNC constituent institution, or the State Board of Education. If the charter is granted, the charter school is accountable to the entity that grants preliminary approval. (In the majority of cases, this is the State Board of Education.)

Charter schools are exempt from most laws and regulations applicable to traditional public schools. Charter schools must provide 180 days of instruction; traditional schools must have 180 days and 1000 hours of instruction. Teachers in traditional schools must be certified or working towards certification; in charter schools, at least 75% of teachers in grades K-5 and at least 50% of teachers in grades 6-12 must hold certificates. Charter schools are not subject to class size reduction requirements, the standard course of study, the State salary schedules for teachers and principals, or the laws governing career status for teachers (aka "tenure"). Charter schools receive the State's average per pupil funding for each student, including funds for children with special needs, and local per pupil funding, but these schools are not required to spend the funds for the specific purposes for which they are allocated (*See attached G.S. 115C-238.29H*).

BILL ANALYSIS: The bill would repeal G.S. 115C-238.29D(b) (*see attached*) by raising the limit on the number of charter schools statewide from 100 to 110. The limit on the number of charter schools approved each year in each local school administrative unit would not change.

The bill would take effect when it becomes law.

H31-SMRH-002

HOUSE BILL 31

Page 2

G.S. 115C-238.29D(b)

(b) The State Board shall authorize no more than five charter schools per year in one local school administrative unit. The State Board shall authorize no more than 100 charter schools statewide. If more than five charter schools in one local school administrative unit or more than 100 schools statewide meet the standards for final approval, the State Board shall give priority to applications that are most likely to further State education policies and to strengthen the educational program offered in the local school administrative units in which they are located.

G.S. 115C-238.29H. State and local funds for a charter school.

(a) The State Board of Education shall allocate to each charter school:

- (1) An amount equal to the average per pupil allocation for average daily membership from the local school administrative unit allotments in which the charter school is located for each child attending the charter school except for the allocation for children with special needs and for the allocation for children with limited English proficiency;
- (2) An additional amount for each child attending the charter school who is a child with special needs; and
- (3) An additional amount for children with limited English proficiency attending the charter school, based on a formula adopted by the State Board.

In accordance with G.S. 115C-238.29D(d), the State Board shall allow for annual adjustments to the amount allocated to a charter school based on its enrollment growth in school years subsequent to the initial year of operation.

In the event a child with special needs leaves the charter school and enrolls in a public school during the first 60 school days in the school year, the charter school shall return a pro rata amount of funds allocated for that child to the State Board, and the State Board shall reallocate those funds to the local school administrative unit in which the public school is located. In the event a child with special needs enrolls in a charter school during the first 60 school days in the school year, the State Board shall allocate to the charter school the pro rata amount of additional funds for children with special needs.

(a1) Funds allocated by the State Board of Education may be used to enter into operational and financing leases for real property or mobile classroom units for use as school facilities for charter schools and may be used for payments on loans made to charter schools for facilities or equipment. However, State funds shall not be used to obtain any other interest in real property or mobile classroom units. No indebtedness of any kind incurred or created by the charter school shall constitute an indebtedness of the State or its political subdivisions, and no indebtedness of the charter school shall involve or be secured by the faith, credit, or taxing power of the State or its political subdivisions. Every contract or lease into which a charter school enters shall include the previous sentence. The school also may own land and buildings it obtains through non-State sources.

(b) If a student attends a charter school, the local school administrative unit in which the child resides shall transfer to the charter school an amount equal to the per pupil local current expense appropriation to the local school administrative unit for the fiscal year.

**2003 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

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

By Representatives **Bonner, Hilton, Warner, Wood** (Chairs) for the Committee on
EDUCATION.

☐ Committee Substitute for

H.B. 1210 A BILL TO BE ENTITLED AN ACT MODIFYING THE MEMBERSHIP OF
THE BOARD OF TRUSTEES OF THE NORTH CAROLINA SCHOOL OF THE ARTS.

☒ 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)

03/19/03

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2003

H

1

HOUSE BILL 1210

Short Title: N.C. School of the Arts/Board Membership.

(Public)

Sponsors: Representative Yongue.

Referred to: Education.

April 10, 2003

A BILL TO BE ENTITLED
AN ACT MODIFYING THE MEMBERSHIP OF THE BOARD OF TRUSTEES OF
THE NORTH CAROLINA SCHOOL OF THE ARTS.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 116-65 reads as rewritten:

"§ 116-65. To be part of University of North Carolina; membership of Board of Trustees.

The North Carolina School of Arts is a part of the University of North Carolina and subject to the provisions of Article 1, Chapter 116, of the General Statutes; provided, however, that notwithstanding the provisions of G.S. 116-31, the Board of Trustees of said school shall consist of 15 persons, 13 of whom are selected in accordance with provisions of G.S. 116-31, and the conductor of the North Carolina ~~Symphony~~ Symphony, or the conductor's designee, and the Secretary of the Department of Cultural Resources, both serving ex officio and nonvoting."

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

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2003

H

1

HOUSE BILL 1210

Short Title: N.C. School of the Arts/Board Membership.

(Public)

Sponsors: Representative Yongue.

Referred to: Education.

April 10, 2003

1 A BILL TO BE ENTITLED
2 AN ACT MODIFYING THE MEMBERSHIP OF THE BOARD OF TRUSTEES OF
3 THE NORTH CAROLINA SCHOOL OF THE ARTS.

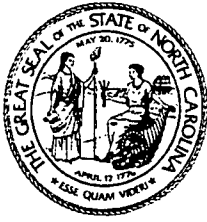
4 The General Assembly of North Carolina enacts:

5 SECTION 1. G.S. 116-65 reads as rewritten:

6 "**§ 116-65. To be part of University of North Carolina; membership of Board of**
7 **Trustees.**

8 The North Carolina School of Arts is a part of the University of North Carolina and
9 subject to the provisions of Article 1, Chapter 116, of the General Statutes; provided,
10 however, that notwithstanding the provisions of G.S. 116-31, the Board of Trustees of
11 said school shall consist of 15 persons, 13 of whom are selected in accordance with
12 provisions of G.S. 116-31, and the conductor of the North Carolina ~~Symphony~~
13 Symphony, or the conductor's designee, and the Secretary of the Department of Cultural
14 Resources, both serving ex officio and nonvoting."

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



HOUSE BILL 1210: N.C. School of the Arts/Board Membership

BILL ANALYSIS

Committee: House Education
Date: April 17, 2003
Version: First

Introduced by: Representative Yongue
Summary by: Dee Atkinson
Research Assistant

SUMMARY: *House Bill 1210 would modify the membership of the Board of Trustees of the North Carolina School of the Arts. Currently, the conductor of the North Carolina Symphony is an ex officio, nonvoting member. This bill would allow the conductor's designee to serve in this capacity. The act would become effective when it becomes law.*

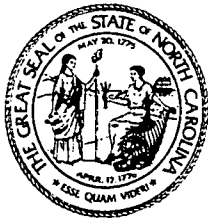
BACKGROUND: The Board of Trustees of the North Carolina School of the Arts is composed of 15 members. Thirteen of the members are selected in accordance with provisions of G.S. 116-31. They are chosen as follows:

- 8 members elected by the UNC Board of Governors
- 4 members appointed by the Governor
- The president of the student government, ex officio and voting

The term of office of all trustees, except the ex officio member is for four years, beginning on July 1 of odd-numbered years.

The other two members, the conductor of the North Carolina Symphony and the Secretary of the Department of Cultural Resources, are both ex officio and nonvoting members.

H1210-SMSM-001



HOUSE BILL 1210: N.C. School of the Arts/Board Membership

BILL ANALYSIS

Committee: House Education
Date: April 17, 2003
Version: First

Introduced by: Representative Yongue
Summary by: Dee Atkinson
Research Assistant

SUMMARY: *House Bill 1210 would modify the membership of the Board of Trustees of the North Carolina School of the Arts. Currently, the conductor of the North Carolina Symphony is an ex officio, nonvoting member. This bill would allow the conductor's designee to serve in this capacity.*

The act would become effective when it becomes law.

BACKGROUND: The Board of Trustees of the North Carolina School of the Arts is composed of 15 members. Thirteen of the members are selected in accordance with provisions of G.S. 116-31. They are chosen as follows:

- 8 members elected by the UNC Board of Governors
- 4 members appointed by the Governor
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The term of office of all trustees, except the ex officio member is for four years, beginning on July 1 of odd-numbered years.

The other two members, the conductor of the North Carolina Symphony and the Secretary of the Department of Cultural Resources, are both ex officio and nonvoting members.

H1210-SMSM-001

Anne

**2003 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

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

By Representatives Bonner, Hilton, Warner, Wood (Chairs) for the Committee on
EDUCATION.

☐ Committee Substitute for

H.B. 1211 A BILL TO BE ENTITLED AN ACT MODIFYING THE MEMBERSHIP OF
THE BOARD OF THE NORTH CAROLINA ARBORETUM.

☒ 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)

03/19/03

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2003

H

1

HOUSE BILL 1211

Short Title: N.C. Arboretum/Board Membership.

(Public)

Sponsors: Representative Yongue.

Referred to: Education.

April 10, 2003

1 A BILL TO BE ENTITLED
2 AN ACT MODIFYING THE MEMBERSHIP OF THE BOARD OF THE NORTH
3 CAROLINA ARBORETUM.

4 The General Assembly of North Carolina enacts:

5 SECTION 1. G.S. 116-243 reads as rewritten:

6 "§ 116-243. Board of directors established; appointments.

7 A board of directors to govern the operation of the Arboretum is established, to be
8 appointed as follows:

- 9 (1) Two by the Governor, initially, one for a two-year term, and one for a
10 four-year term. Successors shall be appointed for four-year terms;
- 11 (2) Two by the General Assembly, in accordance with G.S. 120-121, upon
12 the recommendation of the President Pro Tempore of the Senate,
13 initially, one for a two-year term, and one for a four-year term.
14 Successors shall be appointed for four-year terms;
- 15 (3) Two by the General Assembly, in accordance with G.S. 120-121, upon
16 the recommendation of the Speaker of the House of Representatives,
17 initially, one for a two-year term, and one for a four-year term.
18 Successors shall be appointed for four-year terms;
- 19 (4) The President of The University of North Carolina or ~~his~~ the
20 President's designee to serve ex officio;
- 21 (5) The chancellors, chief executive officers, or their designees of the
22 following institutions of higher education: North Carolina State
23 University, Western Carolina University, The University of North
24 Carolina at Asheville, Mars Hill College, and Warren Wilson College,
25 to serve ex officio;
- 26 (6) The President of Western North Carolina Arboretum, Inc., to serve ex
27 officio;
- 28 (7) Six by the Board of Governors of The University of North Carolina,
29 initially, three for one-year terms, and three for three-year terms.

1 Successors shall be appointed for four-year terms. One shall be an
2 active grower of nursery stock, and one other shall represent the State's
3 garden clubs;

4 (8) The executive director of the Arboretum and the Executive Vice
5 President of Western North Carolina Development Association shall
6 serve ex officio as nonvoting members of the board of directors.

7 All appointed members may serve two full four-year terms following the initial
8 appointment and then may not be reappointed until they have been absent for at least
9 ~~four years~~ one year. Members serve until their successors have been appointed.
10 Appointees to fill vacancies serve for the remainder of the unexpired term. Vacancies in
11 appointments made by the General Assembly shall be filled in accordance with G.S.
12 120-122. Initial terms begin July 1, 1986.

13 The chairman of the board of directors shall be elected biennially by majority vote of
14 the directors.

15 The executive director of the Arboretum shall report to the board of directors."

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

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2003

H

1

HOUSE BILL 1211

Short Title: N.C. Arboretum/Board Membership.

(Public)

Sponsors: Representative Yongue.

Referred to: Education.

April 10, 2003

A BILL TO BE ENTITLED
AN ACT MODIFYING THE MEMBERSHIP OF THE BOARD OF THE NORTH
CAROLINA ARBORETUM.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 116-243 reads as rewritten:

"§ 116-243. Board of directors established; appointments.

A board of directors to govern the operation of the Arboretum is established, to be appointed as follows:

- (1) Two by the Governor, initially, one for a two-year term, and one for a four-year term. Successors shall be appointed for four-year terms;
- (2) Two by the General Assembly, in accordance with G.S. 120-121, upon the recommendation of the President Pro Tempore of the Senate, initially, one for a two-year term, and one for a four-year term. Successors shall be appointed for four-year terms;
- (3) Two by the General Assembly, in accordance with G.S. 120-121, upon the recommendation of the Speaker of the House of Representatives, initially, one for a two-year term, and one for a four-year term. Successors shall be appointed for four-year terms;
- (4) The President of The University of North Carolina or ~~his~~ the President's designee to serve ex officio;
- (5) The chancellors, chief executive officers, or their designees of the following institutions of higher education: North Carolina State University, Western Carolina University, The University of North Carolina at Asheville, Mars Hill College, and Warren Wilson College, to serve ex officio;
- (6) The President of Western North Carolina Arboretum, Inc., to serve ex officio;
- (7) Six by the Board of Governors of The University of North Carolina, initially, three for one-year terms, and three for three-year terms.

1 Successors shall be appointed for four-year terms. One shall be an
2 active grower of nursery stock, and one other shall represent the State's
3 garden clubs;

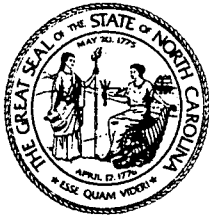
4 (8) The executive director of the Arboretum and the Executive Vice
5 President of Western North Carolina Development Association shall
6 serve ex officio as nonvoting members of the board of directors.

7 All appointed members may serve two full four-year terms following the initial
8 appointment and then may not be reappointed until they have been absent for at least
9 ~~four years~~ one year. Members serve until their successors have been appointed.
10 Appointees to fill vacancies serve for the remainder of the unexpired term. Vacancies in
11 appointments made by the General Assembly shall be filled in accordance with G.S.
12 120-122. Initial terms begin July 1, 1986.

13 The chairman of the board of directors shall be elected biennially by majority vote of
14 the directors.

15 The executive director of the Arboretum shall report to the board of directors."

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



HOUSE BILL 1211: N.C. Arboretum/Board Membership

BILL ANALYSIS

Committee: House Education
Date: April 17, 2003
Version: First

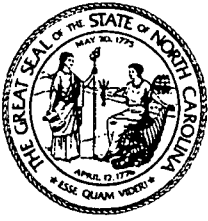
Introduced by: Representative Yongue
Summary by: Dee Atkinson
Research Assistant

SUMMARY: *House Bill 1211 would modify the membership of the Board of the North Carolina Arboretum to allow appointed members who have served two full four-year terms following the initial appointment to be eligible for reappointment after one year. Currently, members are not eligible for reappointment until they have been absent for at least four years. This bill would also make one technical change.*

The act would become effective when it becomes law.

BACKGROUND: The North Carolina Arboretum is administered by The University of North Carolina. A Board of Directors was established to govern the operation of the Arboretum.

H1210-SMSM-001



HOUSE BILL 1211: N.C. Arboretum/Board Membership

BILL ANALYSIS

Committee: House Education
Date: April 17, 2003
Version: First

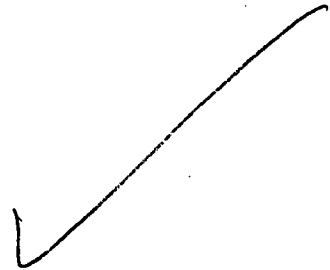
Introduced by: Representative Yongue
Summary by: Dee Atkinson
Research Assistant

SUMMARY: *House Bill 1211 would modify the membership of the Board of the North Carolina Arboretum to allow appointed members who have served two full four-year terms following the initial appointment to be eligible for reappointment after one year. Currently, members are not eligible for reappointment until they have been absent for at least four years. This bill would also make one technical change.*

The act would become effective when it becomes law.

BACKGROUND: The North Carolina Arboretum is administered by The University of North Carolina. A Board of Directors was established to govern the operation of the Arboretum.

H1210-SMSM-001



GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2003

H

~~M. Gorton~~

~~Sexton~~

~~Jolson~~

~~Warner~~

HOUSE BILL 1183

~~Rapp~~

~~Bell~~

1

Short Title: Community Colleges Offer 4-Year Degrees.

(Public)

Sponsors: Representative Wood.

Referred to: Education.

April 10, 2003

A BILL TO BE ENTITLED

AN ACT AUTHORIZING THE STATE BOARD OF COMMUNITY COLLEGES TO
APPROVE THE ESTABLISHMENT OF BACHELORS DEGREE PROGRAMS
AT COMMUNITY COLLEGES.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 115D-2(2) reads as rewritten:

"§ 115D-2. Definitions.

As used in this Chapter:

(2) The term "community college" is defined as an educational institution operating under the provisions of this Chapter and dedicated primarily to the educational needs of the service area which it serves, and may offer.

a. The freshmen and sophomore courses of a college of arts and sciences, authorized by G.S. 115D-4.1;

a1. The junior and senior courses of a college of arts and sciences, authorized by G.S. 115D-4.2;

b. Organized credit curricula for the training of technicians; curricular courses may carry transfer credit to a senior college or university where the course is comparable in content and quality and is appropriate to a chosen course of study;

c. Vocational, trade, and technical specialty courses and programs, and

d. Courses in general adult education."

SECTION 2. Chapter 115D of the General Statutes is amended by adding a new section to read:

"§ 115D-4.2. Bachelors degree program approval; standards for programs.

(a) The State Board of Community Colleges may approve the addition of a bachelors degree program to a community college. If addition of the program to an

1 institution would require a substantial increase in funds, State Board approval shall be
2 subject to appropriation of funds by the General Assembly for this purpose.

3 (c) Addition of the bachelors degree program shall not decrease an institution's
4 ability to provide programs within its basic mission of vocational and technical training
5 and basic academic education.

6 (d) The State Board of Community Colleges shall develop appropriate criteria
7 and standards to regulate the addition of the bachelors degree program to institutions.

8 (e) The State Board of Community Colleges shall develop appropriate criteria
9 and standards to regulate the operation of bachelors degree programs. The criteria and
10 standards shall require all bachelors degree programs to continue to meet the
11 accreditation standards of the Southern Association of Colleges and Schools.

12 The State Board of Community Colleges shall report annually to the General
13 Assembly on compliance of the community colleges with these criteria and standards."

14 **SECTION 3.** This act becomes effective July 1, 2003.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2003

H

HOUSE BILL 1184

1

*D.P.I.
available*

Short Title: Establish a Virtual Academy Program.

(Public)

Sponsors: Representative Wood.

Referred to: Education.

April 10, 2003

A BILL TO BE ENTITLED

AN ACT DIRECTING THE DEPARTMENT OF PUBLIC INSTRUCTION TO
ESTABLISH A VIRTUAL ACADEMY PROGRAM.

The General Assembly of North Carolina enacts:

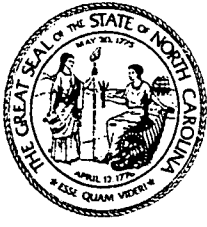
SECTION 1. The Department of Public Instruction shall establish a virtual academy program. The purpose of the program is to offer students in public schools, charter schools, private schools, and home schools across the State an outstanding educational program through distance learning.

SECTION 2. The Department of Public Instruction may enter into contracts with public or private entities to assist it in the implementation of this act.

SECTION 3. The Department of Public Instruction shall report to the Joint Legislative Education Oversight Committee on a quarterly basis on its progress in implementing this act.

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

✓ McAllister
✓ Glazier
✓ Pate
✓ Borden
✓ M. Jawhorn
✓ Sexton
D.P.T. (Glazier)



HOUSE BILL 1184: Establish a Virtual Academy Program

BILL ANALYSIS

Committee: House Education
Date: April 16, 2003
Version: First

Introduced by: Representative Wood
Summary by: Drupti Chauhan
Committee Counsel

SUMMARY: *This bill directs the Department of Public Instruction (DPI) to establish a virtual academy program.*

BILL ANALYSIS: This bill requires that DPI establish a virtual academy program to offer students in public schools, charter schools, private schools, and home schools educational programs through distance learning. DPI is authorized to enter into contracts with public or private entities to assist in the implementation of this act and it must report to the Joint Legislative education Oversight Committee on a quarterly basis about the progress on the implementation of the program.

BACKGROUND: Currently, DPI runs distance learning programs via Satellite, DPI On-Line, Web Academy, and the North Carolina Information Highway. The Satellite programs are 1 way video, 2-way interactive programs; DPI On-Line are web based programs that include different providers such as Learn NC and the North Carolina School of Science and Math; Web Academy is based out of Cumberland County and provides web based programs as well; and the North Carolina Information Highway is a 2 way video, 2 way audio interactive program that combines students in several schools with one teacher. In 2000-01, approximately 1,066 students participated via Satellite; 246 via DPI On-Line; 1,177 via the Web Academy; and 3,540 via the North Carolina Information Highway. Charter school students are eligible to participate and have done so. Students attending private schools and those that are home schooled are eligible as well but are required to pay costs.

EFFECTIVE DATE: This bill becomes effective when it becomes law.

**2003 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

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

By Representatives **Bonner, Hilton, Warner, Wood** (Chairs) for the Committee on
EDUCATION.

☐ Committee Substitute for

H.B. 1117 A BILL TO BE ENTITLED AN ACT TO REQUIRE THAT A FULL-TIME
TEACHER ASSISTANT BE ASSIGNED TO ANY KINDERGARTEN CLASSROOM
WITH MORE THAN FIFTEEN 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 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)

03/19/03

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2003

H

1

HOUSE BILL 1117

Short Title: Assistant Required/Large Kindergarten Class.

(Public)

Sponsors: Representatives Jeffus; Munford, Parmon, and Pate.

Referred to: Education.

April 10, 2003

A BILL TO BE ENTITLED

AN ACT TO REQUIRE THAT A FULL-TIME TEACHER ASSISTANT BE
ASSIGNED TO ANY KINDERGARTEN CLASSROOM WITH MORE THAN
FIFTEEN STUDENTS.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 115C-301 is amended by adding a new subsection to
read:

"(c1) Kindergarten Class Size. – Notwithstanding any other provision of law, a
kindergarten class shall not exceed 15 students. If a local board of education cannot
organizationally correct an exception to this limit and the exception resulted from (i)
exceptional circumstances, emergencies, or acts of God, (ii) large changes in student
population, or (iii) organizational problems caused by remote geographic location, the
local board of education shall apply for an allotment adjustment as provided in
subsection (g) of this section. If the local board of education does not receive an
allotment adjustment, a full-time teacher assistant shall be assigned to the classroom.
This subsection shall not be subject to waiver."

SECTION 2. This act becomes effective July 1, 2003.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2003

H

1

HOUSE BILL 1117

Short Title: Assistant Required/Large Kindergarten Class.

(Public)

Sponsors: Representatives Jeffus; Munford, Parmon, and Pate.

Referred to: Education.

April 10, 2003

A BILL TO BE ENTITLED

AN ACT TO REQUIRE THAT A FULL-TIME TEACHER ASSISTANT BE
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FIFTEEN STUDENTS.

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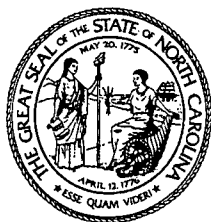
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exceptional circumstances, emergencies, or acts of God, (ii) large changes in student
population, or (iii) organizational problems caused by remote geographic location, the
local board of education shall apply for an allotment adjustment as provided in
subsection (g) of this section. If the local board of education does not receive an
allotment adjustment, a full-time teacher assistant shall be assigned to the classroom.
This subsection shall not be subject to waiver."

SECTION 2. This act becomes effective July 1, 2003.

Phillip Price – D.P.I.

✓ Pate
✓ Sexton
✓ Blackwood
✓ Gorman
✓ Warren



HOUSE BILL 1117:

Assistant Required/Large Kindergarten Class

BILL ANALYSIS

Committee: House Education
Date: April 17, 2003
Version: First

Introduced by: Rep. Jeffus
Summary by: Shirley Iorio
Committee Staff

SUMMARY: *House Bill 1117 would require that kindergarten class size not exceed 15 students. If a local board could not correct an exception to this limit and the exception resulted from certain specified circumstances, the local board must apply for an allotment adjustment. If the local board does not receive an allotment adjustment, a full-time teacher assistant must be assigned to the classroom. This requirement could not be waived. The act would become effective July 1, 2003.*

CURRENT LAW: G.S. 115C-301(c) provides that the average class size for each grade span in a local school administration unit shall at no time exceed the funded allotment ratio of teachers to students. At the end of the second school month and for the remainder of the school year, the size of an individual class shall not exceed the allotment ratio by more than three students.

G.S. 115C-301(g) requires local boards of education to report exceptions to the State Board of Education, and to request allotment adjustments or waivers from the standards set out. Within 45 days of receipt of reports, the State Board of Education, within funds available, may allot additional positions or grant waivers for the excess class size or daily load.

(1) If the exception resulted from (i) exceptional circumstances, emergencies, or acts of God, (ii) large changes in student population, (iii) organizational problems caused by remote geographic location, or (iv) classes organized for a solitary curricular area, and

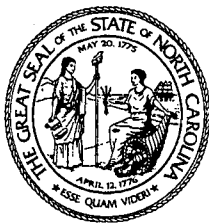
(2) If the local board cannot organizationally correct the exception.

All allotment adjustments and waivers submitted shall be reported to the Director of the Budget and to the General Assembly by May 15 of each year.

G.S. 115C-47 (10) makes it the responsibility of local boards of education to assure that the class size and teaching load requirements set forth in G.S. 115C-301 are met. Any teacher who believes that the class size requirements have not been met shall make a report to the principal and superintendent. The superintendent must immediately determine whether the requirements have in fact not been met. If the superintendent finds that the requirements have not been met, the superintendent must make a report to the next local board of education meeting. The local board of education must take action to meet the requirements of the statute. If the local board cannot organizationally correct the exception and if any of the conditions set out in G.S. 115C-301(g) exist, the local board must immediately apply to the State Board of Education for additional personnel or a waiver of the class size requirement. At the end of the second month of each school year the superintendent must file a report with the State Board of Education describing the size of each class along with other information. As of February 1 each year, the superintendent must report all exceptions to individual class size that exist at that time.

BILL ANALYSIS: This bill, notwithstanding any other provision of law, would require that a full-time teacher assistant be assigned to a kindergarten classroom if the local board of education does not receive an allotment adjustment from the State Board of Education. This legislation would prohibit any waiver of this teacher assistant requirement.

H1117-SMSF-001



HOUSE BILL 1117: Assistant Required/Large Kindergarten Class

BILL ANALYSIS

Committee: House Education
Date: April 17, 2003
Version: First

Introduced by: Rep. Jeffus
Summary by: Shirley Iorio
Committee Staff

SUMMARY: *House Bill 1117 would require that kindergarten class size not exceed 15 students. If a local board could not correct an exception to this limit and the exception resulted from certain specified circumstances, the local board must apply for an allotment adjustment. If the local board does not receive an allotment adjustment, a full-time teacher assistant must be assigned to the classroom. This requirement could not be waived. The act would become effective July 1, 2003.*

CURRENT LAW: G.S. 115C-301(c) provides that the average class size for each grade span in a local school administration unit shall at no time exceed the funded allotment ratio of teachers to students. At the end of the second school month and for the remainder of the school year, the size of an individual class shall not exceed the allotment ratio by more than three students.

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(1) If the exception resulted from (i) exceptional circumstances, emergencies, or acts of God, (ii) large changes in student population, (iii) organizational problems caused by remote geographic location, or (iv) classes organized for a solitary curricular area, and

(2) If the local board cannot organizationally correct the exception.

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BILL ANALYSIS: This bill, notwithstanding any other provision of law, would require that a full-time teacher assistant be assigned to a kindergarten classroom if the local board of education does not receive an allotment adjustment from the State Board of Education. This legislation would prohibit any waiver of this teacher assistant requirement.

H1117-SMSF-001

VISITOR REGISTRATION SHEET

EDUCATION

Name of Committee

17 APR 03

Date

VISITORS: PLEASE SIGN BELOW AND RETURN TO COMMITTEE CLERK

NAME

FIRM OR AGENCY AND ADDRESS

Lalaya Fore	DDDP-CPSV
Ed McBride	NC School of Science and Mathematics
Elizabeth Hrovatka	OSBM
John M. Hovatt	DOJ OFFICE
R. PALAU	NC Justice CTR
Soren Schmidt	NC Justice CTR
Michael Hovatt	NCAE
Carolyn McKinney	NCAE
ROGER Gerber	The League of CHARTER SCHOOLS
Gladys Graves	EPFP Education Policy Fellowship, Prof.
Sam Matthew	NCDPE
John Murphy	NCDPT
Clara Harris	Public School Forum of NC/EPFP
Jina Ayne	SBE/DPI
Katherine Joyce	NASA
Mandy Hoke	Southeast Center for Teaching Quality/EPFP
Rhonda Walpole	EPFP
Sarah McManus	EPFP
Melissa E. Bartlett	EPFP
Otho Tucker	DPI
Brad McMillen	DPI
Don Fabrizio	DPI
Bob Bellamy	DPI
Kevin H. Dwyer	DPI
MA Holland	EPFP
Dann Bland	EPFP
Bill Truitt	EPFP
Ron Cole	NC Center for Public Policy Research

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2003

H

1

HOUSE BILL 319*

Short Title: Charter School Law Changes .-AB

(Public)

Sponsors: Representatives Bonner, Preston, Warren, Yongue (Primary Sponsors);
Alexander, Crawford, Gorman, Hilton, C. Johnson, L. Johnson, Lucas,
Luebke, McLawhorn, and Tolson.

Referred to: Education.

March 6, 2003

A BILL TO BE ENTITLED
AN ACT TO AMEND THE LAW REGARDING CHARTER SCHOOLS.
The General Assembly of North Carolina enacts:

SECTION 1. G.S. 115C-238.29D(d) reads as rewritten:

"(d) The State Board of Education may grant the initial charter for a period not to exceed ~~five~~ ten years and may renew the charter upon the request of the chartering entity for subsequent periods not to exceed ~~five~~ ten years each. The State Board of Education shall review the operations of each charter school at least once every five years to ensure that the school is meeting the expected academic, financial, and governance standards.

A material revision of the provisions of a charter application shall be made only upon the approval of the State Board of Education.

It shall not be considered a material revision of a charter application and shall not require the prior approval of the State Board for a charter school to increase its enrollment during the charter school's second year of operation and annually thereafter (i) by up to ten percent (10%) of the school's previous year's enrollment or (ii) in accordance with planned growth as authorized in the charter. Other enrollment growth shall be considered a material revision of the charter application, and the State Board may approve such additional enrollment growth of greater than ten percent (10%) only if the State Board finds that:

- (1) The actual enrollment of the charter school is within ten percent (10%) of its maximum authorized enrollment;
- (2) The charter school has commitments for ninety percent (90%) of the requested maximum growth;
- (3) The board of education of the local school administrative unit in which the charter school is located has had an opportunity to be heard by the State Board of Education on any adverse impact the proposed growth

1 would have on the unit's ability to provide a sound basic education to
2 its students;

3 (4) The charter school is not currently identified as low-performing;

4 (5) The charter school meets generally accepted standards of fiscal
5 management; and

6 (6) It is otherwise appropriate to approve the enrollment growth."

7 SECTION 2. G.S. 135-3(8)c. reads as rewritten:

8 "c. (Effective until June 30, 2004 – See note) Should a
9 beneficiary who retired on an early or service retirement
10 allowance under this Chapter be reemployed, or otherwise
11 engaged to perform services, by an employer participating in
12 the Retirement System on a part-time, temporary, interim, or on
13 a fee-for-service basis, whether contractual or otherwise, and if
14 such beneficiary earns an amount during the 12-month period
15 immediately following the effective date of retirement or in any
16 calendar year which exceeds fifty percent (50%) of the reported
17 compensation, excluding terminal payments, during the 12
18 months of service preceding the effective date of retirement, or
19 twenty thousand dollars (\$20,000), whichever is greater, as
20 hereinafter indexed, then the retirement allowance shall be
21 suspended as of the first day of the month following the month
22 in which the reemployment earnings exceed the amount above,
23 for the balance of the calendar year. The retirement allowance
24 of the beneficiary shall be reinstated as of January 1 of each
25 year following suspension. The amount that may be earned
26 before suspension shall be increased on January 1 of each year
27 by the ratio of the Consumer Price Index to the Index one year
28 earlier, calculated to the nearest tenth of a percent (1/10 of 1%).

29 The computation of postretirement earnings of a beneficiary
30 under this sub-subdivision, G.S. 135-3(8)c., who has been
31 retired at least six months and has not been employed in any
32 capacity, except as a substitute teacher or a part-time tutor, with
33 a public school for at least six months immediately preceding
34 the effective date of reemployment, shall not include earnings
35 while the beneficiary is employed to teach on a substitute,
36 interim, or permanent basis in a public ~~school~~ school or a
37 charter school. The Department of Public Instruction shall
38 certify to the Retirement System that a beneficiary is employed
39 to teach by a local school administrative unit or a charter school
40 under the provisions of this sub-subdivision and as a retired
41 teacher as the term is defined under the provisions of G.S.
42 115C-325(a)(5a).

Beneficiaries employed under this sub-subdivision are not entitled to any benefits otherwise provided under this Chapter as a result of this period of employment."

SECTION 3. G.S. 115C-325(a)(5a) reads as rewritten:

"(5a) **(Effective until June 30, 2004)** "Retired teacher" means a beneficiary of the Teachers' and State Employees' Retirement System of North Carolina who has been retired at least six months, has not been employed in any capacity, other than as a substitute teacher or a part-time tutor, with a local board of education or a charter school for at least six months, immediately preceding the effective date of reemployment, is determined by a local board of education or a charter school to have had satisfactory performance during the last year of employment by a local board of ~~education~~ education or the charter school, and who is employed to teach as provided in G.S. 135-3(8)c. A retired teacher at a school other than a charter school shall be treated the same as a probationary teacher except that (i) a retired teacher is not eligible for career status and (ii) the performance of a retired teacher who had attained career status prior to retirement shall be evaluated in accordance with a local board of education's policies and procedures applicable to career teachers."

SECTION 4. G.S. 115C-238.29F(e)(1) reads as rewritten:

"(1) An employee of a charter school is not an employee of the local school administrative unit in which the charter school is located. The charter school's board of directors shall employ and contract with necessary teachers to perform the particular service for which they are employed in the school; at least seventy-five percent (75%) of these teachers in grades kindergarten through five, at least fifty percent (50%) of these teachers in grades six through eight, and at least fifty percent (50%) of these teachers in grades nine through 12 shall hold teacher certificates. All teachers in grades six through 12 who are teaching in the core subject areas of mathematics, science, social studies, and language arts shall be college graduates.

The board also may employ necessary employees who are not required to hold teacher certificates to perform duties other than teaching and may contract for other services. The board may discharge teachers and noncertificated employees."

SECTION 5. Section 1 of this act is effective when it becomes law and applies to charters granted or renewed on or after that date. Sections 2 and 3 of this act become effective July 1, 2003, and expire June 30, 2004. Section 4 of this act is effective when it becomes law and applies to persons employed by charter schools for the 2003-2004 and subsequent school years.



NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
House Bill 319*

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

H319-ASF-7 [v.1]

Page 1 of 1

Date _____ 2003

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

Representative Warren

- 1 moves to amend the bill on page 3, line 41, by rewriting the line to read:
2 "the 2003-2004 and subsequent school years. This section is effective when it becomes
3 law." .
4

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 319

SHORT TITLE: Charter Schools Law Changes

SPONSOR(S): Representatives Bonner, Preston, Warren & Yongue

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

FUNDS AFFECTED: General Fund, Highway Fund and Receipt Fund

BILL SUMMARY: Under the present law, there are no re-employment earnings restrictions for any retiree who returns as a teacher, who has not been employed in any capacity, other than as a substitute or part-time tutor, with a public school for the six months immediately preceding the date of re-employment. The present law is scheduled to sunset on June 30, 2004.

This bill will apply this same treatment to those retirees who return to teach with a charter school.

EFFECTIVE DATE: July 1, 2003

ESTIMATED IMPACT ON STATE: Retirement System Actuary: Buck Consultants estimates the cost to be negligible. General Assembly Actuary: Hartman & Associates estimates no significant cost.

ASSUMPTIONS AND METHODOLOGY: Teachers' & 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, 2001, actuarial valuation of the fund. The data included 297,252 active members with an annual payroll of \$9.5 billion and 112,482 retired members in receipt of annual pensions totaling \$1.83 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

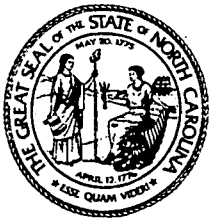
FISCAL RESEARCH DIVISION (919) 733-4910. The above information is provided in accordance with North Carolina General Statute 120-114 and applicable Rules of the North Carolina Senate and House of Representatives

PREPARED BY: Stanley Moore *Stanley Moore*

APPROVED BY: James D. Johnson, Director, Fiscal Research Division

James D. Johnson

DATE: March 27, 2003



HOUSE BILL 319: Charter School Law Changes. - AB

BILL ANALYSIS

Committee: House Education
Date: March 18, 2003
Version: First Edition

Introduced by: Reps. Bonner, Preston,
Warren, & Yongue
Summary by: Robin Johnson
Committee Counsel

SUMMARY: *House Bill 319 would (i) allow the State Board of Education to grant and renew charters for up to 10 years, (ii) allow State Retirement System beneficiaries to collect full benefits following a six-months break in service when they are then employed in a charter school, and (iii) require all charter school teachers to be college graduates if they are employed to teach in grades six through 12 in math, science, social studies, and language arts.*

The State Board of Education is requesting these changes.

LENGTH OF CHARTERS

CURRENT LAW: Currently, the term of an initial charter and its subsequent renewals may not exceed five years. Practically speaking, a charter is a contract between the State Board of Education (State Board) and a charter school. The NC Constitution allows the State and its subdivisions to enter into contracts and does not limit the length of the term of the contracts. It does, however, prohibit a contract to pledge the full faith and credit of the State to secure any debt created by the entity with which the State is contracting. The law governing charter schools specifically states, "No indebtedness of any kind incurred or created by the charter school shall constitute an indebtedness of the State or its political subdivisions, and no indebtedness of the charter school shall involve or be secured by the faith, credit, or taxing power of the State or its political subdivisions." The law further requires each charter school to include that sentence in every contract or lease into which it enters.

The State Board may terminate or not renew a charter upon any of the following grounds (i) failure to meet the charter's requirements for student performance; (ii) failure to meet generally accepted standards of fiscal management; (iii) violations of law; (iv) material violation of any of the charter school law's conditions, standards, or procedures; (v) two-thirds of the school's faculty and instructional support personnel request termination or nonrenewal; or (vi) any other good cause shown.

BILL ANALYSIS: The first section of the bill would extend the terms of charters, and their renewals, from a maximum of five years to a maximum of 10 years. This change would take effect when it becomes law and would apply to charters granted or renewed after that date.

RETIRED TEACHERS IN CHARTER SCHOOLS

CURRENT LAW: The law governing the Teachers' and State Employees' Retirement System (System) currently imposes an annual earnings cap on beneficiaries who return to employment with an employer who participates in the System. (In other words, the earnings cap applies if the beneficiary is reemployed by the State or a local school system. The earnings cap is not triggered if a beneficiary is employed by a private employer.) There is an exception (scheduled to sunset June 30, 2004) that allows any beneficiary who has been retired at least six months and who has not been employed in any capacity, except as a substitute teacher or a part-time tutor, with a public school for at least six months immediately preceding

HOUSE BILL 319

Page 2

the effective date of reemployment, to return to be employed to teach on a substitute, interim or permanent basis in a public school and not be subject to the retirement earnings cap.

Not all charter schools elect to participate in the Retirement System. (This decision is made within 30 days of signing the initial charter.) A beneficiary who is employed as a teacher in a charter school that does not participate in the System is not subject to the earnings cap. A beneficiary who is employed in a charter school that does participate in the System is currently subject to the earnings cap and is not included in the exception for beneficiaries who are employed in a traditional public school.

BILL ANALYSIS: Sections 2 and 3 of the bill would allow beneficiaries of the System to be exempt from the earnings cap when they are employed in a charter school that participates in the System following a six-months break in service. These sections would become effective July 1, 2003, and would sunset June 30, 2004.

CHARTER SCHOOL TEACHER REQUIREMENTS

CURRENT LAW: Teachers in charter schools are exempt from the State's education and certification requirements for teachers in traditional public schools with the following exception. At least 75% of teachers in grades kindergarten through five, at least 50% of the teachers in grades six through eight, and at least 50% of the teachers in grades nine through 12 must hold teacher certificates.

BILL ANALYSIS: Section 4 of the bill would require all charter school teachers in grades six through 12 to be college graduates if they teach in the core subject areas of math, science, social studies, and language arts. This section would become effective when it becomes law and would apply to persons employed by charter schools for the 2003-2004 and subsequent school years.

H319-SMRH-01

4/17/03

Date _____

NAME	FIRM OR AGENCY AND ADDRESS
312	

FIRM OR AGENCY AND ADDRESS

Nc DPI

WCPS

NCPPPA

NCSES A

BAMHL

Public School Forum of NC / ELP
PFFPNC

W. J. K. K.

House Education Committee

April 22, 2003

Minutes

The House Education Committee met on Tuesday, April 22, 2003 at 11:00 a.m. in Room 643 of the Legislative Office Building. Chairman Steve Wood called the meeting to order and introduced the Pages and Sergeant-at-Arms assigned to serve the House Education Committee at this meeting (Attachment I). The attendance sheet indicates members present (Attachment II). The Visitor Registration sheet is also attached (Attachment III).

Representative Michael Gorman was recognized to explain House Bill 1163, A BILL TO BE ENTITLED AN ACT DIRECTING THE STATE BOARD OF COMMUNITY COLLEGES, THE STATE BOARD OF EDUCATION, PAMLICO COMMUNITY COLLEGE, AND THE PAMLICO COUNTY SCHOOLS TO ESTABLISH A TASK FORCE TO DEVELOP A PLAN FOR A TECHNICAL HIGH SCHOOL (Attachment IV). A Bill Analysis for House Bill 1163 is attached (Attachment V).

Chairman Wood opened the floor for discussion.

Representative Michaux made a motion for a Favorable Report. The motion passed.

Representative Larry Bell was recognized to explain House Bill 463, A BILL TO BE ENTITLED AN ACT TO ENSURE THAT SCHOOL COUNSELORS SPEND THEIR TIME PROVIDING DIRECT SERVICES TO STUDENTS (Attachment VI). Also attached is a Bill Summary for House Bill 463 (Attachment VII). Representative Bell stated the bill was transferred into a Study Commission Bill. Chairman Wood stated there was a Proposed Committee Substitute on the bill, A BILL TO BE ENTITLED AN ACT TO DIRECT THE STATE BOARD OF EDUCATION TO UPDATE THE JOB DESCRIPTION FOR SCHOOL COUNSELORS (Attachment VIII).

Representative Donald Bonner made a motion for adoption of the Proposed Committee Substitute for discussion.

Mr. Eddie Davis, Vice President of the North Carolina Association of Educators was recognized to speak and urged Committee Members for a Favorable Report on House Bill 463.

Representative Bell made a motion for a Favorable Report.

Chairman Wood opened the floor for discussion.

Ms. Linda Suggs, Legislative Liaison for the State Board of Education was recognized and stated they would endorse a Study but the bill before her was not a Study Commission Bill.

House Bill 463 was displaced to restructure into a Study Commission Bill.

Representative Edith Warren was recognized to explain House Bill 319, A BILL TO BE ENTITLED AN ACT TO AMEND THE LAW REGARDING CHARTER SCHOOLS (Attachment IX). Also attached is a Bill Analysis for House Bill 319 (Attachment X) and a Legislative Actuarial Note (Attachment XI).

Representative Michaux made a motion for an amendment to remove the first part of this bill, which was already passed by the House.

Representative Warren made a motion for a Technical Amendment (Attachment XII). The amendment passed.

Chairman Wood opened the floor for discussion.

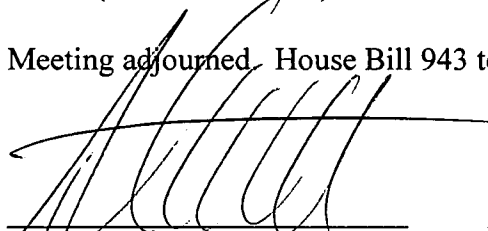
Dr. Ortho Tucker, Director of the Office of Charter Schools, DPI and Ms. Linda Suggs, Legislative Liaison for the State Board of Education responded to questions.

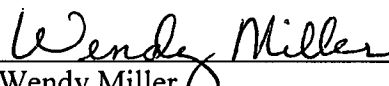
Representative Michaux withdrew his amendment.

Representative Tim Moore made a motion for a Favorable Report for House Bill 319 as Amended and Amendments be rolled into a new Proposed Committee Substitute (Attachment XIII); Favorable Report for the Proposed Committee Substitute, Unfavorable to the original and Re-referred to Pensions and Retirement. Motion passed.

Representative Trudi Walend was recognized to explain House Bill 943, A BILL TO BE ENTITLED AN ACT PROHIBITING SCHOOL PERSONNEL FROM RECOMMENDING OR REQUIRING THE USE OF CERTAIN MEDICATIONS BY ANY CHILD (Attachment XIV). A Bill Analysis is attached (Attachment XV).

Meeting adjourned. House Bill 943 to be continued at next meeting.


Representative Steve Wood
Chairman


Wendy Miller
Committee Clerk

House Pages

1. Name: Hope Peddle
County: Stokes
Sponsor: Parmon
2. Name: Lindsey McEvoy
County: Fayetteville
Sponsor: Glazier
3. Name: _____
County: _____
Sponsor: _____
4. Name: _____
County: _____
Sponsor: _____
5. Name: _____
County: _____
Sponsor: _____

Sgt-At-Arms

1. Name: Martha Parrish
2. Name: Bob Fowler
3. Name: Charlie Grady
4. Name: Matthew Myers

**2003 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

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

By Representatives **Bonner, Hilton, Warner and Wood** (Chairs) for the Committee on
EDUCATION.

☐ Committee Substitute for
H.B. 1163 A BILL TO BE ENTITLED AN ACT DIRECTING THE STATE BOARD OF
COMMUNITY COLLEGES, THE STATE BOARD OF EDUCATION, PAMLICO
COMMUNITY COLLEGE, AND THE PAMLICO COUNTY SCHOOLS TO ESTABLISH
A TASK FORCE TO DEVELOP A PLAN FOR A TECHNICAL HIGH 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.
- ☐ 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)

03/19/03

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2003**

H

1

HOUSE BILL 1163

Short Title: Pamlico Technical High School/Task Force.

(Public)

Sponsors: Representative Gorman.

Referred to: Education.

April 10, 2003

A BILL TO BE ENTITLED

AN ACT DIRECTING THE STATE BOARD OF COMMUNITY COLLEGES, THE
STATE BOARD OF EDUCATION, PAMLICO COMMUNITY COLLEGE, AND
THE PAMLICO COUNTY SCHOOLS TO ESTABLISH A TASK FORCE TO
DEVELOP A PLAN FOR A TECHNICAL HIGH SCHOOL.

The General Assembly of North Carolina enacts:

SECTION 1. The State Board of Community Colleges, the State Board of Education, Pamlico Community College, and the Pamlico County Schools shall establish a task force to develop a plan to expand students' educational opportunities within the public school system by creating a technical high school. In developing the plan, the task force shall consider similar programs currently operated in the State, including, but not limited to, the Middle College program in Guilford County and the Technical High School in Union County. The task force shall also take into account the State's high school graduation requirements. The task force shall report to the Joint Legislative Education Oversight Committee no later than January 30, 2004.

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

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2003

H

1

HOUSE BILL 1163

Short Title: Pamlico Technical High School/Task Force.

(Public)

Sponsors: Representative Gorman.

Referred to: Education.

April 10, 2003

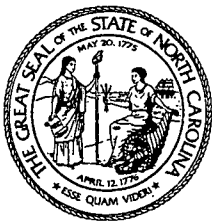
A BILL TO BE ENTITLED

AN ACT DIRECTING THE STATE BOARD OF COMMUNITY COLLEGES, THE
STATE BOARD OF EDUCATION, PAMLICO COMMUNITY COLLEGE, AND
THE PAMLICO COUNTY SCHOOLS TO ESTABLISH A TASK FORCE TO
DEVELOP A PLAN FOR A TECHNICAL HIGH SCHOOL.

The General Assembly of North Carolina enacts:

SECTION 1. The State Board of Community Colleges, the State Board of
Education, Pamlico Community College, and the Pamlico County Schools shall
establish a task force to develop a plan to expand students' educational opportunities
within the public school system by creating a technical high school. In developing the
plan, the task force shall consider similar programs currently operated in the State,
including, but not limited to, the Middle College program in Guilford County and the
Technical High School in Union County. The task force shall also take into account the
State's high school graduation requirements. The task force shall report to the Joint
Legislative Education Oversight Committee no later than January 30, 2004.

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



HOUSE BILL 1163: Pamlico Technical High School/Task Force

BILL ANALYSIS

Committee: House Education
Date: April 17, 2003
Version: First Edition

Introduced by: Rep. Gorman
Summary by: Shirley Iorio
Committee Staff

SUMMARY: *House Bill 1163 would require the State Board of Community Colleges, the State Board of Education, Pamlico Community College, and the Pamlico County Schools to establish a task force to develop a plan to create a technical high school.*

The task force would be encouraged to consider similar programs currently operating in the State, and to take into account the State's high school graduation requirements when developing the plan.

The task force would report to the Joint Legislative Education Oversight Committee by January 30, 2004.

The act would become effective when it becomes law.

H1163-SMSF-001

VI

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2003

H

1

HOUSE BILL 463

Short Title: Duties of School Counselors.

(Public)

Sponsors: Representatives Bell; Bonner, Earle, Glazier, Insko, Lucas, Luebke, Pate, and Wainwright.

Referred to: Education.

March 13, 2003

1 A BILL TO BE ENTITLED
2 AN ACT TO ENSURE THAT SCHOOL COUNSELORS SPEND THEIR TIME
3 PROVIDING DIRECT SERVICES TO STUDENTS.

4 The General Assembly of North Carolina enacts:

5 SECTION 1. Article 21 of Chapter 115C of the General Statutes is amended
6 by adding a new section to read:

7 "§ 115C-316.1. Duties of school counselors.

8 School counselors shall implement a comprehensive developmental school-
9 counseling program in their schools. Counselors shall spend at least eighty percent
10 (80%) of their work time providing direct services to students. These direct services
11 shall consist of:

12 (1) Delivery of the school guidance curriculum through large-group
13 guidance, interdisciplinary curriculum development, group activities,
14 and parent workshops;

15 (2) Individual student planning through individual or small-group
16 assistance and individual or small-group advisement; and

17 (3) Responsive services through consultation with students, families, and
18 staff; individual and small-group counseling; crisis counseling;
19 referrals; and peer facilitation.

20 Direct services do not include the coordination of standardized testing.

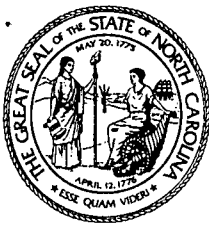
21 During the remainder of their work time, counselors shall spend adequate time on
22 school-counseling program support activities that consist of professional development;
23 consultation, collaboration, and training; and program management and operations."

24 SECTION 2. Prior to the 2004-2005 school year, each local board of
25 education shall develop a transition plan for implementing Section 1 of this act, within
26 existing resources, by reassigning duties within its schools.

27 The State Board of Education shall distribute guidelines to all local school
28 administrative units on the implementation of this act.

1 **SECTION 3.** The State Board of Education shall report to the Joint
2 Legislative Education Oversight Committee on the implementation of this act.

3 **SECTION 4.** This act is effective when it becomes law. Section 1 of this act
4 applies to school years beginning with the 2004-2005 school year.



VII

HOUSE BILL 463: Duties of School Counselors.

BILL ANALYSIS

Committee: House Education
Date: April 15, 2003
Version: First Edition

Introduced by: Rep. Bell
Summary by: Sara Kamprath
Committee Analyst

BILL ANALYSIS: House Bill 463 would create a new section in Chapter 115C regarding the duties of school counselors. Under the new provisions, school counselors shall implement a comprehensive developmental school-counseling program in their schools. School counselors shall spend a minimum of 80% of their time providing direct services to students. **Direct services do not include coordinating standardized testing.** School counselors should spend the remainder of their time on school-counseling program support activities.

Before the start of the 2004-05 school year, all local boards of education shall develop transition plans for implementing the new provisions by reassigning duties within the schools. Implementation shall be carried out within existing resources. The State Board of Education shall provide guidelines for all local school units on implementation. The State Board shall report to the Joint Legislative Education Oversight Committee on implementation.

The act is effective when it becomes law and Section 1 (Duties of school counselors) applies beginning with the 2004-05 school year.

H463-SMRJ-001

VIII

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2003

H

D

HOUSE BILL 463

PROPOSED COMMITTEE SUBSTITUTE H463-CSRH-10 [v.2]

4/15/2003 1:05:44 PM

Short Title: Update Sch. Counselor Job Description.

(Public)

Sponsors:

Referred to:

March 13, 2003

1 A BILL TO BE ENTITLED
2 AN ACT TO DIRECT THE STATE BOARD OF EDUCATION TO UPDATE THE
3 JOB DESCRIPTION FOR SCHOOL COUNSELORS.

4 Whereas, funds are appropriated by the General Assembly for the purpose of
5 providing school guidance counselors for public schools; and

6 Whereas, it is expected that such school guidance counselors shall provide guidance
7 services; and

8 Whereas, there exist questions in current practices of the appropriateness of some
9 duties assigned to these professional staff members; Now therefore,
10 the General Assembly of North Carolina enacts:

11 SECTION 1. The State Board of Education shall update and clarify the job
12 description for public school guidance counselors. In so doing, the Board shall involve
13 currently employed guidance counselors recommended by the North Carolina School
14 Counselors Association. These individuals shall reflect the different levels of
15 elementary, middle, and high schools and the diversity of local school administrative
16 units (large/small and rural/urban). The Board shall select a similar number of school
17 administrators to assist in this task. These administrators also shall reflect the different
18 levels of schools and diversity of local school administrative units. The State Board of
19 Education shall report changes to the job description for public school counselors, and
20 any recommendations, to the Joint Legislative Education Oversight Committee.

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

April 22, 2003

2003 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES

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

By Representatives **Bonner, Hilton, Warner and Wood** (Chairs) for the Committee on
EDUCATION.

-
- ☐ Committee Substitute for
H.B. 319 A BILL TO BE ENTITLED AN ACT TO AMEND THE LAW REGARDING
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 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 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)

03/19/03

TX

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2003

H

1

HOUSE BILL 319*

Short Title: Charter School Law Changes .-AB

(Public)

Sponsors: Representatives Bonner, Preston, Warren, Yongue (Primary Sponsors);
Alexander, Crawford, Gorman, Hilton, C. Johnson, L. Johnson, Lucas,
Luebke, McLawhorn, and Tolson.

Referred to: Education.

March 6, 2003

A BILL TO BE ENTITLED
AN ACT TO AMEND THE LAW REGARDING CHARTER SCHOOLS.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 115C-238.29D(d) reads as rewritten:

"(d) The State Board of Education may grant the initial charter for a period not to exceed ~~five~~ 10 years and may renew the charter upon the request of the chartering entity for subsequent periods not to exceed ~~five~~ 10 years each. The State Board of Education shall review the operations of each charter school at least once every five years to ensure that the school is meeting the expected academic, financial, and governance standards.

A material revision of the provisions of a charter application shall be made only upon the approval of the State Board of Education.

It shall not be considered a material revision of a charter application and shall not require the prior approval of the State Board for a charter school to increase its enrollment during the charter school's second year of operation and annually thereafter (i) by up to ten percent (10%) of the school's previous year's enrollment or (ii) in accordance with planned growth as authorized in the charter. Other enrollment growth shall be considered a material revision of the charter application, and the State Board may approve such additional enrollment growth of greater than ten percent (10%) only if the State Board finds that:

- (1) The actual enrollment of the charter school is within ten percent (10%) of its maximum authorized enrollment;
- (2) The charter school has commitments for ninety percent (90%) of the requested maximum growth;
- (3) The board of education of the local school administrative unit in which the charter school is located has had an opportunity to be heard by the State Board of Education on any adverse impact the proposed growth

1 would have on the unit's ability to provide a sound basic education to
2 its students;

3 (4) The charter school is not currently identified as low-performing;

4 (5) The charter school meets generally accepted standards of fiscal
5 management; and

6 (6) It is otherwise appropriate to approve the enrollment growth."

7 SECTION 2. G.S. 135-3(8)c. reads as rewritten:

8 "c. (Effective until June 30, 2004 – See note) Should a
9 beneficiary who retired on an early or service retirement
10 allowance under this Chapter be reemployed, or otherwise
11 engaged to perform services, by an employer participating in
12 the Retirement System on a part-time, temporary, interim, or on
13 a fee-for-service basis, whether contractual or otherwise, and if
14 such beneficiary earns an amount during the 12-month period
15 immediately following the effective date of retirement or in any
16 calendar year which exceeds fifty percent (50%) of the reported
17 compensation, excluding terminal payments, during the 12
18 months of service preceding the effective date of retirement, or
19 twenty thousand dollars (\$20,000), whichever is greater, as
20 hereinafter indexed, then the retirement allowance shall be
21 suspended as of the first day of the month following the month
22 in which the reemployment earnings exceed the amount above,
23 for the balance of the calendar year. The retirement allowance
24 of the beneficiary shall be reinstated as of January 1 of each
25 year following suspension. The amount that may be earned
26 before suspension shall be increased on January 1 of each year
27 by the ratio of the Consumer Price Index to the Index one year
28 earlier, calculated to the nearest tenth of a percent (1/10 of 1%).

29 The computation of postretirement earnings of a beneficiary
30 under this sub-subdivision, G.S. 135-3(8)c., who has been
31 retired at least six months and has not been employed in any
32 capacity, except as a substitute teacher or a part-time tutor, with
33 a public school for at least six months immediately preceding
34 the effective date of reemployment, shall not include earnings
35 while the beneficiary is employed to teach on a substitute,
36 interim, or permanent basis in a public ~~school~~ school or a
37 charter school. The Department of Public Instruction shall
38 certify to the Retirement System that a beneficiary is employed
39 to teach by a local school administrative unit or a charter school
40 under the provisions of this sub-subdivision and as a retired
41 teacher as the term is defined under the provisions of G.S.
42 115C-325(a)(5a).

Beneficiaries employed under this sub-subdivision are not entitled to any benefits otherwise provided under this Chapter as a result of this period of employment."

SECTION 3. G.S. 115C-325(a)(5a) reads as rewritten:

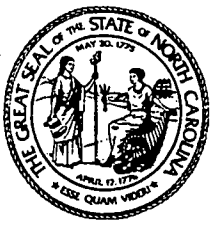
"(5a) **(Effective until June 30, 2004)** "Retired teacher" means a beneficiary of the Teachers' and State Employees' Retirement System of North Carolina who has been retired at least six months, has not been employed in any capacity, other than as a substitute teacher or a part-time tutor, with a local board of education or a charter school for at least six months, immediately preceding the effective date of reemployment, is determined by a local board of education or a charter school to have had satisfactory performance during the last year of employment by a local board of ~~education, education or the charter school~~, and who is employed to teach as provided in G.S. 135-3(8)c. A retired teacher at a school other than a charter school shall be treated the same as a probationary teacher except that (i) a retired teacher is not eligible for career status and (ii) the performance of a retired teacher who had attained career status prior to retirement shall be evaluated in accordance with a local board of education's policies and procedures applicable to career teachers."

SECTION 4. G.S. 115C-238.29F(e)(1) reads as rewritten:

"(1) An employee of a charter school is not an employee of the local school administrative unit in which the charter school is located. The charter school's board of directors shall employ and contract with necessary teachers to perform the particular service for which they are employed in the school; at least seventy-five percent (75%) of these teachers in grades kindergarten through five, at least fifty percent (50%) of these teachers in grades six through eight, and at least fifty percent (50%) of these teachers in grades nine through 12 shall hold teacher certificates. All teachers in grades six through 12 who are teaching in the core subject areas of mathematics, science, social studies, and language arts shall be college graduates.

The board also may employ necessary employees who are not required to hold teacher certificates to perform duties other than teaching and may contract for other services. The board may discharge teachers and noncertificated employees."

SECTION 5. Section 1 of this act is effective when it becomes law and applies to charters granted or renewed on or after that date. Sections 2 and 3 of this act become effective July 1, 2003, and expire June 30, 2004. Section 4 of this act is effective when it becomes law and applies to persons employed by charter schools for the 2003-2004 and subsequent school years.



HOUSE BILL 319: Charter School Law Changes. - AB

X

BILL ANALYSIS

Committee: House Education
Date: March 18, 2003
Version: First Edition

Introduced by: Reps. Bonner, Preston,
Warren, & Yongue
Summary by: Robin Johnson
Committee Counsel

SUMMARY: *House Bill 319 would (i) allow the State Board of Education to grant and renew charters for up to 10 years, (ii) allow State Retirement System beneficiaries to collect full benefits following a six-months break in service when they are then employed in a charter school, and (iii) require all charter school teachers to be college graduates if they are employed to teach in grades six through 12 in math, science, social studies, and language arts.*

The State Board of Education is requesting these changes.

LENGTH OF CHARTERS

CURRENT LAW: Currently, the term of an initial charter and its subsequent renewals may not exceed five years. Practically speaking, a charter is a contract between the State Board of Education (State Board) and a charter school. The NC Constitution allows the State and its subdivisions to enter into contracts and does not limit the length of the term of the contracts. It does, however, prohibit a contract to pledge the full faith and credit of the State to secure any debt created by the entity with which the State is contracting. The law governing charter schools specifically states, "No indebtedness of any kind incurred or created by the charter school shall constitute an indebtedness of the State or its political subdivisions, and no indebtedness of the charter school shall involve or be secured by the faith, credit, or taxing power of the State or its political subdivisions." The law further requires each charter school to include that sentence in every contract or lease into which it enters.

The State Board may terminate or not renew a charter upon any of the following grounds (i) failure to meet the charter's requirements for student performance; (ii) failure to meet generally accepted standards of fiscal management; (iii) violations of law; (iv) material violation of any of the charter school law's conditions, standards, or procedures; (v) two-thirds of the school's faculty and instructional support personnel request termination or nonrenewal; or (vi) any other good cause shown.

BILL ANALYSIS: The first section of the bill would extend the terms of charters, and their renewals, from a maximum of five years to a maximum of 10 years. This change would take effect when it becomes law and would apply to charters granted or renewed after that date.

RETIRED TEACHERS IN CHARTER SCHOOLS

CURRENT LAW: The law governing the Teachers' and State Employees' Retirement System (System) currently imposes an annual earnings cap on beneficiaries who return to employment with an employer who participates in the System. (In other words, the earnings cap applies if the beneficiary is reemployed by the State or a local school system. The earnings cap is not triggered if a beneficiary is employed by a private employer.) There is an exception (scheduled to sunset June 30, 2004) that allows any beneficiary who has been retired at least six months and who has not been employed in any capacity, except as a substitute teacher or a part-time tutor, with a public school for at least six months immediately preceding

HOUSE BILL 319

Page 2

the effective date of reemployment, to return to be employed to teach on a substitute, interim or permanent basis in a public school and not be subject to the retirement earnings cap.

Not all charter schools elect to participate in the Retirement System. (This decision is made within 30 days of signing the initial charter.) A beneficiary who is employed as a teacher in a charter school that does not participate in the System is not subject to the earnings cap. A beneficiary who is employed in a charter school that does participate in the System is currently subject to the earnings cap and is not included in the exception for beneficiaries who are employed in a traditional public school.

BILL ANALYSIS: Sections 2 and 3 of the bill would allow beneficiaries of the System to be exempt from the earnings cap when they are employed in a charter school that participates in the System following a six-months break in service. These sections would become effective July 1, 2003, and would sunset June 30, 2004.

CHARTER SCHOOL TEACHER REQUIREMENTS

CURRENT LAW: Teachers in charter schools are exempt from the State's education and certification requirements for teachers in traditional public schools with the following exception. At least 75% of teachers in grades kindergarten through five, at least 50% of the teachers in grades six through eight, and at least 50% of the teachers in grades nine through 12 must hold teacher certificates.

BILL ANALYSIS: Section 4 of the bill would require all charter school teachers in grades six through 12 to be college graduates if they teach in the core subject areas of math, science, social studies, and language arts. This section would become effective when it becomes law and would apply to persons employed by charter schools for the 2003-2004 and subsequent school years.

H319-SMRH-01

XI

**NORTH CAROLINA GENERAL ASSEMBLY
LEGISLATIVE ACTUARIAL NOTE
RETIREMENT**

BILL NUMBER: House Bill 319

SHORT TITLE: Charter Schools Law Changes

SPONSOR(S): Representatives Bonner, Preston, Warren & Yongue

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

FUNDS AFFECTED: General Fund, Highway Fund and Receipt Fund

BILL SUMMARY: Under the present law, there are no re-employment earnings restrictions for any retiree who returns as a teacher, who has not been employed in any capacity, other than as a substitute or part-time tutor, with a public school for the six months immediately preceding the date of re-employment. The present law is scheduled to sunset on June 30, 2004.

This bill will apply this same treatment to those retirees who return to teach with a charter school.

EFFECTIVE DATE: July 1, 2003

ESTIMATED IMPACT ON STATE: Retirement System Actuary: Buck Consultants estimates the cost to be negligible. General Assembly Actuary: Hartman & Associates estimates no significant cost.

ASSUMPTIONS AND METHODOLOGY: Teachers' & 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, 2001, actuarial valuation of the fund. The data included 297,252 active members with an annual payroll of \$9.5 billion and 112,482 retired members in receipt of annual pensions totaling \$1.83 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 (919) 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, Director, Fiscal Research Division

Handwritten signature of James D. Johnson.

DATE: March 27, 2003



XII

NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
House Bill 319*

H319-ASF-7 [v.1]

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

Page 1 of 1

Date _____ 2003

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

Representative

- 1 moves to amend the bill on page 3, line 41, by rewriting the line to read:
- 2 "the 2003-2004 and subsequent school years. This section is effective when it becomes
- 3 law." .
- 4

SIGNED _____
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED _____ FAILED _____ TABLED _____

XIII

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2003

H

D

HOUSE BILL 319*
PROPOSED COMMITTEE SUBSTITUTE H319-PCS80276-RH-18

Short Title: Charter School Law Changes.-AB

(Public)

Sponsors:

Referred to:

March 6, 2003

1 A BILL TO BE ENTITLED
2 AN ACT TO AMEND THE LAW REGARDING CHARTER SCHOOLS.
3 The General Assembly of North Carolina enacts:

4 SECTION 1. G.S. 115C-238.29D(d) reads as rewritten:

5 "(d) The State Board of Education may grant the initial charter for a period not to
6 exceed ~~five-10~~ years and may renew the charter upon the request of the chartering entity
7 for subsequent periods not to exceed ~~five-10~~ years each. The State Board of Education
8 shall review the operations of each charter school at least once every five years to
9 ensure that the school is meeting the expected academic, financial, and governance
10 standards.

11 A material revision of the provisions of a charter application shall be made only
12 upon the approval of the State Board of Education.

13 It shall not be considered a material revision of a charter application and shall not
14 require the prior approval of the State Board for a charter school to increase its
15 enrollment during the charter school's second year of operation and annually thereafter
16 (i) by up to ten percent (10%) of the school's previous year's enrollment or (ii) in
17 accordance with planned growth as authorized in the charter. Other enrollment growth
18 shall be considered a material revision of the charter application, and the State Board
19 may approve such additional enrollment growth of greater than ten percent (10%) only
20 if the State Board finds that:

- 21 (1) The actual enrollment of the charter school is within ten percent (10%)
22 of its maximum authorized enrollment;
23 (2) The charter school has commitments for ninety percent (90%) of the
24 requested maximum growth;
25 (3) The board of education of the local school administrative unit in which
26 the charter school is located has had an opportunity to be heard by the
27 State Board of Education on any adverse impact the proposed growth

1 would have on the unit's ability to provide a sound basic education to
2 its students;

3 (4) The charter school is not currently identified as low-performing;

4 (5) The charter school meets generally accepted standards of fiscal
5 management; and

6 (6) It is otherwise appropriate to approve the enrollment growth."

7 **SECTION 2.** G.S. 135-3(8)c. reads as rewritten:

8 "c. **(Effective until June 30, 2004 – See note)** Should a
9 beneficiary who retired on an early or service retirement
10 allowance under this Chapter be reemployed, or otherwise
11 engaged to perform services, by an employer participating in
12 the Retirement System on a part-time, temporary, interim, or on
13 a fee-for-service basis, whether contractual or otherwise, and if
14 such beneficiary earns an amount during the 12-month period
15 immediately following the effective date of retirement or in any
16 calendar year which exceeds fifty percent (50%) of the reported
17 compensation, excluding terminal payments, during the 12
18 months of service preceding the effective date of retirement, or
19 twenty thousand dollars (\$20,000), whichever is greater, as
20 hereinafter indexed, then the retirement allowance shall be
21 suspended as of the first day of the month following the month
22 in which the reemployment earnings exceed the amount above,
23 for the balance of the calendar year. The retirement allowance
24 of the beneficiary shall be reinstated as of January 1 of each
25 year following suspension. The amount that may be earned
26 before suspension shall be increased on January 1 of each year
27 by the ratio of the Consumer Price Index to the Index one year
28 earlier, calculated to the nearest tenth of a percent (1/10 of 1%).

29 The computation of postretirement earnings of a beneficiary
30 under this sub-subdivision, G.S. 135-3(8)c., who has been
31 retired at least six months and has not been employed in any
32 capacity, except as a substitute teacher or a part-time tutor, with
33 a public school for at least six months immediately preceding
34 the effective date of reemployment, shall not include earnings
35 while the beneficiary is employed to teach on a substitute,
36 interim, or permanent basis in a public ~~school~~ school or a
37 charter school. The Department of Public Instruction shall
38 certify to the Retirement System that a beneficiary is employed
39 to teach by a local school administrative unit or a charter school
40 under the provisions of this sub-subdivision and as a retired
41 teacher as the term is defined under the provisions of G.S.
42 115C-325(a)(5a).

Beneficiaries employed under this sub-subdivision are not entitled to any benefits otherwise provided under this Chapter as a result of this period of employment."

SECTION 3. G.S. 115C-325(a)(5a) reads as rewritten:

"(5a) **(Effective until June 30, 2004)** "Retired teacher" means a beneficiary of the Teachers' and State Employees' Retirement System of North Carolina who has been retired at least six months, has not been employed in any capacity, other than as a substitute teacher or a part-time tutor, with a local board of education or a charter school for at least six months, immediately preceding the effective date of reemployment, is determined by a local board of education or a charter school to have had satisfactory performance during the last year of employment by a local board of ~~education~~ education or the charter school, and who is employed to teach as provided in G.S. 135-3(8)c. A retired teacher at a school other than a charter school shall be treated the same as a probationary teacher except that (i) a retired teacher is not eligible for career status and (ii) the performance of a retired teacher who had attained career status prior to retirement shall be evaluated in accordance with a local board of education's policies and procedures applicable to career teachers."

SECTION 4. G.S. 115C-238.29F(e)(1) reads as rewritten:

"(1) An employee of a charter school is not an employee of the local school administrative unit in which the charter school is located. The charter school's board of directors shall employ and contract with necessary teachers to perform the particular service for which they are employed in the school; at least seventy-five percent (75%) of these teachers in grades kindergarten through five, at least fifty percent (50%) of these teachers in grades six through eight, and at least fifty percent (50%) of these teachers in grades nine through 12 shall hold teacher certificates. All teachers in grades six through 12 who are teaching in the core subject areas of mathematics, science, social studies, and language arts shall be college graduates.

The board also may employ necessary employees who are not required to hold teacher certificates to perform duties other than teaching and may contract for other services. The board may discharge teachers and noncertificated employees."

SECTION 5. Section 1 of this act is effective when it becomes law and applies to charters granted or renewed on or after that date. Sections 2 and 3 of this act become effective July 1, 2003, and expire June 30, 2004. Section 4 of this act is effective when it becomes law and applies to persons employed by charter schools for the 2003-2004 and subsequent school years. This section is effective when it becomes law.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2003

H

1

HOUSE BILL 943

Short Title: Schools Can't Recommend Some Medications.

(Public)

Sponsors: Representatives Walend; England and Glazier.

Referred to: Education.

April 8, 2003

A BILL TO BE ENTITLED

AN ACT PROHIBITING SCHOOL PERSONNEL FROM RECOMMENDING OR
REQUIRING THE USE OF CERTAIN MEDICATIONS BY ANY CHILD.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 115C-47 is amended by adding a new subdivision to read:

"§ 115C-47. Powers and duties generally.

In addition to the powers and duties designated in G.S. 115C-36, local boards of
education shall have the power or duty:

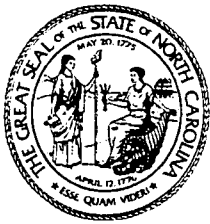
...
(44) To Prohibit School Personnel from Recommending or Requiring the
Use of Psychotropic Drugs or Central Nervous System Stimulants by
Any Child. – Each local board of education shall adopt and implement
rules and policies:

a. Prohibiting any school personnel from recommending the use
of psychotropic drugs or central nervous system stimulants by
any child, and

b. Prohibiting any school from requiring that a child take
psychotropic drugs or central nervous system stimulants as a
condition of attending the school.

Rules and policies adopted pursuant to this subdivision shall not
prohibit school personnel from recommending that a child be
evaluated by an appropriate medical practitioner, or prohibit school
personnel from consulting with such practitioner with the consent of
the parents or guardian of such child."

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



HOUSE BILL 943: Schools Can't Recommend Some Medications.

BILL ANALYSIS

Committee: House Education
Date: April 17, 2003
Version: First

Introduced by: Rep. Walend
Summary by: Robin Johnson *Robin*
Committee Counsel

SUMMARY: *House Bill 943 would require local boards of education to adopt rules and policies that (i) prohibit school personnel from recommending the student use of psychotropic drugs and (ii) prohibit any school from requiring a child to take a psychotropic drug as a condition of school attendance.*

The bill is effective when it becomes law.

CURRENT LAW: At this time, there are no State education laws that address the issue of whether school personnel can or cannot recommend the use of any medication or drug. School personnel can refer any child for a multi-disciplinary evaluation if the personnel suspect the child has a disability and may require special education.

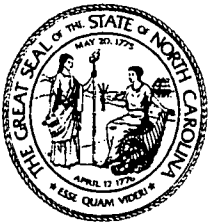
BILL ANALYSIS: The bill would add a new subdivision to the list of duties of local boards of education. It would direct boards to adopt and implement rules and policies that (i) prohibit school personnel from recommending the use of psychotropic drugs or central nervous system stimulants by any child and (ii) prohibit any school from requiring a child to take a psychotropic drug or central nervous system stimulant as a condition of school attendance.

Psychotropic drugs are used to treat psychiatric disorders, including schizophrenia, depression, bipolar disorders, and severe anxiety. Central nervous system stimulants are often used to treat attention deficit disorder (ADD) and hyperactivity disorder (ADHD). The most well-known of the latter is Ritalin.

The rules and procedures adopted under this act would not prohibit school personnel from recommending that a child be medically evaluated or from consulting with a medical practitioner with the consent of the parent or guardian of the student.

School personnel who violate laws or board policies would be subject to discipline, including dismissal.

H943-SMRH-001



HOUSE BILL 943:

Schools Can't Recommend Some Medications.

XV

BILL ANALYSIS

Committee: House Education
Date: April 17, 2003
Version: First

Introduced by: Rep. Walend
Summary by: Robin Johnson *Robin*
Committee Counsel

SUMMARY: *House Bill 943 would require local boards of education to adopt rules and policies that (i) prohibit school personnel from recommending the student use of psychotropic drugs and (ii) prohibit any school from requiring a child to take a psychotropic drug as a condition of school attendance.*

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School personnel who violate laws or board policies would be subject to discipline, including dismissal.

H943-SMRH-001

HOUSE EDUCATION COMMITTEE MEETING

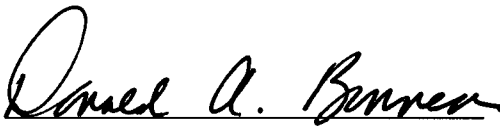
APRIL 22, 2003

The House Education Committee met on Tuesday, April 22, 2003, 1:00 p.m. in Room 643 of the Legislative Office Building, at 11:00 AM. Rep. Donald A. Bonner, Co-Chair, presided over the meeting. The Attendance Sheet indicates members present.

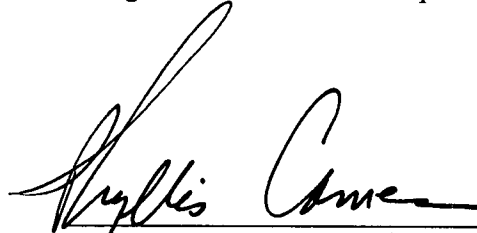
Rep. Walend was called on to continue from the previous meeting, the explanation of **HB 943, AN ACT PROHIBITING SCHOOL PERSONNEL FROM RECOMMENDING OR REQUIRING THE USE OF CERTAIN MEDICATIONS BY ANY CHILD**. Rep. Godwin offered an amendment (attached). The amendment was accepted. After much discussion, Rep. Godwin moved to give a favorable report to amended bill, rolled into a Proposed Committee Substitute, unfavorable as to the original bill. The motion passed.

Rep. Bordsen^{was} asked to explain **HB 1136, AN ACT TO FACILITATE JOB SHARING BY MEDIA COORDINATORS IN THE PUBLIC SCHOOLS**. Rep. Bordsen offered an amendment (attached). The amendment was accepted. After much discussion, Rep. Womble moved to give a favorable report to amended bill, rolled into a Proposed Committee Substitute, unfavorable as to the original bill. The motion passed.

Meeting adjourned.



Rep, Donald A. Bonner presiding Co-Chair
Rep. Mark Hilton
Rep. Alex Warner
Rep. Steve Wood



Phyllis Cameron, Committee Clerk

**2003 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

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

By Representative(s) Bonner, Hilton, Warner, Woods (Chairs) for the Committee on
EDUCATION.

☐ Committee Substitute for

H.B. 943 A BILL TO BE ENTITLED AN ACT PROHIBITING SCHOOL PERSONNEL FROM RECOMMENDING OR REQUIRING THE USE OF CERTAIN MEDICATIONS BY ANY CHILD.

☐ 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)

4/24/03

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2003

H

1

HOUSE BILL 943

Short Title: Schools Can't Recommend Some Medications.

(Public)

Sponsors: Representatives Walend; England and Glazier.

Referred to: Education.

April 8, 2003

A BILL TO BE ENTITLED
AN ACT PROHIBITING SCHOOL PERSONNEL FROM RECOMMENDING OR
REQUIRING THE USE OF CERTAIN MEDICATIONS BY ANY CHILD.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 115C-47 is amended by adding a new subdivision to read:
"§ 115C-47. Powers and duties generally.

In addition to the powers and duties designated in G.S. 115C-36, local boards of
education shall have the power or duty:

...
(44) To Prohibit School Personnel from Recommending or Requiring the
Use of Psychotropic Drugs or Central Nervous System Stimulants by
Any Child. – Each local board of education shall adopt and implement
rules and policies:

- a. Prohibiting any school personnel from recommending the use
of psychotropic drugs or central nervous system stimulants by
any child, and
- b. Prohibiting any school from requiring that a child take
psychotropic drugs or central nervous system stimulants as a
condition of attending the school.

Rules and policies adopted pursuant to this subdivision shall not
prohibit school personnel from recommending that a child be
evaluated by an appropriate medical practitioner, or prohibit school
personnel from consulting with such practitioner with the consent of
the parents or guardian of such child."

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

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2003

H

D

HOUSE BILL 943

PROPOSED COMMITTEE SUBSTITUTE H943-PCS80275-RH-17

Short Title: Schools Can't Recommend Some Medications.

(Public)

Sponsors:

Referred to:

April 8, 2003

A BILL TO BE ENTITLED

AN ACT PROHIBITING SCHOOL PERSONNEL FROM RECOMMENDING OR
REQUIRING THE USE OF CERTAIN MEDICATIONS BY ANY CHILD.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 115C-47 is amended by adding a new subdivision to read:

"§ 115C-47. Powers and duties generally.

In addition to the powers and duties designated in G.S. 115C-36, local boards of
education shall have the power or duty:

(44) To Prohibit School Personnel from Recommending or Requiring the
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Any Child. – Each local board of education shall adopt and implement
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a. Prohibiting any school personnel from recommending the use
of psychotropic drugs or central nervous system stimulants by
any child, and

b. Prohibiting any school from requiring that a child take
psychotropic drugs or central nervous system stimulants as a
condition of attending the school.

Rules and policies adopted pursuant to this subdivision shall not
prohibit school personnel from recommending that a child be
evaluated by an appropriate medical practitioner, or prohibit school
personnel from consulting with such practitioner with the consent of
the parents or guardian of such child."

SECTION 2. This act becomes effective October 1, 2003.



NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
House Bill 943

H943-ARH-17 [v.1]

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

Page 1 of 1

Date _____, 2003

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

Representative Goodwin

- 1 moves to amend the bill on page 1, line 25, by rewriting the line to read:
- 2 "SECTION 2. This act becomes effective October 1, 2003."
- 3

SIGNED

Amendment Sponsor

Wayne Goodwin

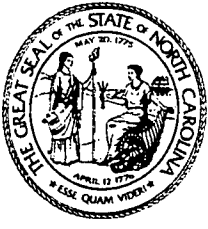
SIGNED

Committee Chair if Senate Committee Amendment

ADOPTED

FAILED

TABLED



HOUSE BILL 943: Schools Can't Recommend Some Medications.

BILL ANALYSIS

Committee: House Education
Date: April 17, 2003
Version: First

Introduced by: Rep. Walend
Summary by: Robin Johnson *Robin*
Committee Counsel

SUMMARY: *House Bill 943 would require local boards of education to adopt rules and policies that (i) prohibit school personnel from recommending the student use of psychotropic drugs and (ii) prohibit any school from requiring a child to take a psychotropic drug as a condition of school attendance.*

The bill is effective when it becomes law.

CURRENT LAW: At this time, there are no State education laws that address the issue of whether school personnel can or cannot recommend the use of any medication or drug. School personnel can refer any child for a multi-disciplinary evaluation if the personnel suspect the child has a disability and may require special education.

BILL ANALYSIS: The bill would add a new subdivision to the list of duties of local boards of education. It would direct boards to adopt and implement rules and policies that (i) prohibit school personnel from recommending the use of psychotropic drugs or central nervous system stimulants by any child and (ii) prohibit any school from requiring a child to take a psychotropic drug or central nervous system stimulant as a condition of school attendance.

Psychotropic drugs are used to treat psychiatric disorders, including schizophrenia, depression, bipolar disorders, and severe anxiety. Central nervous system stimulants are often used to treat attention deficit disorder (ADD) and hyperactivity disorder (ADHD). The most well-known of the latter is Ritalin.

The rules and procedures adopted under this act would not prohibit school personnel from recommending that a child be medically evaluated or from consulting with a medical practitioner with the consent of the parent or guardian of the student.

School personnel who violate laws or board policies would be subject to discipline, including dismissal.

H943-SMRH-001

**2003 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

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

By Representative(s) Bonner, Hilton, Warner, Woods (Chairs) for the Committee on
EDUCATION.

☐ Committee Substitute for

H.B. 1136 A BILL TO BE ENTITLED AN ACT TO FACILITATE JOB SHARING BY
MEDIA COORDINATORS 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 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 ~~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)

4/15/03

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2003

H

D

HOUSE BILL 1136
PROPOSED COMMITTEE SUBSTITUTE H1136-PCS80274-RJ-13

Short Title: Job Sharing Permitted for Media Coordinators.

(Public)

Sponsors:

Referred to:

April 10, 2003

1 A BILL TO BE ENTITLED
2 AN ACT TO FACILITATE JOB SHARING BY MEDIA COORDINATORS IN THE
3 PUBLIC SCHOOLS.

4 The General Assembly of North Carolina enacts:

5 SECTION 1. G.S. 115C-302.2 reads as rewritten:

6 "§ 115C-302.2. Job sharing by ~~classroom~~ teachers.

7 (a) The General Assembly finds that there is a shortage of qualified ~~classroom~~
8 teachers available in certain areas of certification, grade levels, and geographical areas
9 of the State. The elimination of administrative and fiscal limitations on job-sharing
10 arrangements would make teaching an attractive option for well-qualified ~~classroom~~
11 teachers who do not wish to work full time.

12 (b) A "~~classroom teacher~~" teacher in a job-sharing position is a person who:

- 13 (1) Is employed by a local board of education as a ~~public school~~ teacher
14 for fifty percent (50%) of the teacher workweek, as defined by that
15 local board of education;
16 (2) Is paid on the teacher salary schedule;
17 (3) Spends at least seventy percent (70%) of his or her work time in
18 classroom ~~instruction~~; instruction or work within the employee's area of
19 certification; and
20 (4) Is sharing a ~~teacher~~ position with one other employee of that local
21 board of education who meets the requirements of subdivisions (1)
22 through (3) of this subsection.

23 The term includes media coordinators. The term does not include other certified
24 instructional support personnel or certified school services personnel such as guidance
25 counselors, ~~media coordinators~~, psychologists, social workers, audiologists, speech and
26 language pathologists, and nurses.

1 (c) The State Board of Education shall adopt rules to facilitate job sharing by
2 ~~classroom~~-teachers. These rules shall provide that a ~~classroom~~ teacher in a job-sharing
3 position shall receive paid legal holidays, annual vacation leave, sick leave, and
4 personal leave on a pro rata basis. Such a teacher shall also receive service credit under
5 the Teachers' and State Employees' Retirement System as provided in G.S. 135-4(b) and
6 insurance benefits as provided in Article 3 of Chapter 135 of the General Statutes."

7 **SECTION 2.** G.S. 135-1(25) reads as rewritten:

8 "(25) "Teacher" shall mean any teacher, helping teacher, ~~classroom~~-teacher
9 in a job-sharing position as defined in G.S. 115C-302.2(b) except for a
10 beneficiary in that position, ~~librarian~~, media coordinator, principal,
11 supervisor, superintendent of public schools or any full-time
12 employee, city or county, superintendent of public instruction, or any
13 full-time employee of Department of Public Instruction, president,
14 dean or teacher, or any full-time employee in any educational
15 institution supported by and under the control of the State: Provided,
16 that the term "teacher" shall not include any part-time, temporary, or
17 substitute teacher or employee except for a ~~classroom~~-teacher in a
18 job-sharing position, and shall not include those participating in an
19 optional retirement program provided for in G.S. 135-5.1 or G.S.
20 135-5.4. In all cases of doubt, the Board of Trustees, hereinbefore
21 defined, shall determine whether any person is a teacher as defined in
22 this Chapter. On and after August 1, 2001, a person who is a
23 nonimmigrant alien and who otherwise meets the requirements of this
24 subdivision shall not be excluded from the definition of "teacher"
25 solely because the person holds a temporary or time-limited visa.
26 Notwithstanding the foregoing, the term "teacher" shall not include
27 any nonimmigrant alien employed in elementary or secondary public
28 schools (whether employed in a full-time, part-time, temporary,
29 permanent, or substitute teacher position) and participating in an
30 exchange visitor program designated by the United States Department
31 of State pursuant to 22 C.F.R. Part 62."

32 **SECTION 3.** G.S. 135-4(b) reads as rewritten:

33 "(b) The Board of Trustees shall fix and determine by appropriate rules and
34 regulations how much service in any year is equivalent to one year of service, but in no
35 case shall more than one year of service be creditable for all services in one year.
36 Service rendered for the regular school year in any district shall be equivalent to one
37 year's service. Service rendered by a ~~classroom~~-teacher in a job-sharing position shall be
38 credited at the rate of one-half year for each regular school year of employment."

39 **SECTION 4.** G.S. 135-40.2(a2) reads as rewritten:

40 "(a2) A ~~classroom~~-teacher in a job-sharing position as defined in G.S.
41 115C-302.2(b) shall be eligible for coverage under the Plan, on a partially contributory
42 basis, subject to the provisions of G.S. 135-40.3. If these employees elect to participate
43 in the Plan, the employing unit shall pay fifty percent (50%) of the Plan's total

1 noncontributory premiums. Individual employees shall pay the balance of the total
2 noncontributory premiums not paid by the employing unit."

3 **SECTION 5.** Nothing in this act shall be construed to require local school
4 administrative units to place part-time employees in job-sharing positions or to hire
5 employees in job-sharing positions.

6 **SECTION 6.** Sections 1 through 4 of this act become effective January 1,
7 2004. The remainder of this act is effective when it becomes law.



NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
House Bill 1136

H1136-ARJ-6 [v.1]

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

Page 1 of 1

Date _____, 2003

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

Representative _____

- 1 moves to amend the bill on page 2, line 10, by deleting the word "consultant" and
- 2 substituting the word "coordinator".
- 3

SIGNED *Alice L. Borden*
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED _____ FAILED _____ TABLED _____

VISITOR REGISTRATION SHEET

Education

Name of Committee

April/28/2003

Date

VISITORS: PLEASE SIGN BELOW AND RETURN TO COMMITTEE CLERK

NAME

FIRM OR AGENCY AND ADDRESS

Susan Harrison	WCPSS
Michelle	NCICU
Peyton	
Gene Causby	ACECA
Fred Bartholomew	Jo. Co. Bd. of Ed.
Katherine Joyce	NCASA
John Dyer	SBE/DPI
Blair	Public School Forum
Mark Lerner	UNCW
Chris	NC DPI
Bruce Thompson	PARKER AOB
Spencer Harrison	Rep. Glazier
Lisa Bateman	DJJDP- Center for the Prevention of School Violence
R6 PALAU	NC Justice Center
Joe Ray - Atk	NC DPE
Roger Geiber	The League of Charter Schools
EDDIE DAVIS	NCAE
Carolyn McKinney	NCAE
Michael Housley	NCAE
Loanne E. Wimmer	NCSBA
Betty A. Murchison	Zeta Phi Beta Sorority, Inc.
Yvonne Perry	NCSPA
Tim	NC Home Builders
JOHN BUSSIAN	NC Press Assn.
Daz South	NECC
Debbie DeLoach	NCCBI
Kiti Crossen	OSB
Elizabeth Howerston	OSBM

VISITOR REGISTRATION SHEET

HOUSE COMMITTEE ON EDUCATION

4/22/03

Name of Committee

Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME

FIRM OR AGENCY AND ADDRESS

Elizabeth Dalton	Bone & Assoc.
Carole Lawley	EGHS
V. Miller	Miller Co
Devon White	PEWC
Peri M. Mynar	cus
Steve Hoffman	NCSPA
Debrah Ross	ACLU
Yonne Perry	NCSPA
Pam Deardorff	Retirement div.
Spencer Harrison	Rep. Glazier
Carolyn McKinney	NCAE

VISITOR REGISTRATION SHEET

HOUSE COMMITTEE ON EDUCATION

Name of Committee

4/22/03

Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME

FIRM OR AGENCY AND ADDRESS

ROGER GERBER	The League of Charter Schools
EDDIE DAVIS	NCAE
Michael House	NCAE
Mike Rieder	Covenant for NC Children
RG PALADIO	NC Justice Center
Doc Parry Hill	NC DPI
Lisa Bateman	DJJDP - Center for the Prevention of School Violence
Amy Dobson	NC Statewatch
Butch Gunnells	NCSDA
Elizabeth Groves	OSBM
Dina DiMarco	NCA

VISITOR REGISTRATION SHEET

HOUSE COMMITTEE ON EDUCATION

4/22/03

Name of Committee

Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME

FIRM OR AGENCY AND ADDRESS

BRIAN LEWIS	Planned Parenthood
Paige Johnson	Planned Parenthood Central NC
Katherine Joyce	NCASA
BRUCE THOMPSON	PARLOR POST
Jim Ayers	SBE/DPI
Glenn Morris	Public School Forum
Tim Minton	NC Home Builders
Steve Brown	NC DPI
Hal Miller	NCACET
Tom Sweeney	NCICU
Gene Causby	NC SGEA

VISITOR REGISTRATION SHEET

Education

Name of Committee

April 22/2003

Date

VISITORS: PLEASE SIGN BELOW AND RETURN TO COMMITTEE CLERK

NAME

FIRM OR AGENCY AND ADDRESS

Franklin Dalton

Banc & Associates

Ed Kizer

UNC Charlotte

Austin Bunch

ECU

HOUSE EDUCATION COMMITTEE MEETING

APRIL 24, 2003

8:00 AM

The House Education Committee met on Thursday, April 24, in Room 643, in the Legislative Office Building. The members present are indicated on the Attendance Sheet. Rep. Mark Hilton, Co-Chair, presided.

Rep. Bernard Allen was called on to continue **HB 605, AN ACT TO ENSURE THAT DECISIONS BY LOCAL BOARDS OF EDUCATION ON STUDENT ASSIGNMENT ARE NOT AFFECTED BY CONTRIBUTIONS TO THE SCHOOLS**, from the April 22nd meeting. After some discussion, Rep. Deborah Ross made a motion for a favorable report and the motion failed. The bill remains in the committee.

Rep. Tim Moore was called upon to explain **HB 888, AN ACT TO INCREASE PURCHASING FLEXIBILITY FOR PUBLIC SCHOOLS**. After some discussion, Rep. Curtis Blackwood made a motion that bill be given a favorable report. The motion passed.

Rep. John Blust was called upon to explain **HB 1012, AN ACT ELIMINATING THE PORTFOLIO REQUIREMENT FOR TEACHER CERTIFICATION**. After quite a bit of discussion from committee members, Vice-Chair Michael Gorman made a motion for a favorable report and the motion passed.

Rep. Drew Saunders was called upon to explain **HB 1114, AN ACT TO MAKE VOLUNTEER FILES MAINTAINED BY LOCAL BOARDS OF EDUCATION PRIVATE**. After some discussion by the committee members, Rep. Joe Tolson made the motion for a favorable report and the motion passed.

Vice-Chair Michael Gorman was asked to explain **HB 1162, AN ACT TO AMEND THE LAW PERTAINING TO THE CHARTER SCHOOL ADVISORY COMMITTEE**. After some discussion, Rep. Tim Moore made a motion for a favorable report and the motion passed.

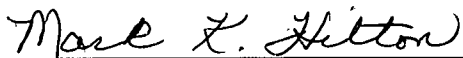
Vice-Chair Michael Gorman was called upon to **HB 1195, AN ACT explain HB TO PROVIDE THAT THE GENERAL ASSEMBLY MUST BE INFORMED OF ANY REQUEST FOR A CAMPUS INITIATED INCREASE IN TUITION OR FEES THAT IS APPROVED BY THE BOARD OF GOVERNORS OF THE UNIVERSITY OF NORTH CAROLINA AND TO PROVIDE THAT THE CAMPUS INITIATED INCREASE IN TUITION OR FEES SHALL NOT BECOME EFFECTIVE UNLESS SPECIFICALLY AUTHORIZED BY THE**

House Education Committee
Thursday, April 24, 2003
8:00AM


Page 2

GENERAL ASSEMBLY. After quite a bit of discussion by committee members and Mr. Mark Fleming from the University System, Rep. Gordon Allen made the motion to displace the bill. The motion failed. After further discussion, Rep. Joe Tolson made the motion to refer the bill to the Education Sub-Committee on Universities. The motion passed.

Meeting adjourned



Rep. Mark K. Hilton, Presiding, Co-Chairman
Rep. Donald Bonner, Co-Chair
Rep. Alex Warner, Co-Chair
Rep. Steve Wood, Co-Chair



Anne Soles, Committee Clerk

2003 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES

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

By Representative **Bonner, Hilton, Warner, Wood** (Chairs) for the Committee on
EDUCATION.

☐ Committee Substitute for

H.B. 888 A BILL TO BE ENTITLED AN ACT TO INCREASE PURCHASING
FLEXIBILITY FOR 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 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)

03/19/03

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2003

H

1

HOUSE BILL 888

Short Title: Purchase Flex/Sch Transportation.

(Public)

Sponsors: Representatives Moore; and Glazier.

Referred to: Education.

April 7, 2003

1 A BILL TO BE ENTITLED
2 AN ACT TO INCREASE PURCHASING FLEXIBILITY FOR PUBLIC SCHOOLS.
3 The General Assembly of North Carolina enacts:

4 SECTION 1. G.S. 115C-522.1 reads as rewritten:

5 "§ 115C-522.1. Purchasing flexibility.

6 (a) Repealed by Session Laws 1998-194, s.1.

7 (b) Local school administrative units shall have the authority to purchase
8 supplies, equipment, and materials from noncertified sources subject to the following
9 conditions:

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

12 (1a) The items are the same or substantially similar in quality, service, and
13 performance as items available under State term contracts;

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

16 (3) The local school administrative unit maintains written documentation
17 of the cost savings; and

18 (4) Repealed by Session Laws 1998-194, s.1.

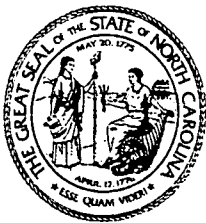
19 (5) The local school administrative unit notifies the Department of
20 Administration of any purchases of items it made that are substantially
21 equivalent to and not the same as items under State term contracts.

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

25 (d) Upon the request of the Department of Administration, a local school
26 administrative unit shall provide the written documentation of cost savings required
27 under subdivision (3) of subsection (b) of this section.

1 (e) ~~The State Board shall adopt rules to exempt from this section supplies,~~
2 ~~equipment, and materials related to student transportation. The State Board shall adopt~~
3 ~~guidelines regarding the interpretation and implementation of this section."~~

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



HOUSE BILL 888: Purchase Flexibility/School Transportation

BILL ANALYSIS

Committee: House Education

Date: April 19, 2003

Version: 1st Edition

Introduced by: Rep. Moore

Summary by: Drupti Chauhan

Committee Counsel

SUMMARY: *This bill would grant local school administrative units purchasing flexibility to buy supplies, equipment, and materials, including supplies, materials and equipment related to student transportation.*

CURRENT LAW: Pursuant to G.S. 115C-522, unless specifically exempted, purchases of all supplies, equipment and materials by local school administrative units must be made in accordance with contracts made by or with the approval of the Department of Administration (DOA). If a needed item is covered by a state term contract, it must be purchased from the term contract supplier or "certified source" under the terms and conditions specified. However, G.S. 115C-522.1 allows local school administrative units to purchase supplies, equipment, and materials from noncertified source even though the item is covered by a state term contract if the following conditions are met:

- The purchase price, including cost of delivery, is less than the cost under the State term contract
- The items are the same or substantially similar in quality, service, and performance as items available under the State term contracts
- Cost of the purchase will not exceed the bid value benchmark (\$10,000 for most school units and \$25,000 for some—is established by the DOA)
- The local school administrative unit maintains written documentation of the cost savings and the
- The local school administrative unit notifies the DOA of any purchases of items it made that are substantially similar to and not the same as items under State term contracts

Purchases for supplies, equipment, and materials related to student transportation are not currently a part of this purchasing flexibility and those items must be purchased through DOA.

BILL ANALYSIS: This bill would allow local school administrative units to purchase materials supplies, and equipment related to student transportation from noncertified sources if the above criteria are met just as they must be met for other supplies, materials and equipment. Supplies, materials, and equipment related to student transportation would include items such as repair parts, oil, and tires.

BACKGROUND: Items that are not covered by established state term contracts, have not been statutorily exempted from the State purchasing and contracting rules and regulations, and have not been the subject of a general or specific delegation must be purchased through open market competitive bidding process if the cost exceeds the bid value benchmark established by DOA for a particular school unit (usually \$10,000). The local school units must allow DOA to secure the contracts for supplies, equipment, or materials on behalf of the school units unless DOA has delegated that authority to the local school unit. DOA has delegated to the local school units the authority to directly purchase items not covered by state term contracts if the total contract amount is \$10,000 or less. If the item is covered by a state term contract, it must be purchased from that supplier even though if the contract is for less than \$10,000.

EFFECTIVE DATE: This act would become effective when it became law.

**2003 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

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

By Representative **Bonner, Hilton, Warner, Wood** (Chairs) for the Committee on
EDUCATION.

☐ Committee Substitute for

H.B. 1012 A BILL TO BE ENTITLED AN ACT ELIMINATING THE PORTFOLIO
REQUIREMENT FOR TEACHER CERTIFICATION

- ☒ 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)

03/19/03

Favorable report - Gorman

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2003

H

1

HOUSE BILL 1012*

Short Title: No Portfolio Required/Teacher Certification. (Public)

Sponsors: Representatives Blust; Capps, McHenry, McMahan, Mitchell, Moore, Starnes, and Walend.

Referred to: Education.

April 10, 2003

1 A BILL TO BE ENTITLED
2 AN ACT ELIMINATING THE PORTFOLIO REQUIREMENT FOR TEACHER
3 CERTIFICATION.

4 Whereas, the Senate in 2002 voted to end the use of portfolios for teacher
5 certification; and

6 Whereas, the House in 2002, after extended debate, voted overwhelmingly to
7 support the Senate action and end the use of portfolios for teacher certification; and

8 Whereas, contrary to the Rules of the Legislature, the votes of the majority of
9 the Senators and Representatives were ignored; and

10 Whereas, the ban on portfolios was replaced with a suspension until June 30,
11 2004, and a study so that the proponents of placing needless burdens on teachers (the
12 minority in the legislature) could devise new terms other than "portfolio" to impose
13 alternative burdens (rejected by the majority in the legislature); and

14 Whereas, the results of the "study" appear to reflect the predominance of
15 portfolio supporters among those chosen by the portfolio proponents in the Department
16 of Public Instruction to conduct the "study", and lack validity both because the "study"
17 was not properly authorized and because the requirements appear to increase burdens on
18 teachers, contrary to the expressed wishes of the legislature; and

19 Whereas, actions of the portfolio proponents in enacting the suspension and
20 the "study" are ample evidence of their disregard for the legislature, the legislative
21 process, and the overwhelming majority of teachers and principals who opposed
22 portfolios; and

23 Whereas, to permit such action to stand undermines both the rule of law and
24 respect for the legislative process; Now, therefore,
25 The General Assembly of North Carolina enacts:

26 SECTION 1. G.S. 115C-296(b) reads as rewritten:

27 "(b) It is the policy of the State of North Carolina to maintain the highest quality
28 teacher education programs and school administrator programs in order to enhance the

1 competence of professional personnel certified in North Carolina. To the end that
2 teacher preparation programs are upgraded to reflect a more rigorous course of study,
3 the State Board of Education, as lead agency in coordination and cooperation with the
4 University Board of Governors, the Board of Community Colleges and such other
5 public and private agencies as are necessary, shall continue to refine the several
6 certification requirements, standards for approval of institutions of teacher education,
7 standards for institution-based innovative and experimental programs, standards for
8 implementing consortium-based teacher education, and standards for improved
9 efficiencies in the administration of the approved programs. The certification program
10 shall provide for initial certification after completion of preservice training, continuing
11 certification after three years of teaching experience, and certificate renewal every five
12 years thereafter, until the retirement of the teacher. The last certificate renewal received
13 prior to retirement shall remain in effect for five years after retirement.

14 The State Board of Education, as lead agency in coordination with the Board of
15 Governors of The University of North Carolina and any other public and private
16 agencies as necessary, shall continue to raise standards for entry into teacher education
17 programs.

18 The State Board of Education, in consultation with the Board of Governors of The
19 University of North Carolina, shall evaluate and develop enhanced requirements for
20 continuing certification. The new requirements shall reflect more rigorous standards for
21 continuing certification and to the extent possible shall be aligned with quality
22 professional development programs that reflect State priorities for improving student
23 achievement. These rigorous standards shall not include a portfolio requirement for
24 teachers.

25 The State Board of Education, in consultation with local boards of education and the
26 Board of Governors of The University of North Carolina, shall reevaluate and enhance
27 the requirements for renewal of teacher certificates. The State Board shall consider
28 modifications in the certificate renewal achievement and to make it a mechanism for
29 teachers to renew continually their knowledge and professional skills. The State Board
30 shall adopt new standards for the renewal of teacher certificates by May 15, 1998.

31 The standards for approval of institutions of teacher education shall require that
32 teacher education programs for students who do not major in special education include
33 demonstrated competencies in the identification and education of children with learning
34 disabilities. The State Board of Education shall incorporate the criteria developed in
35 accordance with G.S. 116-74.21 for assessing proposals under the School Administrator
36 Training Program into its school administrator program approval standards.

37 All North Carolina institutions of higher education that offer teacher education
38 programs, masters degree programs in education, or masters degree programs in school
39 administration shall provide performance reports to the State Board of Education. The
40 performance reports shall follow a common format, shall be submitted according to a
41 plan developed by the State Board, and shall include the information required under the
42 plan developed by the State Board."

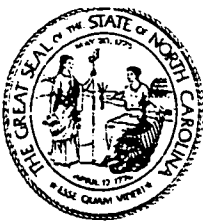
43 **SECTION 2.** The State Board, in consultation with the Board of Governors
44 of The University of North Carolina, shall revise the standards for continuing

1 certification so that the portfolio requirement for teachers is no longer required. The
2 standards shall continue to be rigorous and aligned with the State's priorities for
3 improving student achievement.

4 **SECTION 3.** Section 28.19(b) of S.L. 2001-424 is repealed.

5 **SECTION 4.** No new requirement added by the State Board of Education to
6 the teacher certification process as the result of the violation of the rules of the
7 legislature in 2002 may be required for licensure now or in the future without explicit
8 legislative authorization.

9 **SECTION 5.** This act is effective when it becomes law.



HOUSE BILL 1012: No Portfolio Required/Teacher Certification

BILL ANALYSIS

Committee: House Education
Date: April 22, 2003
Version: First Edition

Introduced by: Rep. Blust
Summary by: Shirley Iorio
Committee Staff

SUMMARY: *House Bill 1012 would prohibit the State Board of Education from including a portfolio as a requirement for continuing certification for teachers.*

The bill would repeal the Session Law that provides up to three days of approved paid leave during the second year of employment for initially certified teachers, and three days of approved paid leave in the third year of employment for those teachers who do not meet the requirements during the second year of employment.

House Bill 1012 would prohibit any new requirements for licensure to be added by the State Board of Education to the teacher certification process without explicit legislative authorization.

The act would become effective when it becomes law.

CURRENT LAW: G.S. 115C-296(b) provides that the State Board of Education, in consultation with the Board of Governors of The University of North Carolina, must evaluate and develop enhanced requirements for continuing certification that reflect more rigorous standards, and to the extent possible, that will be aligned with quality professional development programs that reflect State priorities for improving student achievement.

Section 7.18 of S.L. 2002-126 directed the State Board of Education to suspend the portfolio requirements for all teachers who are required, under the current law, to submit portfolios from August 1, 2002, through June 30, 2004. These teachers must complete interim requirements adopted by the State Board. This section of the Session Law also requires the State Board to contract with an outside consultant to study the entire certification process, and report to the Joint Legislative Education Oversight Committee by January 1, 2004.

BILL ANALYSIS: House Bill 1012 would amend G.S. 115C-296(b) by adding language that would explicitly prohibit the State Board of Education, in consultation with the Board of Governors of The University of North Carolina, from including a portfolio requirement as a part of the rigorous standards for continuing certification for teachers.

Section 2 of the bill would require the State Board of Education, in consultation with the Board of Governors of The University of North Carolina, to revise the standards for continuing certification so that the portfolio requirement for teachers would no longer be required.

Section 3 of House Bill 1012 would repeal Section 28.19(b) of S.L. 2001-424 (the 2001 budget bill). Section 28.19(b) provides initially certified teachers with up to three days of approved paid leave during their second year of employment to work on their performance-based product or to consult with their mentors. If a teacher does not successfully complete the performance-based requirements by the third year of employment, the teacher receives up to three days of approved paid leave during the third year of employment to complete all requirements.

HOUSE BILL 1012

Page 2

Section 4 of the bill would prohibit the State Board of Education from adding any new requirements for licensure to the teacher certification process without the explicit authorization of the legislature.

BACKGROUND: In 1997, The Excellent Schools Act directed the 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 certification that would reflect more rigorous standards, and to the extent possible, that would be aligned with quality professional development programs that reflect State priorities for improving student achievement (This language from the Excellent Schools Act is now codified in G.S. 115C-296(b)). To that end, the Department of Public Instruction convened an advisory committee during the 1997-98 school year.

One of the recommendations of that committee was that the submission of a performance-based product that would address the national standards for what beginning teachers should know and be able to do should be required. This recommendation was the basis for the Performance-Based Licensure Program.

The Performance-Based Licensure Program was piloted during the 1998-1999 and 1999-2000 school years and then implemented Statewide during the 2000-2001 school year. The program was revised several times based on feedback from the field that the process might be overwhelming to beginning teachers. The Performance-Based Product, commonly referred to as the portfolio, was one component of the Performance-Based Licensure Program. In June 2001, the first group of beginning teachers submitted the Performance-Based product, with a 95% pass rate. In June 2002, the second group of beginning teachers submitted the Performance-Based Product, with a 96% pass rate.

H1012-SMSF-001

**2003 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

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

By Representative **Bonner, Hilton, Warner, Wood** (Chairs) for the Committee on
EDUCATION.

☐ Committee Substitute for

H.B. 1114 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 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)

03/19/03

favourable report - Tolson

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2003

H

1

HOUSE BILL 1114

Short Title: School Volunteer Records Are Confidential.

(Public)

Sponsors: Representative Saunders.

Referred to: Education.

April 10, 2003

1 A BILL TO BE ENTITLED
2 AN ACT TO MAKE VOLUNTEER FILES MAINTAINED BY LOCAL BOARDS OF
3 EDUCATION PRIVATE.

4 The General Assembly of North Carolina enacts:

5 SECTION 1. Article 13 of Chapter 115C of the General Statutes is amended
6 by adding a new section to read:

7 "**§ 115C-209.1. Confidentiality of certain volunteer records.**

8 (a) All records of a local school administrative unit regarding volunteers, former
9 volunteers, and persons applying to be volunteers are confidential and are not public
10 records as provided in Chapter 132 of the General Statutes. These records shall be open
11 for inspection only to the following persons:

12 (1) The volunteer, former volunteer, person who applied to be a volunteer,
13 or that person's properly authorized agent who may examine the
14 person's file in its entirety at any reasonable time;

15 (2) The superintendent and other supervisory personnel;

16 (3) The parent or guardian of any student with whom the volunteer has or
17 had contact;

18 (4) Members of the local board of education and the board's attorney; and

19 (5) A party, by authority of a subpoena or proper court order, only to the
20 extent authorized by and in accordance with that subpoena or court
21 order.

22 (b) A local board of education may also release or permit the inspection of a
23 volunteer file if, prior to the release of the information or inspection of the file, the local
24 board of education:

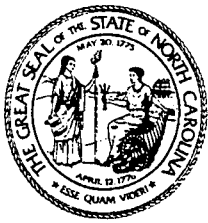
25 (1) Determines that the release of the information or inspection of the file
26 is essential (i) to maintaining the integrity of the local board of
27 education or (ii) to maintaining the level or quality of services
28 provided by the local board of education; and

1 (2) Prepares a memorandum setting forth the local board's reasons for
2 releasing the records or permitting the inspection of the files. This
3 memorandum shall be retained in the files of the superintendent and
4 shall be a public record.

5 (c) As used in this section, a volunteer is a person who provides services to a
6 local board of education without expectation of compensation and with the
7 understanding that the local board of education is under no obligation to continue
8 accepting those services or to compensate the volunteer for them.

9 (d) This section shall not be construed to require a local school administrative
10 unit to maintain records on volunteers, former volunteers, or persons applying to be
11 volunteers, except where there is evidence of volunteer misconduct."

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



HOUSE BILL 1114: School Volunteer Records Are Confidential

BILL ANALYSIS

Committee: House Education
Date: April 17, 2003
Version: First

Introduced by: Rep. Saunders
Summary by: Robin Johnson *Robin*
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. The bill is identical to one that the House Education Committee adopted last Session.*

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, the parent or guardian of any student with whom the volunteer has or had contact, 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, except where there is evidence of volunteer misconduct.

H1114- SMRH-001 Information related to current law provided by "Legal Issues in School Volunteer Programs" by Ingrid M. Johansen, *School Law Bulletin*, Spring 1998.

**2003 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

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

By Representative **Bonner, Hilton, Warner, Wood** (Chairs) for the Committee on
EDUCATION.

☐ Committee Substitute for

H.B. 1162 A BILL TO BE ENTITLED AN ACT TO AMEND THE LAW PERTAINING
TO THE CHARTER SCHOOL ADVISORY COMMITTEE

☒ 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)

03/19/03

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2003

H

1

HOUSE BILL 1162

Short Title: Modify Law/Charter School Advisory Committee. (Public)

Sponsors: Representatives Gorman, Parmon (Primary Sponsors); and Moore.

Referred to: Education.

April 10, 2003

A BILL TO BE ENTITLED

AN ACT TO AMEND THE LAW PERTAINING TO THE CHARTER SCHOOL
ADVISORY COMMITTEE.

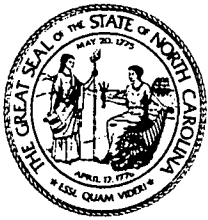
The General Assembly of North Carolina enacts:

SECTION 1. G.S. 115C-238.29I(d) reads as rewritten:

"(d) The State Board of Education ~~may~~shall establish a Charter School Advisory Committee to assist with the implementation of this Part. The majority of the voting members of the Charter School Advisory Committee shall be associated with North Carolina charter schools.

The Charter School Advisory Committee ~~may~~shall (i) provide technical assistance to chartering entities or to potential applicants, (ii) review applications for preliminary approval, (iii) make recommendations as to whether the State Board should approve applications for charter schools, (iv) make recommendations as to whether the State Board should terminate or not renew a charter, (v) make recommendations concerning grievances between a charter school and its chartering entity, the State Board, or a local board, (vi) assist with the review under subsection (c) of this section, and (vii) provide any other assistance as may be required by the State Board."

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



HOUSE BILL 1162: Modify Law/Charter School Advisory Committee

BILL ANALYSIS

Committee: House Education
Date: April 17, 2003
Version: First

Introduced by: Reps. Gorman and Parmon
Summary by: Dee Atkinson
Research Assistant

SUMMARY: *House Bill 1162 would amend G.S. 115C-238.29I(d) to require the State Board of Education to establish a Charter School Advisory Committee. This bill would require that the majority of the voting members of the Charter School Advisory Committee be associated with North Carolina charter schools.*

The act would become effective when it becomes law.

BACKGROUND: In 1997, the State Board of Education established the North Carolina Charter School Advisory Committee. There are 15 members on the committee and they are represented in the following categories:

- (1) charter schools officials,
- (2) public school employees,
- (3) business and community leaders,
- (4) local boards of education,
- (5) the North Carolina Parents and Teachers Association, and
- (6) county commissioners.

Members of the committee are appointed by the State Board of Education. Recent changes in the State Board of Education's policy on the Charter Schools Advisory Committee have increased the term of membership from two years to four years and each member is eligible to serve two consecutive terms. The Superintendent of Public Instruction designates the chair of the charter schools advisory committee.

At the request of the State Board of Education, the Committee advises the State Board on policies, procedures, and concerns that relate to the operation of charter schools in the State.

H1162-SMSM-001

REFERRAL FORM

**NORTH CAROLINA HOUSE OF REPRESENTATIVES
ASSIGNMENT OF BILLS TO SUBCOMMITTEE**

COMMITTEE: **EDUCATION**

Chairs: **Representative Bonner, Hilton, Warner, Wood**

DATE: **4-24-03**

Bill Number (Indicate H or S): **HB1195**

Short Title: **CAMPUS INITIATED TUITION & FEE INCREASE**

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:

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 referred to University Sub-Committee

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2003

H

1

HOUSE BILL 1195

Short Title: Campus Initiated Tuition & Fee Increase.

(Public)

Sponsors: Representatives Gorman; and Barnhart.

Referred to: Education.

April 10, 2003

1 A BILL TO BE ENTITLED
2 AN ACT TO PROVIDE THAT THE GENERAL ASSEMBLY MUST BE
3 INFORMED OF ANY REQUEST FOR A CAMPUS INITIATED INCREASE IN
4 TUITION OR FEES THAT IS APPROVED BY THE BOARD OF GOVERNORS
5 OF THE UNIVERSITY OF NORTH CAROLINA AND TO PROVIDE THAT THE
6 CAMPUS INITIATED INCREASE IN TUITION OR FEES SHALL NOT
7 BECOME EFFECTIVE UNLESS SPECIFICALLY AUTHORIZED BY THE
8 GENERAL ASSEMBLY.

9 The General Assembly of North Carolina enacts:

10 SECTION 1. G.S. 116-40.22(c) reads as rewritten:

11 "(c) Tuition and Fees. – Notwithstanding any provision in Chapter 116 of the
12 General Statutes to the contrary, in addition to any tuition and fees set by the Board of
13 Governors pursuant to G.S. 116-11(7), the Board of Trustees of the institution may
14 recommend to the Board of Governors tuition and fees for program-specific and
15 institution-specific needs at that institution without regard to whether an emergency
16 situation exists and not inconsistent with the actions of the General Assembly. If the
17 Board of Governors approves the request, then the Board of Governors shall include the
18 request in the recommended budget presented to the Governor, the Advisory Budget
19 Commission, and the General Assembly pursuant to G.S. 116-11. ~~The~~ If the request is
20 approved by the General Assembly, the institution shall retain any tuition and fees set
21 pursuant to this subsection for use by the institution."

22 SECTION 2. G.S. 116-11(7) reads as rewritten:

23 "(7) The Board shall set tuition and required fees at the institutions, not
24 inconsistent with actions of the General ~~Assembly~~ Assembly;
25 however, no tuition or fee increase requested by a constituent
26 institution under G.S. 116-40.22(c) shall become effective until it is
27 specifically authorized by the General Assembly."

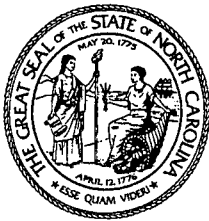
28 SECTION 3. G.S. 116-11(9) reads as rewritten:

- 1 "(9) a. The Board of Governors shall develop, prepare and present to
2 the Governor, the Advisory Budget Commission and the
3 General Assembly a single, unified recommended budget for all
4 of public senior higher education. The recommendations shall
5 consist of requests in three general categories: (i) funds for the
6 continuing operation of each constituent institution, (ii) funds
7 for salary increases for employees exempt from the State
8 Personnel Act and (iii) funds requested without reference to
9 constituent institutions, itemized as to priority and covering
10 such areas as new programs and activities, expansions of
11 programs and activities, increases in enrollments, increases to
12 accommodate internal shifts and categories of persons served,
13 capital improvements, improvements in levels of operation and
14 increases to remedy deficiencies, as well as other areas. The
15 Board of Governors shall also include in the recommended
16 budget for consideration of the General Assembly any increase
17 in tuition and fees for program-specific and institution-specific
18 needs requested by a constituent institution and approved by the
19 Board of Governors under G.S. 116-40.22. The function of the
20 Advisory Budget Commission under this section applies only if
21 the Director of the Budget consults with the Commission in
22 preparation of the budget.
- 23 b. Funds for the continuing operation of each constituent
24 institution shall be appropriated directly to the institution. Funds
25 for salary increases for employees exempt from the State
26 Personnel Act shall be appropriated to the Board in a lump sum
27 for allocation to the institutions. Funds for the third category in
28 paragraph a of this subdivision shall be appropriated to the
29 Board in a lump sum for allocation to the institutions. The
30 Board shall make allocations among the institutions in
31 accordance with the Board's schedule of priorities and any
32 specifications in the Current Operations Appropriations Act.
33 When both the Board and the Director of the Budget deem it to
34 be in the best interest of the State, funds in the third category
35 may be allocated, in whole or in part, for other items within the
36 list of priorities or for items not included in the list. Provided,
37 nothing herein shall be construed to allow the General
38 Assembly, except as to capital improvements, to refer to
39 particular constituent institutions in any specifications as to
40 priorities in the third category. Prior to taking any action under
41 this paragraph, the Director of the Budget may consult with the
42 Advisory Budget Commission.
- 43 c. The Director of the Budget may, on recommendation of the
44 Board, authorize transfer of appropriated funds from one

1 institution to another to provide adjustments for over or under
2 enrollment or may make any other adjustments among
3 institutions that would provide for the orderly and efficient
4 operation of the institutions. Prior to taking any action under
5 this paragraph, the Director of the Budget may consult with the
6 Advisory Budget Commission.

7 d. Repealed by Session Laws 1987, c. 795, s. 27."

8 **SECTION 4.** This act becomes effective July 1, 2003.



HOUSE BILL 1195: Campus Initiated Tuition & Fee Increase.

BILL ANALYSIS

Committee: House Education
Date: April 17, 2003
Version: First Edition

Introduced by: Rep. Gorman
Summary by: Sara Kamprath
Committee Analyst

BILL ANALYSIS: House Bill 1195 provides that the UNC Board of Governors shall include any approved campus-initiated requests for tuition and fees for program-specific or institution-specific needs in their recommended budget. This budget shall be presented to the Governor, the Advisory Budget Commission and the General Assembly. No tuition or fee increase requested by a constituent institution shall go into effect until it is authorized by the General Assembly.

The bill becomes effective July 1, 2003.

BACKGROUND: Current law provides that the board of trustees of a constituent institution may recommend tuition and fees for program-specific and institution-specific needs to the UNC Board of Governors. If approved by the Board the Governors, the institution retains the tuition and fees for use by the institution. The UNC Board of Governors has adopted policies that outline a process that the institutions should follow when they are developing a tuition or fee increase proposal. The UNC Board of Governors tries to act on the campus-initiated tuition or fee requests by February or as soon as possible thereafter so students and parents will know ahead of time about tuition or fee increases for the fall.

H1195-SMRJ-001

VISITOR REGISTRATION SHEET

Name of Committee

Date

VISITORS: PLEASE SIGN BELOW AND RETURN TO COMMITTEE CLERK

NAME

FIRM OR AGENCY AND ADDRESS

Gene Causky	NCGCA
John Lynn	SBE
Kathleen Jace	NCAOA
BRUCE THOMPSON	PARKOR POB
Tim Minter	N C Home Builders
Lisa Bateman	DSTD - CPSV
Derek Graham	DPT
Low Fabrizio	DPI
Bob Bellamy	DPT
R. Paul Wilkins	NCHBA
Marus Davis	NCAE
Carolyn McKinney	NCAE
Michael Houser	NCAE
ROGER GERBER	The League of Charter Schools
JOEIE DAVIS	Parent Builders
Susan Harmon	NCAE
Steve Hoffman	NCBA
Lynn Wynn	NCBA
Lynn Norris	Public School Forum
John Ruffe	Inc @ Four
Shellen Mendenhall	" " "
Greg Ryall	NCFPC
John Hunt	NCFPC
Gus Lammie	NCAOA
LARRY AIX	DSTD
Yvonne Perry	ECAL
Mary Dony	UIP

HOUSE EDUCATION COMMITTEE MINUTES

April 24, 2003

The House Education Committee met on Thursday, April 24, 2003, 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.

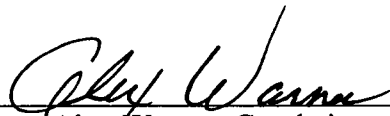
Rep. Bell was called on to explain ***House Bill 463, UPDATE SCHOOL COUNSELOR JOB DESCRIPTION***. The proposed committee substitute was adopted. Rep. Nye called for a favorable report to the proposed committee substitute, unfavorable to the original bill. The motion passed.

Rep. Bordsen was called on to explain ***House Bill 1166, LOCAL FLEX. REGARDING JOB SHARING IN SCHOOLS***. This bill was re-referred to the subcommittee on Pre-School, Elementary, and Secondary Education.

Rep. Glazier was called on to explain ***House Bill 802, PURCHASING FLEXIBILITY FOR SCHOOLS***. The proposed committee substitute was adopted. Rep. Ross offered a technical amendment, and it passed. Rep. Sexton called for a favorable report to proposed committee substitute, unfavorable to original bill, and it passed.

Rep. Preston was called on to explain ***House Bill 1135, EDUCATION INSTEAD OF LONG-TERM SUSPENSION***. The proposed committee substitute was adopted. Rep. Ross called for a favorable report, unfavorable to original bill, and it passed.

Meeting adjourned.



Rep. Alex Warner, Co-chair
Rep. Donald Bonner, Co-chair
Rep. Mark Hilton, Co-chair
Rep. Steve Wood, Co-chair


Ann Stancil, Committee clerk

4/24

**2003 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

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

By Representatives **Bonner, Hilton, Warner, Wood** (Chairs) for the Committee on
EDUCATION.

-
- ☐ Committee Substitute for
H.B. 463 A BILL TO BE ENTITLED AN ACT TO ENSURE THAT SCHOOL
COUNSELORS SPEND THEIR TIME PROVIDING DIRECT SERVICES TO
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 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)

03/19/03

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2003

H

D

HOUSE BILL 463

PROPOSED COMMITTEE SUBSTITUTE H463-CSRH-10 [v.2]

4/15/2003 1:05:44 PM

Short Title: Update Sch. Counselor Job Description.

(Public)

Sponsors:

Referred to:

March 13, 2003

1 A BILL TO BE ENTITLED
2 AN ACT TO DIRECT THE STATE BOARD OF EDUCATION TO UPDATE THE
3 JOB DESCRIPTION FOR SCHOOL COUNSELORS.

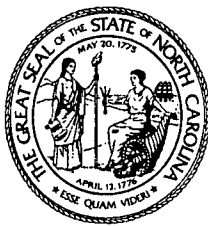
4 Whereas, funds are appropriated by the General Assembly for the purpose of
5 providing school guidance counselors for public schools; and

6 Whereas, it is expected that such school guidance counselors shall provide guidance
7 services; and

8 Whereas, there exist questions in current practices of the appropriateness of some
9 duties assigned to these professional staff members; Now therefore,
10 the General Assembly of North Carolina enacts:

11 SECTION 1. The State Board of Education shall update and clarify the job
12 description for public school guidance counselors. In so doing, the Board shall involve
13 currently employed guidance counselors recommended by the North Carolina School
14 Counselors Association. These individuals shall reflect the different levels of
15 elementary, middle, and high schools and the diversity of local school administrative
16 units (large/small and rural/urban). The Board shall select a similar number of school
17 administrators to assist in this task. These administrators also shall reflect the different
18 levels of schools and diversity of local school administrative units. The State Board of
19 Education shall report changes to the job description for public school counselors, and
20 any recommendations, to the Joint Legislative Education Oversight Committee.

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



HOUSE BILL 463: Duties of School Counselors.

BILL ANALYSIS

Committee: House Education
Date: April 15, 2003
Version: First Edition

Introduced by: Rep. Bell
Summary by: Sara Kamprath
Committee Analyst

BILL ANALYSIS: House Bill 463 would create a new section in Chapter 115C regarding the duties of school counselors. Under the new provisions, school counselors shall implement a comprehensive developmental school-counseling program in their schools. School counselors shall spend a minimum of 80% of their time providing direct services to students. **Direct services do not include coordinating standardized testing.** School counselors should spend the remainder of their time on school-counseling program support activities.

Before the start of the 2004-05 school year, all local boards of education shall develop transition plans for implementing the new provisions by reassigning duties within the schools. Implementation shall be carried out within existing resources. The State Board of Education shall provide guidelines for all local school units on implementation. The State Board shall report to the Joint Legislative Education Oversight Committee on implementation.

The act is effective when it becomes law and Section 1 (Duties of school counselors) applies beginning with the 2004-05 school year.

H463-SMRJ-001

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2003

H

1

HOUSE BILL 463

Short Title: Duties of School Counselors.

(Public)

Sponsors: Representatives Bell; Bonner, Earle, Glazier, Insko, Lucas, Luebke, Pate, and Wainwright.

Referred to: Education.

March 13, 2003

A BILL TO BE ENTITLED
AN ACT TO ENSURE THAT SCHOOL COUNSELORS SPEND THEIR TIME
PROVIDING DIRECT SERVICES TO STUDENTS.

The General Assembly of North Carolina enacts:

SECTION 1. Article 21 of Chapter 115C of the General Statutes is amended
by adding a new section to read:

"§ 115C-316.1. Duties of school counselors.

School counselors shall implement a comprehensive developmental school-
counseling program in their schools. Counselors shall spend at least eighty percent
(80%) of their work time providing direct services to students. These direct services
shall consist of:

(1) Delivery of the school guidance curriculum through large-group
guidance, interdisciplinary curriculum development, group activities,
and parent workshops;

(2) Individual student planning through individual or small-group
assistance and individual or small-group advisement; and

(3) Responsive services through consultation with students, families, and
staff; individual and small-group counseling; crisis counseling;
referrals; and peer facilitation.

Direct services do not include the coordination of standardized testing.

During the remainder of their work time, counselors shall spend adequate time on
school-counseling program support activities that consist of professional development;
consultation, collaboration, and training; and program management and operations."

SECTION 2. Prior to the 2004-2005 school year, each local board of
education shall develop a transition plan for implementing Section 1 of this act, within
existing resources, by reassigning duties within its schools.

The State Board of Education shall distribute guidelines to all local school
administrative units on the implementation of this act.

1 **SECTION 3.** The State Board of Education shall report to the Joint
2 Legislative Education Oversight Committee on the implementation of this act.

3 **SECTION 4.** This act is effective when it becomes law. Section 1 of this act
4 applies to school years beginning with the 2004-2005 school year.

4/24

**2003 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

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

By Representatives **Bonner, Hilton, Warner, Wood** (Chairs) for the Committee on
EDUCATION.

☐ Committee Substitute for

H.B. 802 A BILL TO BE ENTITLED AN ACT TO GIVE LOCAL BOARDS OF
EDUCATION ADDITIONAL PURCHASING FLEXIBILITY.

☐ 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 ~~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)

03/19/03

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2003

H

D

HOUSE BILL 802
PROPOSED COMMITTEE SUBSTITUTE H802-CSRH-24 [v.1]

4/24/2003 9:34:58 AM

Short Title: Purchasing Flexibility for Schools.

(Public)

Sponsors:

Referred to:

March 31, 2003

A BILL TO BE ENTITLED
AN ACT TO GIVE LOCAL BOARDS OF EDUCATION ADDITIONAL
PURCHASING FLEXIBILITY AND TO ENCOURAGE THEM TO USE THE NC
E-PROCUREMENT SERVICE.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 115C-522(a) reads as rewritten:

"(a) ~~Except as provided in G.S. 115C-522.1, it~~ shall be the duty of local boards of education to purchase or exchange all supplies, ~~equipment and materials in accordance with contracts made by or with the approval of the Department of Administration.~~ equipment, and materials, and such purchases shall be made in accordance with Article 8 of Chapter 143 of the General Statutes. These purchases may be made from contracts made by the Department of Administration. Title to instructional supplies, office supplies, fuel and janitorial supplies, enumerated in the current expense fund budget and purchased out of State funds, shall be taken in the name of the local board of education which shall be responsible for the custody and replacement: Provided, that no contracts shall be made by any local school administrative unit for purchases unless provision has been made in the budget of the unit to pay for the purchases, unless surplus funds are on hand to pay for the purchases, or unless the contracts are made pursuant to G.S. 115C-47(28) and G.S. 115C-528 and adequate funds are available to pay in the current fiscal year the sums obligated for the current fiscal year, ~~and in order to protect the State purchase contractor, it is made the duty of the governing authorities of the local units to pay for these purchases promptly and in accordance with the terms of the contract of purchase year.~~ The State Board of Education shall adopt rules regarding equipment standards for supplies, equipment and materials related to student transportation."

SECTION 2. G.S. 115C-522.1 is repealed.

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

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

SECTION 4. G.S. 115C-264 reads as rewritten:

"§ 115C-264. Operation.

In the operation of their public school food programs, the public schools shall participate in the National School Lunch Program established by the federal government. The program shall be under the jurisdiction of the Division of School Food Services of the Department of Public Instruction and in accordance with federal guidelines as established by the Child Nutrition Division of the United States Department of Agriculture.

Each school may, with the approval of the local board of education, sell soft drinks to students so long as soft drinks are not sold (i) during the lunch period, (ii) at elementary schools, or (iii) contrary to the requirements of the National School Lunch Program.

All school food services shall be operated on a nonprofit basis, and any earnings therefrom over and above the cost of operation as defined herein shall be used to reduce the cost of food, to serve better food, or to provide free or reduced-price lunches to indigent children and for no other purpose. The term "cost of operation" shall be defined as actual cost incurred in the purchase and preparation of food, the salaries of all personnel directly engaged in providing food services, and the cost of nonfood supplies as outlined under standards adopted by the State Board of Education. "Personnel" shall be defined as food service supervisors or directors, bookkeepers directly engaged in food service record keeping and those persons directly involved in preparing and serving food: Provided, that food service personnel shall be paid from the funds of food services only for services rendered in behalf of lunchroom services. Any cost incurred in the provisions and maintenance of school food services over and beyond the cost of operation shall be included in the budget request filed annually by local boards of education with boards of county commissioners. It shall not be mandatory that the provisions of G.S. ~~115C-522(a) and 143-129~~ G.S. 143-129 be complied with in the purchase of supplies and food for such school food services."

SECTION 4.1. G.S. 143-48(b) reads as rewritten:

"(b) Reporting. – Every governmental entity required by statute to use the services of the Department of Administration in the purchase of goods and ~~services~~ services, every local school administrative unit, and every private, nonprofit corporation other than an institution of higher education or a hospital that receives an appropriation of five hundred thousand dollars (\$500,000) or more during a fiscal year from the General Assembly shall report to the department of Administration annually on what percentage of its contract purchases of goods and services, through term contracts and open-market contracts, were from minority-owned businesses, what percentage from female-owned businesses, what percentage from disabled-owned businesses, what percentage from disabled business enterprises and what percentage from nonprofit work centers for the blind and the severely disabled. The same governmental entities shall include in their reports what percentages of the contract bids for such purchases were from such

1 businesses. The Department of Administration shall provide instructions to the reporting
2 entities concerning the manner of reporting and the definitions of the businesses referred
3 to in this act, provided that, for the purposes of this act:

4 (1) Except as provided in subdivision (1a) of this section, a business in
5 one of the categories above means one:

6 a. In which at least fifty-one percent (51%) of the business, or of
7 the stock in the case of a corporation, is owned by one or more
8 persons in the category; and

9 b. Of which the management and daily business operations are
10 controlled by one or more persons in the category who own it.

11 (1a) A "disabled business enterprise" means a nonprofit entity whose main
12 purpose is to provide ongoing habilitation, rehabilitation, independent
13 living, and competitive employment for persons who are handicapped
14 through supported employment sites or business operated to provide
15 training and employment and competitive wages.

16 (1b) A "nonprofit work center for the blind and the severely disabled"
17 means an agency:

18 a. Organized under the laws of the United States or this State,
19 operated in the interest of the blind and the severely disabled,
20 the net income of which agency does not inure in whole or in
21 part to the benefit of any shareholder or other individual;

22 b. In compliance with any applicable health and safety standard
23 prescribed by the United States Secretary of Labor; and

24 c. In the production of all commodities or provision of services,
25 employs during the current fiscal year severely handicapped
26 individuals for (i) a minimum of seventy-five percent (75%) of
27 the hours of direct labor required for the production of
28 commodities or provision of services, or (ii) in accordance with
29 the percentage of direct labor required under the terms and
30 conditions of Public Law 92-28 (41 U.S.C. § 46, et seq.) for the
31 production of commodities or provision of services, whichever
32 is less.

33 (2) A female or a disabled person is not a minority, unless the female or
34 disabled person is also a member of one of the minority groups
35 described in G.S. 143-128(2)a through d.

36 (3) A disabled person means a person with a handicapping condition as
37 defined in G.S. 168-1 or G.S. 168A-3."

38 **SECTION 5.** G.S. 143-48.3 reads as rewritten:

39 **"§ 143-48.3. Electronic procurement.**

40 ...
41 (b) The Department of Administration, in conjunction with the Office of the State
42 Controller and the Office of Information Technology Services may, upon request,
43 provide to all State agencies, universities, ~~local school administrative units, and the~~
44 community colleges, training in the use of the electronic procurement system.

...
(d) This section does not otherwise modify existing law relating to procurement between The University of North Carolina, UNC Health Care, ~~local school administrative units~~, community colleges, and the Department of Administration.

...
(f) Any State ~~entity, local school administrative unit, entity~~ or community college operating a functional electronic procurement system established prior to September 1, 2001, may until May 1, 2003, continue to operate that system independently or may opt into the North Carolina E-Procurement Service. Each entity subject to this section shall notify the Information Resources Management Commission by January 1, 2002, and annually thereafter, of its intent to participate in the North Carolina E-Procurement Service."

SECTION 6. G.S. 143-49 reads as rewritten:

"§ 143-49. Powers and duties of Secretary.

The Secretary of Administration shall have power and authority, and it shall be his duty, subject to the provisions of this Article:

...
(6) To make available to nonprofit corporations operating charitable hospitals, to local nonprofit community sheltered workshops or centers that meet standards established by the Division of Vocational Rehabilitation of the Department of Health and Human Services, to private nonprofit agencies licensed or approved by the Department of Health and Human Services as child placing agencies, residential child-care facilities, private nonprofit rural, community, and migrant health centers designated by the Office of Rural Health and Resource Development, to private higher education institutions that are defined as "institutions" in G.S. 116-22(1), and to counties, cities, towns, local school administrative units, governmental entities and other subdivisions of the State and public agencies thereof in the expenditure of public funds, the services of the Department of Administration in the purchase of materials, supplies and equipment under such rules, regulations and procedures as the Secretary of Administration may adopt. In adopting rules and regulations any or all provisions of this Article may be made applicable to such purchases and contracts made through the Department of Administration, and in addition the rules and regulations shall contain a requirement that payment for all such purchases be made in accordance with the terms of the contract. Prior to adopting rules and regulations under this subdivision, the Secretary of Administration may consult with the Advisory Budget Commission.

...
(8) To establish and maintain a procurement card program for use by State agencies, community colleges, ~~nonexempted constituent institutions of The University of North Carolina, and local school administrative units~~ and nonexempted constituent institutions of The University of

1 North Carolina. The Secretary of Administration may adopt temporary
2 rules for the implementation and operation of the program in
3 accordance with the payment policies of the State Controller, after
4 consultation with the Office of Information Technology Services.
5 These rules would include the establishment of appropriate order limits
6 that leverage the cost savings and efficiencies of the procurement card
7 program in conjunction with the fullest possible use of the North
8 Carolina E-Procurement Service. Prior to implementing the program,
9 the Secretary shall consult with the State Controller, the UNC General
10 Administration, the Community Colleges System Office, the State
11 Auditor, the Department of Public Instruction, a representative chosen
12 by the local school administrative units, and the Office of Information
13 Technology Services. The Secretary may periodically adjust the order
14 limit authorized in this section after consulting with the State
15 Controller, the UNC General Administration, the Community Colleges
16 System Office, the Department of Public Instruction, and the Office of
17 Information Technology Services."

18 **SECTION 7.** G.S. 143-53(a)(2) reads as rewritten:

19 **"§ 143-53. Rules.**

20 (a) The Secretary of Administration may adopt rules governing the following:

21 ...
22 (2)

23 Prescribing the routine, including consistent contract language, for
24 securing bids on items that do not exceed the bid value benchmark
25 established under the provisions of G.S. 143-53.1 or G.S. 116-31.10.
26 The purchasing delegation for securing offers (excluding the special
27 responsibility constituent institutions of The University of North
28 Carolina), for each State department, institution, agency, ~~community~~
29 ~~college, and public school administrative unit and community college~~
30 shall be determined by the Director of the Division of Purchase and
31 Contract. For the State agencies this shall be done following the
32 Director's consultation with the State Budget Officer and the State
33 Auditor. The Director for the Division of Purchase and Contract may
34 set or lower the delegation, or raise the delegation upon written request
35 by the agency, after consideration of their overall capabilities,
36 including staff resources, purchasing compliance reviews, and audit
37 reports of the individual agency. The routine prescribed by the
38 Secretary shall include contract award protest procedures and
39 consistent requirements for advertising of solicitations for securing
40 offers issued by State departments, institutions, universities (including
41 the special responsibility constituent institutions of The University of
42 North Carolina), agencies, community colleges, and the public school
administrative units."

1 **SECTION 8.(a)** Encourage Use of NC E-Procurement Service by LEAs. -
2 The State encourages local school administrative units to use the NC E-Procurement
3 Service.

4 **SECTION 8.(b)** Certification of E-Procurement Compliance. – The Office
5 of Information Technology Services must certify that a local school administrative unit
6 is E-procurement compliant when the unit's current software purchasing system is
7 adequately interfaced with the NC E-Procurement Service system and the unit's
8 employees involved in the purchasing process have been properly trained in the use of
9 the Service. The Office of Information Technology Services, in consultation with the
10 Department of Public Instruction and the NC E-Procurement Service, may establish the
11 standards that must be met for certification. The Office of Information Technology
12 Services must notify the Department of Administration of the units certified within three
13 days of the certification.

14 **SECTION 8.(c)** Pilot Projects. – To use the NC E-Procurement Service, a
15 local school administrative unit's current software purchasing system must be interfaced
16 with the NC E-Procurement Service system. All but two of the 117 local school
17 administrative units utilize one of two systems: ISIS by EMS or SunPac by Sartox. To
18 encourage local school administrative units to use the NC E-Procurement Service, the
19 Service will begin the interface process with four local school administrative units – two
20 of which use ISIS and two of which use SunPac. The four pilot units will be the local
21 school administrative units of Cabarrus County, Edgecombe County, Guilford County,
22 and Sampson County. The four pilot units must be certified as being E-procurement
23 compliant on or before October 1, 2003.

24 **SECTION 8.(d)** Charlotte/Mecklenburg LEA and Wake County LEA. – The
25 local school administrative units of Charlotte/Mecklenburg and Wake County each
26 utilize a unique software purchasing system. NC E-Procurement Service must begin the
27 process of interfacing the Service's software system with these units' software system.
28 Charlotte/Mecklenburg and Wake County must be certified as E-procurement compliant
29 on or before July 1, 2004.

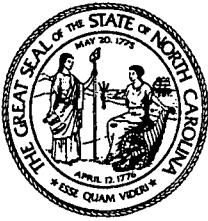
30 **SECTION 8.(e)** Remainder of LEAs. – The remaining 111 local school
31 administrative units must be certified as being E-procurement compliant by January 1,
32 2005. The NC E-Procurement Service will assist the units in interfacing their systems
33 and training their employees on a regional basis by the type of software the unit
34 currently uses.

35 **SECTION 8.(f)** Obligation of LEAs. – As of the date a local school
36 administrative unit is certified by the Office of Information Technology Services as
37 being E-procurement compliant, it must expend at least thirty percent (30%) of its
38 remaining unencumbered funds used to purchase supplies, equipment, materials,
39 computer software, and other tangible personal property during the fiscal year in which
40 it is certified through the NC E-Procurement Service. The unit must expend at least
41 thirty-five percent (35%) of its funds used to purchase supplies, equipment, materials,
42 computer software, and other tangible personal property during the fiscal year following
43 certification through the NC E-Procurement Service and forty percent (40%) during the
44 second fiscal year following certification. The State encourages the units to utilize the

1 NC E-Procurement Service to purchase at least fifty percent (50%) of their supplies,
2 equipment, materials, computer software, and other tangible personal property during
3 the fiscal year following certification and at least seventy percent (70%) of their
4 supplies, equipment, materials, computer software, and other tangible personal property
5 during the second fiscal year following certification.

6 **SECTION 9.** Nothing in this act shall be construed to limit the authority of
7 the Department of Administration to develop, implement, and monitor a pilot program
8 for reverse auctions for public school systems as provided in Section 3 of Chapter 107
9 of the 2002 Session Laws.

10 **SECTION 10.** Sections 1 through 7 of this act become effective for a local
11 school administrative unit when the unit is certified by the Office of Information
12 Technology Services as being E-procurement compliant, as provided in Section 8 of this
13 act, or April 1, 2004, whichever occurs first. The remainder of this act is effective when
14 it becomes law.



HOUSE BILL 802: Purchasing Flexibility for Schools

BILL ANALYSIS

Committee: House Education
Date: April 24, 2003
Version: Proposed Committee Substitute
H802-CSRH-24[v.1]

Introduced by: Rep. Glazier
Summary by: Robin Johnson
Committee Counsel

SUMMARY: *House Bill 802 removes the requirement that local school administrative units (LEAs) must purchase materials, equipment and supplies under contracts established or approved by the State Department of Administration (DOA). Instead, LEAs would use the same competitive bidding methods used by units of local government. Among other things, the Proposed Committee Substitute delays the effective date from May 1, 2003, until June 30, 2004. However, under the PCS, a LEA could be removed from the requirement to purchase under State contracts earlier than June 30, 2004, if the LEA is certified as E-procurement compliant by the Office of Information Technology Services and purchases a specified percentage of their materials, equipment, and supplies through the NC E-Procurement Service.*

CURRENT LAW: G.S. 115C-522(a) provides that LEAs must purchase materials, equipment and supplies under contracts established or approved by DOA. G.S. 115C-522.1 provides a limited exception in that it allows LEAs to purchase items from vendors who do not have contracts with DOA if the cost is less than the DOA contract cost, the item is the same or similar as an item under DOA contract, the total cost of the contract does not exceed \$25,000, and the LEA makes certain reports to the DOA.

BILL ANALYSIS:

Section 1 amends G.S. 115C-522(a) to remove the requirement that LEAs purchase under DOA contracts. Instead, LEAs would use the same competitive bidding system used by units of local governments. It would also allow the LEA to purchase from a contract made by the DOA.

Section 2 repeals G.S. 115C-522.1 regarding the purchasing flexibility for LEAs. This provision is no longer applicable given the changes in G.S. 115C-522.

Sections 3-7 make conforming changes to the statutes.

Section 8 has been added to the bill by the Proposed Committee Substitute. The section acknowledges that the State wants to encourage LEAs to purchase goods through the NC E-Procurement Service. The NC E-Procurement Service is an Internet-based purchasing system that offers electronic purchase order processing and enhanced administrative functions to buyers and suppliers resulting in operational efficiencies and potential cost savings. To use NC E-Procurement Service, a LEA's purchasing system must be interfaced with the Internet-based purchasing system of the Service. The PCS provides that the NC E-Procurement Service must work with the LEAs to accomplish this interface through a graduated process:

- The Service will work with four local school administrative units that represent the two most popular purchasing systems used by the LEAs. The four pilot units will be the LEAs of Guilford

HOUSE BILL 802

Page 2

County, Cabarrus County, Sampson County, and Edgecombe County. These four units must be certified as being E-procurement compliant by October 1, 2003.

- After these pilot units are working efficiently and effectively, the Service will work with the remaining LEAs that use one of these two systems on a regional basis. These 111 LEAs must be certified as being E-procurement compliant by January 1, 2005.
- The Service will work with the LEAs of Wake County and Charlotte/Mecklenburg County. These two units have a unique purchasing system. These two units must be certified as being E-procurement compliant by July 1, 2004.

The Office of Information Technology Services, in conjunction with the Department of Public Instruction and the NC E-Procurement Service, will develop standards that must be met to certify a LEA as being "E-procurement compliant". At a minimum, it means that the purchasing systems of the LEA and the Service have been adequately interfaced and the LEA purchasing personnel are trained to use the Service. As of the date a LEA is certified as being E-procurement compliant, it is removed from the requirement to purchase under State contracts, but it will be under an obligation to purchase at least 30% of its remaining unencumbered funds used to purchase supplies, equipment, materials, computer software, and other tangible personal property during that fiscal year through the NC E-Procurement Service. It must purchase at least 35% of its goods through the Service during the following fiscal year and the State encourages the LEA to purchase at least 50% of its goods in this manner. During the second fiscal year following certification, the LEA must purchase at least 40% of its goods through the Service and the State encourages the LEA to purchase at least 70% of its goods in this manner.

Section 9 provides that an LEA is removed from the requirement to purchase under the State term contracts on the date it is certified as E-procurement compliant or April 1, 2004, whichever occurs first.

BACKGROUND: The State, any institution of the state, and any political subdivision of the state including counties and municipalities must use the competitive bidding procedures set out in Article 8 of Chapter 143 of the General Statutes. If the total estimated cost of the contract exceeds \$90,000, the formal procedures that require advertisement, bid opening, bid deposits and bid evaluations.

Accenture provides the NC E-Procurement Service in return for a 1.75% supplier fee. The Service project began in February 2001. The system was piloted in October 2001 and began to be interfaced with the purchasing systems of various State entities from November 2001 through July 2002. Over \$930 million purchases have been made through the system and over 98,000 purchase orders have been issued to vendors through the system. At least 115 State entities have started using the system including 29 State agencies, 26 community colleges, and 24 LEAs. Based on a survey of pre-selected goods, the system appears to decrease the time it takes to issue a purchase order to a vendor by 26% to 50% and it appears to achieve a measured savings of 12%.

H802-SMRH-002

4/24

2003 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES

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

By Representatives **Bonner, Hilton, Warner, Wood** (Chairs) for the Committee on
EDUCATION.

☐ Committee Substitute for

H.B. 1135 A BILL TO BE ENTITLED AN ACT TO ENSURE THAT STUDENTS
RECOMMENDED FOR LONG-TERM SUSPENSION RECEIVE A FREE AND
APPROPRIATE 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 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 ~~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)

03/19/03

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2003

H

D

HOUSE BILL 1135
PROPOSED COMMITTEE SUBSTITUTE H1135-CSRH-25 [v.1]

4/24/2003 11:32:26 AM

Short Title: Education Instead of Long-Term Suspension.

(Public)

Sponsors:

Referred to:

April 10, 2003

1 A BILL TO BE ENTITLED
2 AN ACT TO ENSURE THAT STUDENTS RECOMMENDED FOR LONG-TERM
3 SUSPENSION RECEIVE A FREE AND APPROPRIATE EDUCATION.

4 Whereas, providing students with a nurturing school experience in which they
5 are able to grow socially, intellectually, and emotionally is an effective strategy for
6 keeping them out of trouble; and

7 Whereas, unfortunately, too many young North Carolinians are deprived of
8 this school experience; and

9 Whereas, when suspended students are not otherwise involved, their
10 likelihood of getting into trouble and involved with the law and the juvenile justice
11 system dramatically increases; and

12 Whereas, most students with behavior problems should be maintained in their
13 regular schools and communities, to the extent possible; and

14 Whereas, to follow the letter and spirit of the *Leandro* decision, the schools
15 must give all suspended students, including the few who need to be placed in special
16 settings, a sound basic education; and

17 Whereas, these students should also receive special services as needed and as
18 directed under special education procedures under State and federal law; Now,
19 therefore,

20 The General Assembly of North Carolina enacts:

21 **SECTION 1.(a)** The Department of Public Instruction, in conjunction with
22 the Department of Juvenile Justice and Delinquency Prevention and the Division of
23 Mental Health, Developmental Disabilities, and Substance Abuse Services, shall
24 develop a State plan to ensure that students recommended for long-term suspension
25 receive a free and appropriate education. In the course of developing the plan, these
26 agencies shall consult with the Communities In Schools Program, the North Carolina
27 Child Advocacy Institute, the North Carolina Justice and Community Development
28 Center, and the Covenant with North Carolina's Children.

1 **SECTION 2.** The committee shall consider and report on whether and to
2 what extent North Carolina should mandate the following:

- 3 (1) Local school administrative units in North Carolina shall provide or
4 cause to be provided a free appropriate education for all students
5 recommended for a long-term suspension;
- 6 (2) Each student recommended for long-term suspension shall receive a
7 multidisciplinary assessment and evaluation to (i) ascertain his or her
8 educational history, needs, and special learning problems and (ii)
9 assess the risk the child poses to staff and other students. The
10 assessment and evaluation shall include feedback and
11 recommendations from local mental health and juvenile justice
12 professionals;
- 13 (3) An individualized education and service plan shall be developed for all
14 students recommended for long-term suspension by a committee that
15 includes education, mental health, and juvenile justice professionals,
16 the child's parent or guardian, and any other person the committee
17 deems appropriate. The chair of the Juvenile Crime Prevention
18 Council or a designee shall serve as chair of the committee;
- 19 (4) All efforts shall be made to reduce the risk the child poses to staff and
20 other students and to allow the child to continue his or her education in
21 his or her regular school without disruption. These efforts shall include
22 the provision of related services and interventions from other agencies
23 when deemed necessary by the committee;
- 24 (5) During the first 10 days of suspension, the local school administrative
25 unit shall place the student recommended for suspension in a
26 diagnostic setting for purposes of ensuring there is no disruption to his
27 or her education and to complete the assessment process;
- 28 (6) The local education agency shall contract with private or public
29 agencies if an appropriate education cannot be provided within the
30 school system. Funds appropriated to a local school administrative unit
31 for the education of the child shall be used to pay for the program in
32 which the child is placed.
- 33 (7) The child's parent or guardian shall have the right to appeal the
34 recommendation for the long-term suspension or any placement
35 decision made by the local school administrative unit;
- 36 (8) No child shall be rejected for education and services by a local school
37 administrative unit unless a District Court Judge places the child in a
38 juvenile justice program or facility. In that circumstance, the
39 Department of Juvenile Justice and Delinquency Prevention is
40 responsible for providing the child's education.

41 **SECTION 3.** The Department of Public Instruction shall report to the Joint
42 Legislative Commission on Governmental Operations and the Joint Legislative
43 Education Oversight Committee prior to April 15, 2004, on the plan it developed, the

1 cost of implementing the plan beginning with the 2004-2005 school year, and any
2 statutory changes necessary to implement the plan.

3 **SECTION 4.** It is the intent of the General Assembly to implement a plan
4 beginning with the 2004-2005 school year to ensure that students recommended for
5 long-term suspension receive a free and appropriate education.

6 **SECTION 5.** This act is effective when it becomes law.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2003

H

1

HOUSE BILL 1135

Short Title: Education Instead of Long-Term Suspension. (Public)

Sponsors: Representatives Preston, L. Johnson, Parmon, Nesbitt (Primary Sponsors);
Yongue, Womble, Insko, Bowie, Ross, and Luebke.

Referred to: Education.

April 10, 2003

A BILL TO BE ENTITLED
AN ACT TO ENSURE THAT STUDENTS RECOMMENDED FOR LONG-TERM
SUSPENSION RECEIVE A FREE AND APPROPRIATE EDUCATION.

Whereas, providing students with a nurturing school experience in which they are able to grow socially, intellectually, and emotionally is an effective strategy for keeping them out of trouble; and

Whereas, unfortunately, too many young North Carolinians are deprived of this school experience; and

Whereas, when suspended students are not otherwise involved, their likelihood of getting into trouble and involved with the law and the juvenile justice system dramatically increases; and

Whereas, most students with behavior problems should be maintained in their regular schools and communities, to the extent possible; and

Whereas, to follow the letter and spirit of the *Leandro* decision, the schools must give all suspended students, including the few who need to be placed in special settings, a sound basic education; and

Whereas, these students should also receive special services as needed and as directed under special education procedures under State and federal law; Now, therefore,

The General Assembly of North Carolina enacts:

SECTION 1.(a) The Department of Public Instruction, in conjunction with the Department of Juvenile Justice and Delinquency Prevention, shall develop a State plan to ensure that students recommended for long-term suspension receive a free and appropriate education. In the course of developing the plan, the Department of Public Instruction and the Department of Juvenile Justice and Delinquency Prevention shall consult with the Communities In Schools Program, the North Carolina Child Advocacy Institute, the North Carolina Justice and Community Development Center, and the Covenant with North Carolina's Children.

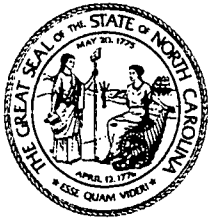
SECTION 2. The plan shall include the following elements:

- (1) Local school administrative units in North Carolina shall provide or cause to be provided a free appropriate education for all students recommended for a long-term suspension;
- (2) Each student recommended for long-term suspension shall receive a multidisciplinary assessment and evaluation to (i) ascertain his or her educational history, needs, and special learning problems and (ii) assess the risk the child poses to staff and other students. The assessment and evaluation shall include feedback and recommendations from local mental health and juvenile justice professionals;
- (3) An individualized education and service plan shall be developed for all students recommended for long-term suspension by a committee that includes education, mental health, and juvenile justice professionals, the child's parent or guardian, and any other person the committee deems appropriate. The chair of the Juvenile Crime Prevention Council or a designee shall serve as chair of the committee;
- (4) All efforts shall be made to reduce the risk the child poses to staff and other students and to allow the child to continue his or her education in his or her regular school without disruption. These efforts shall include the provision of related services and interventions from other agencies when deemed necessary by the committee;
- (5) During the first 10 days of suspension, the local school administrative unit shall place the student recommended for suspension in a diagnostic setting for purposes of ensuring there is no disruption to his or her education and to complete the assessment process;
- (6) The local education agency shall contract with private or public agencies if an appropriate education cannot be provided within the school system. Funds appropriated to a local school administrative unit for the education of the child shall be used to pay for the program in which the child is placed.
- (7) The child's parent or guardian shall have the right to appeal the recommendation for the long-term suspension or any placement decision made by the local school administrative unit;
- (8) No child shall be rejected for education and services by a local school administrative unit unless a District Court Judge places the child in a juvenile justice program or facility. In that circumstance, the Department of Juvenile Justice and Delinquency Prevention is responsible for providing the child's education.

SECTION 3. The Department of Public Instruction shall report to the Joint Legislative Commission on Governmental Operations and the Joint Legislative Education Oversight Committee prior to January 1, 2004, on the plan it developed, the cost of implementing the plan beginning with the 2004-2005 school year, and any statutory changes necessary to implement the plan.

1 **SECTION 4.** It is the intent of the General Assembly to implement a plan
2 beginning with the 2004-2005 school year to ensure that students recommended for
3 long-term suspension receive a free and appropriate education.

4 **SECTION 5.** This act is effective when it becomes law.



HOUSE BILL 1135: Education Instead of Long-Term Suspension

BILL ANALYSIS

Committee: House Education
Date: April 16, 2003
Version: 1st Edition

Introduced by: Reps. Preston, L. Johnson,
Parmon, and Nesbitt
Summary by: Drupti Chauhan
Committee Counsel

SUMMARY: *House Bill 1135 would require the Department of Public Instruction (DPI) in conjunction with the Department of Juvenile Justice and Delinquency Prevention (DJJDP) to develop a State plan which ensures that students recommended for long-term suspensions receive free and appropriate education. DPI must report to the Joint Legislative Commission on Governmental Operations and the Joint Legislative Education Oversight Committee prior to January 1, 2004 on the plan, the cost of implementing the plan beginning with the 2004-05 school year, and any statutory changes necessary to implement the plan. The intent of the bill is to implement a plan beginning with the 2004-2005 school year to ensure that students in long-term suspension receive a free and appropriate education. The bill would be effective when it becomes law.*

CURRENT LAW: G.S. 115C-47(32a) directs each local board of education to establish at least one alternative learning program and to adopt guidelines for assigning students to these alternative learning programs. These guidelines have to include among other things, strategies for providing alternative learning programs, when feasible, for students who are subject to long-term suspension or expulsion. G.S. 115C-391 provides for the removal of students to alternative educational settings students who physically assault teachers, school personnel and other students. If no appropriate alternative educational settings are available, then the student may be suspended for up to a year. The statutes further provide appeal procedures for the expulsion or long-term suspension. Federal law applies for children with special needs and those children must be offered appropriate educational services if they are removed from their regular placement for more than 10 days. The Individualized Education Plan Committee must meet for the special needs child and the child's IEP must be modified to continue to offer the child appropriate educational services.

BILL ANALYSIS: This bill requires DPI and DJJDP to consult with The Communities in Schools Program, the North Carolina Child Advocacy Institute, the North Carolina Justice and Community Development Center, and the Covenant with North Carolina's Children to develop a plan which ensures that students recommended for long-term suspensions receive free and appropriate education. The plan must include following elements:

- Local school systems must provide a free appropriate education for all students recommended for long-term suspensions
- Each student recommended for a long-term suspension must receive an evaluation to determine his or her educational history, needs, special learning problems. The risk that the student poses to staff and other students must be assessed. These evaluations must include recommendations from local mental health and juvenile justice professionals
- An individualized education and service must be developed for all students recommended for long-term suspension

HOUSE BILL 1135

Page 2

- Efforts shall be made to reduce the risk the child poses to staff and other students and to allow the child to stay in his or her regular placement
- During the first 10 days of suspension, the local school unit must place the student in a diagnostic setting to complete the evaluation/assessment process
- The local school unit shall contract with private or public agencies if an appropriate education cannot be provided within the school system.
- The child's parent or guardian shall have the right to appeal the recommendation for the long-term suspension or any placement decision made by the local school unit
- No child can be rejected for education and services by a local school administrative unit unless a District Court Judge places the child in a juvenile justice facility or program. If that occurs, then the DJJDP is responsible for providing the child's education

4/24/03

Date _____

VISITORS: PLEASE SIGN BELOW AND RETURN TO COMMITTEE CLERK

FIRM OR AGENCY AND ADDRESS

NAME	ORGANIZATION ADDRESS
Gene Parsby	NC SCA
Dana Hannon	WCPSS
Katherine Joyce	NCA SA
Ron Fabrizio	NCOPI
Lisa Bateman	DJTD-CPSV
Nedra McKenny	NCOPI
Diana Irwin	NC DPE
Yvonne Perry	ELAC
Ami Dobson	NC Statewatch.
Michael Houser	NCAE
Carolyn McKinney	NCAE
Marjorie Wynn	NCSBA
John Loh	Rode Call & Strong
John Goodman	MERCER & Assoc.
Baby Marcus	Mercer Assoc.
Elizabeth Brownstein	OSBM
John McArthur	Governor's Office
Walter Cox	DTTA
Jennifer M. Sullivan	NASW-NC
Susan C. Grayson	DEAIR
Theresa F.	GA
Jordan Ellis Fields	Mental Health Assn / Central

Liz Jordan - Ellis Fields	Mental Health Assn / Central	(Cabarrus - Meck)
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House Education Committee

April 29, 2003

Minutes

The House Education Committee met on Tuesday, April 29, 2003 at 11:00 a.m. in Room 643 of the Legislative Office Building. Chairman Steve Wood called the meeting to order and introduced the Pages and Sergeant-at-Arms assigned to serve the House Education Committee at this meeting (Attachment I). The attendance sheet indicates members present (Attachment II). The Visitor Registration sheet is also attached (Attachment III).

Chairman Wood recognized Representative Wayne Goodwin. Representative Goodwin introduced Mr. Hugh Lee from Richman County. Mr. Lee is a former member of the House and the House Education Committee.

Representative Keith Williams was recognized for an explanation of House Bill 970. A BILL TO BE ENTITLED AN ACT TO REQUIRE SCHOOL BUS DRIVERS TO MEET THE SAME MEDICAL EVALUATION REQUIREMENTS AS HOLDERS OF COMMERCIAL DRIVERS LICENSES (Attachment IV). Representative Williams stated the bill would require School Bus Drivers to have the same Medical Card requirements that all CDL Drivers are currently asked to have. School Bus Drivers would be required to have a medical physical updated every two years. Representative Williams further stated this bill passed out of the Transportation Committee with a Favorable Report.

Bill Analysis for House Bill 970 is also attached (Attachment V).

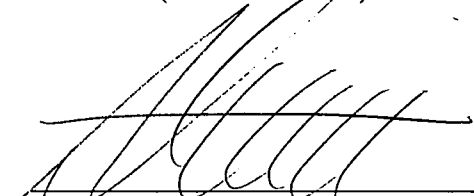
Chairman Wood opened the floor for discussion.

Mr. Charles Mitchell, Director of School Bus and Traffic Safety was recognized to respond to questions.


Representative Gorman made a motion for a Favorable Report.

Meeting was adjourned with no action being taken on House Bill 970.

Notes for Agenda Items for the House Education Meeting held on April 29, 2003 are also attached (Attachment VI).



Representative Steve Wood
Chairman



Wendy Miller
Committee Clerk

House Pages

1. Name: Kristin Broadwell
County: Wake
Sponsor: Sam Ellis
2. Name: Leith Mangum
County: Wake
Sponsor: Sam Ellis
3. Name: _____
County: _____
Sponsor: _____
4. Name: _____
County: _____
Sponsor: _____
5. Name: _____
County: _____
Sponsor: _____

Sgt-At-Arms

1. Name: Martha Parish
2. Name: Matt Meyers
3. Name: CHARLIE GRADY
4. Name: Brian Doherty

ATTENDANCE

HOUSE COMMITTEE ON EDUCATION

(Name of Committee)

[illegible]

ATTENDANCE

HOUSE COMMITTEE ON EDUCATION

(Name of Committee)

[illegible]

HOUSE COMMITTEE ON EDUCATION

(Name of Committee)

[illegible]

HOUSE COMMITTEE ON EDUCATION

[illegible]

VISITOR REGISTRATION SHEET

HOUSE COMMITTEE ON EDUCATION

Name of Committee

4/29/03

Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME

FIRM OR AGENCY AND ADDRESS

Reeves Anderson	DJJD- CPSU
Claudia Rogers	
Aaron Cooley	
Charles B. Mitchell	DMV- SBTs
Julian H. Council	DMV- SBTs
John Bardo	weu
Tom McClure	"
Gene Capaby	NCSA
Susan Harris	WCPSS
W. H. Rouse	NCIC4
W. H. Rouse	NCIC4
Hugh Lee	Richmond Comm Coll

VISITOR REGISTRATION SHEET

HOUSE COMMITTEE ON EDUCATION

Name of Committee

4/29/03
Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME

FIRM OR AGENCY AND ADDRESS

Carole Lauren	EGHS
Devon White	PENC
P. L. H. / H	Mollen Co
John Lynn	SBE
Brian Lewis	Pinetown Powerhead Health Systr
Michael House	NCAE

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2003

H

2

HOUSE BILL 970
Committee Substitute Favorable 4/23/03

Short Title: School Bus Driver Medical Evaluations.

(Public)

Sponsors:

Referred to:

April 9, 2003

A BILL TO BE ENTITLED

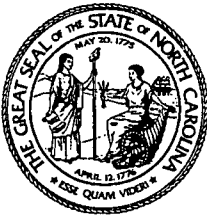
AN ACT TO REQUIRE SCHOOL BUS DRIVERS TO MEET THE SAME MEDICAL
EVALUATION REQUIREMENTS AS HOLDERS OF COMMERCIAL DRIVERS
LICENSES.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 20-218(a) reads as rewritten:

"(a) Qualifications. – No person shall drive a school bus over the highways or public vehicular areas of North Carolina while it is occupied by children unless the person furnishes to the superintendent of the schools of the county in which the bus shall be operated a certificate from any representative duly designated by the Commissioner and from the Director of Transportation or a designee of the Director in charge of school buses in the county showing that the person has been examined by them and is fit and competent to drive a school bus over the highways and public vehicular areas of the State. The person shall submit to the superintendent of the schools of the county in which the bus shall be operated the same medical examiner's certificate as is required for holders of CDLs pursuant to this Chapter and federal law and regulations. The driver of a school bus ~~must~~shall be at least 18 years of age and hold a Class A, B, or C commercial drivers license and a school bus driver's certificate. The driver of a school activity bus ~~must~~shall meet the same qualifications as a school bus driver or ~~must~~shall have a license appropriate for the class of vehicle being driven."

SECTION 2. This act becomes effective July 1, 2003.



V

HOUSE BILL 970: School Bus Driver Medical Evaluations

BILL ANALYSIS

Committee: House Education
Date: April 29, 2003
Version: Second Edition

Introduced by: Representative K. Williams
Summary by: Sara Kamprath
Committee Analyst

SUMMARY: *House Bill 970 would require school bus drivers to submit to the school superintendent the same medical examiner's certificate as is required for all holders of commercial drivers licenses.*

CURRENT LAW: G.S. 20-218 requires school bus drivers to submit to the superintendent of schools in the county in which they intend to drive a certificate from a representative of the Commissioner of Motor Vehicles and from the Director of Transportation or his designee in charge of school buses in the county showing that the person has been examined and is fit and competent to drive a school bus.

G.S. 20-218 also requires that the driver of a school bus hold a Class A, B, or C commercial drivers license. G.S. 20-37.13 provides that no person shall be issued a commercial drivers license unless he or she meets all of the following requirements:

- Is a resident of this State.
- Is 21 years of age.
- Has passed a knowledge test and a skills test for driving a commercial motor vehicle.
- Has satisfied all other requirements of the Commercial Motor Vehicle Safety Act in addition to other requirements of Chapter 20 or federal regulation.

Under the provisions of 49 C.F.R. § 391.41, a person shall not drive a commercial motor vehicle unless he is physically qualified to do so and has on his person a medical examiner's certificate that he is physically qualified to drive a commercial motor vehicle. 49 C.F. R. § 391.43 sets out instructions for the medical examiner performing and recording physical examinations of drivers, and requires the medical examiner to complete a certificate if the driver is found to be physically qualified to drive a commercial motor vehicle. A copy of the certificate is to be furnished to the person who was examined.

However, federal regulations exempt school bus operations, and therefore school bus drivers, as defined in 49 C.F.R. § 390.5 from the medical examination and certification of physical examination requirements outlined above. School bus operation means using a school bus to transport only school children or personnel from home to school or school to home.

BILL ANALYSIS: House Bill 970 would require school bus drivers to submit the medical examiner's certificate required for commercial drivers license holders to the superintendent of the schools of the county in which they intend to drive, along with other required information.

EFFECTIVE DATE: The bill would become effective July 1, 2003.

House Education
Notes for Agenda Items
April 29, 2003

HB 970 School Bus Driver Medical Evaluations.

Rep. Williams

Sara is handling the bill

Mr. Charles Mitchell, Director of School Bus/Traffic Safety Education, DMV, DOT is in the audience to help answer questions

NOTE: IF THERE ARE ANY AMENDMENTS, 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.

HB 1130 Superintendent Renamed Secretary of Education.

Rep. Wood

Dee and Robin are handling the bill

NOTE: IF THERE ARE ANY AMENDMENTS, 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.

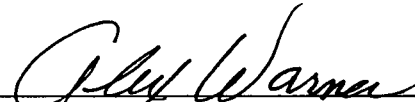
HOUSE EDUCATION COMMITTEE MINUTES

April 30, 2003

The House Education Committee met on Wednesday, April 30, 2003, 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. Keith Williams was called on to explain *House Bill 970, SCHOOL BUS DRIVER MEDICAL EVALUATIONS*. The proposed committee substitute was adopted. Rep. Fox called for a favorable report, unfavorable to original bill, and it passed.

The meeting adjourned.



Rep. Alex Warner, Co-chair
Rep. Donald Bonner, Co-chair
Rep. Mark Hilton, Co-chair
Rep. Steve Wood, Co-chair



Ann Stancil, Committee clerk

**2003 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

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

By Representatives **Bonner, Hilton, Warner, Wood** (Chairs) for the Committee on
EDUCATION.

☐ Committee Substitute for
H.B. 970 A BILL TO BE ENTITLED AN ACT TO REQUIRE SCHOOL BUS DRIVERS
TO MEET THE SAME MEDICAL EVALUATION REQUIREMENTS AS HOLDERS OF
COMMERCIAL DRIVERS LICENSES.

- ☐ 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 (# 2), ☒ which changes the
title, unfavorable as to ~~(the original bill)~~ (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)

03/19/03

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2003

H

D

HOUSE BILL 970
Committee Substitute Favorable 4/23/03
PROPOSED COMMITTEE SUBSTITUTE H970-CSRJ-19 [v.1]

4/29/2003 2:51:31 PM

Short Title: School Bus Driver Medical Evaluations.

(Public)

Sponsors:

Referred to:

April 9, 2003

A BILL TO BE ENTITLED

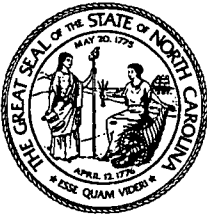
AN ACT TO REQUIRE SCHOOL BUS DRIVERS TO UNDERGO CERTAIN TESTS
AND HAVE MEDICAL INFORMATION REVIEWED EVERY TWO YEARS IN
ORDER TO RETAIN A SCHOOL BUS DRIVER'S CERTIFICATE.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 20-218(a) reads as rewritten:

"(a) Qualifications. – No person shall drive a school bus over the highways or public vehicular areas of North Carolina while it is occupied by children unless the person furnishes to the superintendent of the schools of the county in which the bus shall be operated a certificate from any representative duly designated by the Commissioner and from the Director of Transportation or a designee of the Director in charge of school buses in the county showing that the person has been examined by them and is fit and competent to drive a school bus over the highways and public vehicular areas of the State. Every two years, the person shall be required to have reviewed any medical information that is being submitted to retain certification and to undergo a blood pressure check, a vision test, and a hearing test by a school nurse or other licensed medical personnel employed by the local school administrative unit. If warranted by the review, a local school administrative unit may require the person to have a medical evaluation to ensure that the person is fit and competent to drive a school bus. The driver of a school bus ~~must~~shall be at least 18 years of age and hold a Class A, B, or C commercial drivers license and a school bus driver's certificate. The driver of a school activity bus ~~must~~shall meet the same qualifications as a school bus driver or ~~must~~shall have a license appropriate for the class of vehicle being driven."

SECTION 2. This act becomes effective July 1, 2003.



HOUSE BILL 970: School Bus Driver Medical Evaluations

BILL ANALYSIS

Committee: House Education
Date: April 29, 2003
Version: Second Edition

Introduced by: Representative K. Williams
Summary by: Sara Kamprath
Committee Analyst

SUMMARY: *House Bill 970 would require school bus drivers to submit to the school superintendent the same medical examiner's certificate as is required for all holders of commercial drivers licenses.*

CURRENT LAW: G.S. 20-218 requires school bus drivers to submit to the superintendent of schools in the county in which they intend to drive a certificate from a representative of the Commissioner of Motor Vehicles and from the Director of Transportation or his designee in charge of school buses in the county showing that the person has been examined and is fit and competent to drive a school bus.

G.S. 20-218 also requires that the driver of a school bus hold a Class A, B, or C commercial drivers license. G.S. 20-37.13 provides that no person shall be issued a commercial drivers license unless he or she meets all of the following requirements:

- Is a resident of this State.
- Is 21 years of age.
- Has passed a knowledge test and a skills test for driving a commercial motor vehicle.
- Has satisfied all other requirements of the Commercial Motor Vehicle Safety Act in addition to other requirements of Chapter 20 or federal regulation.

Under the provisions of 49 C.F.R. § 391.41, a person shall not drive a commercial motor vehicle unless he is physically qualified to do so and has on his person a medical examiner's certificate that he is physically qualified to drive a commercial motor vehicle. 49 C.F. R. § 391.43 sets out instructions for the medical examiner performing and recording physical examinations of drivers, and requires the medical examiner to complete a certificate if the driver is found to be physically qualified to drive a commercial motor vehicle. A copy of the certificate is to be furnished to the person who was examined.

However, federal regulations exempt school bus operations, and therefore school bus drivers, as defined in 49 C.F.R. § 390.5 from the medical examination and certification of physical examination requirements outlined above. School bus operation means using a school bus to transport only school children or personnel from home to school or school to home.

BILL ANALYSIS: House Bill 970 would require school bus drivers to submit the medical examiner's certificate required for commercial drivers license holders to the superintendent of the schools of the county in which they intend to drive, along with other required information.

EFFECTIVE DATE: The bill would become effective July 1, 2003.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2003

H

2

HOUSE BILL 970
Committee Substitute Favorable 4/23/03

Short Title: School Bus Driver Medical Evaluations.

(Public)

Sponsors:

Referred to:

April 9, 2003

A BILL TO BE ENTITLED

AN ACT TO REQUIRE SCHOOL BUS DRIVERS TO MEET THE SAME MEDICAL
EVALUATION REQUIREMENTS AS HOLDERS OF COMMERCIAL DRIVERS
LICENSES.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 20-218(a) reads as rewritten:

"(a) Qualifications. – No person shall drive a school bus over the highways or public vehicular areas of North Carolina while it is occupied by children unless the person furnishes to the superintendent of the schools of the county in which the bus shall be operated a certificate from any representative duly designated by the Commissioner and from the Director of Transportation or a designee of the Director in charge of school buses in the county showing that the person has been examined by them and is fit and competent to drive a school bus over the highways and public vehicular areas of the State. The person shall submit to the superintendent of the schools of the county in which the bus shall be operated the same medical examiner's certificate as is required for holders of CDLs pursuant to this Chapter and federal law and regulations. The driver of a school bus ~~must~~ shall be at least 18 years of age and hold a Class A, B, or C commercial drivers license and a school bus driver's certificate. The driver of a school activity bus ~~must~~ shall meet the same qualifications as a school bus driver or ~~must~~ shall have a license appropriate for the class of vehicle being driven."

SECTION 2. This act becomes effective July 1, 2003.

VISITOR REGISTRATION SHEET

Education
Name of Committee

4/30/02
Date

VISITORS: PLEASE SIGN BELOW AND RETURN TO COMMITTEE CLERK

NAME

FIRM OR AGENCY AND ADDRESS

Shirley Harrison

WCPSS

Gene Causby

NCSCA

Devon White

PEWC

Julia Agn

SBE

Ed Allen Morris

Public School Forum

Katherine Goya

NCSA

Ann Pearson

NC State Watch

John H. Council

Don't School Bus & Traffic Safety

Deanne Turner

NC SBA

HOUSE EDUCATION COMMITTEE MEETING

May 13, 2003

The House Education Committee met on Tuesday, May 143, in Room 643, in the Legislative Office Building. The members present are indicated on the attendance Sheet. Representative Mark Hilton, Co-Chair. presided.

Senator Virginia Foxx was called upon to explain **SB 31, AN ACT TO GIVE TEACHERS CREDIT FOR THE EXCESS PERSONAL LEAVE TIME THAT THEY EARN.** After very little discussion, Rep. Larry Womble made a motion that the bill be given a favorable report and re-referred to the Pensions and Retirement Committee. The motion passed.

Senator Fletcher Hartsell was called upon to explain **SB 424, AN ACT TO MAKE TECHNICAL CORRECTIONS IN A 1997 LAW CONCERNING TUITION WAIVERS, AS RECOMMENDED BY THE GENERAL STATUTES COMMISSION.**

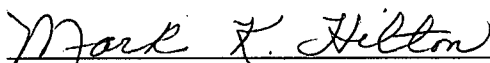
After quite a bit of discussion, Rep. Martin Nesbitt made a motion to displace the bill. The motion passed.

Senator Fern Shubert was called upon to explain **SB 931, AN ACT ELIMINATING THE PORTFOLIO REQUIREMENT FOR TEACHER CERTIFICATION.** After a lengthy discussion from members and Howard Lee, Chairman, State Department of Education,

Rep. Martin Nesbitt sent forth an amendment, which was voted on by the members and passed. Rep. Rick Glazier made a motion for a favorable report on the amended bill, and seconded by Vice-Chair Mary McAllister. The motion passed.

Senator Robert Carpenter was called upon to explain **SB 886, AN ACT TO ENCOURAGE LOCAL BOARDS OF EDUCATION TO ADOPT POLICIES TO ALLOW FOR THE OUTDOOR USE DURING THE SCHOOL DAY OF ARTICLES OF SUN- PROTECTIVE CLOTHING AND TO ALLOW PUPILS TO USE SUNSCREEN DURING THE SCHOOL DAY WITHOUT A PHYSICIANS NOTE OR PRESCRIPTION.** Due to the expiration of time the bill was to be continued on Thursday, May 15, 2003.

Meeting Adjourned



Rep. Mark K. Hilton, Presiding, Co-Chairman

Rep. Donald Bonner, Co-Chairman

Rep. Alex Warner, Co-Chairman

Rep. Steve wood, Co-Chairman



Anne Soles, Committee Clerk

**2003 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

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

By Representative **Bonner, Hilton, Warner, Wood** (Chairs) for the Committee on
EDUCATION.

☐ Committee Substitute for

S.B. 31 A BILL TO BE ENTITLED AN ACT TEACHER CREDIT FOR EXPERSONAL
LEAVE

☐ With a favorable report.

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

☐ 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)

03/19/03

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2003**

S

2

**SENATE BILL 31
Education/Higher Education Committee Substitute Adopted 4/24/03**

Short Title: Teacher Credit for Excess Personal Leave.

(Public)

Sponsors:

Referred to:

February 13, 2003

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 or at the time of retirement.~~ A teacher may carry forward to July 1 a maximum of five days of personal leave; the remainder of the teacher'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, 2003.

**NORTH CAROLINA GENERAL ASSEMBLY
LEGISLATIVE ACTUARIAL NOTE
RETIREMENT**

BILL NUMBER: Senate Bill 31 (Second Edition)

SHORT TITLE: Teacher Credit for Excess Personal Leave

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

FUNDS AFFECTED: General Fund, Highway Fund and Receipt Fund

BILL SUMMARY: The bill will allow personal leave to be accumulated without any maximum until June 30 of each year or at the time of retirement. On July 1 of each year, any personnel leave over 5 days is converted to sick leave.

EFFECTIVE DATE: July 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 material financial impact 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, 2001, actuarial valuation of the fund. The data included 297,252 active members with an annual payroll of \$9.5 billion and 112,482 retired members in receipt of annual pensions totaling \$1.83 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 (919) 733-4910

PREPARED BY: Stanley Moore 

APPROVED BY: James D. Johnson, Director Fiscal Research Division



DATE: April 16, 2003

05.1 – Personal Leave

05.1.1 Eligibility and Rate of Earning

Personal leave is earned by classroom teachers and school media specialists who require substitutes. In order to be eligible, the employee must be in a permanent full- or part-time position. Personal leave is earned at the rate of .20 days for each full month of employment not to exceed two days per year. Part-time personnel earn a pro rata share of the rate for full-time employees. Unused personal leave may be carried forward from one year to another and may be accumulated to a maximum of five days. Thereafter earnings will cease to be accumulated until the leave balance is reduced below five days by employee use.

05.1.2 Use of Personal Leave

- a. Personal leave may be used only upon the authorization of the immediate supervisor.
- b. Unless approved by the principal, a teacher shall not take personal leave on the first day teachers are required to report for the school year, on required teacher workdays, or on the last working day before or the next working day after holidays or annual vacation days scheduled in the calendar.
- c. A teacher who requests personal leave at least five days in advance cannot be required to provide a reason.
- d. Personal leave may be used on any instructional day or workday except as noted in paragraph (b) above.

05.1.3 Limitations on Personal Leave

- a. Personal leave should be used with due and proper consideration given to the welfare of the students and teachers alike and shall not be advanced.
- b. Personal leave may not be used during summer employment.
- c. When an employee is no longer eligible to earn personal leave, that employee may not use previously accumulated personal leave.
- d. When an employee resigns or separates from service, personal leave cannot be paid out in lump sum.

05.1.4 Personal Leave Increments

Personal leave must be used in one-half or whole day units.

05.1.5 Deduction

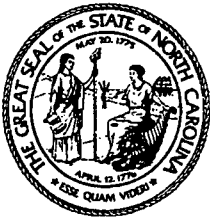
Employees using personal leave receive full salary less the required substitute deduction. The deduction is mandatory whether or not a substitute is employed. The standard deduction is \$50 per day.

05.1.6 Transfer of Personal Leave

Personal leave must be transferred between local administrative units.

05.1.7 Reinstatement of Personal Leave

An employee must be credited with all personal leave accumulated up to the time of reassignment or separation provided that the employee is reinstated as an eligible permanent full-time or part-time employee within 60 calendar months from the date of separation or reassignment.



SENATE BILL 31: Teacher Credit for Excess Personal Leave

BILL ANALYSIS

Committee: House Education
Date: May 13, 2003
Version: Second Edition

Introduced by: Senator Foxx
Summary by: Robin Johnson
Committee Counsel

SUMMARY: *Senate Bill 31 would allow teachers to accumulate personal leave without any maximum until June 30 of each year, or to the time of their retirement, and to carry forward to July 1 a maximum of five days of personal leave. Any additional accumulated personal leave would be converted to sick leave.*

The bill would become effective July 1, 2003.

CURRENT LAW: Teachers earn personal leave at the rate of .20 days per month of employment, not to exceed two days per year. Personal leave is a benefit that is available to classroom teachers and school media specialists who requires substitutes. (*See attached Board Policy*) These individuals are prohibited from using annual vacation leave on days when students are in attendance. 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 local school administrative units. If a teacher leaves a school system and is reemployed within 60 months from the date of separation, the employing school unit must credit the teacher with all personal leave accumulated at the time of separation.

Teachers using personal leave receive full salary minus the required substitute deduction.

Accumulated sick leave counts as creditable service towards retirement. One month of credit is allowed for each 20 days of unused sick leave upon retirement. One more month is allowed for any part of 20 days left over.

Teachers also earn annual vacation leave at the same rate as State employees, computed at one-twelfth of the annual rate for State employees for each month of employment. This leave cannot be used when students are in attendance if doing so would require a substitute. The leave may be accumulated up to 30 days, for which teachers are paid in a lump sum when they retire or terminate their employment. Days over 30 days convert to sick leave (which, in turn, count toward retirement).

BACKGROUND: Personal Leave began as an administrative rule adopted by the State Board. In 1997, the General Assembly codified this benefit as part of the revisions to the school calendar laws.

S31-SMRH-003: Kory Goldsmith, Shirley Iorio, and Drupti Chauhan contributed substantially to this summary.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2003

S

2

SENATE BILL 424
Judiciary II Committee Substitute Adopted 4/16/03

Short Title: Tuition Waiver Technical Correction.

(Public)

Sponsors:

Referred to:

March 17, 2003

1 A BILL TO BE ENTITLED
2 AN ACT TO MAKE TECHNICAL CORRECTIONS IN A 1997 LAW CONCERNING
3 TUITION WAIVERS, AS RECOMMENDED BY THE GENERAL STATUTES
4 COMMISSION.

5 The General Assembly of North Carolina enacts:

6 **SECTION 1.** It is the intent of this act to codify the provisions of Section 6
7 of S.L. 1997-505, which stated that the law became effective October 1, 1997, and
8 applies to deaths or disabilities occurring on or after that date.

9 **SECTION 2.** G.S. 115B-2 reads as rewritten:

10 **"§ 115B-2. Tuition waiver authorized.**

11 State-supported institutions of higher education, community colleges, industrial
12 education centers and technical institutes, shall permit the following persons to attend
13 classes for credit or noncredit purposes without the required payment of tuition;
14 provided, however, that such persons meet admission and other standards deemed
15 appropriate by the educational institution, and provided further that such persons shall
16 be accepted by the constituent institutions of the University of North Carolina only on a
17 spaces-available basis:

- 18 (1) Legal residents of North Carolina who have attained the age of 65.
19 (2) Any person who is the survivor of a law enforcement officer,
20 firefighter, volunteer firefighter, or rescue squad worker killed on or
21 after October 1, 1997, as a direct result of a traumatic injury sustained
22 in the line of duty.
23 (3) The spouse of a law enforcement officer, firefighter, volunteer
24 firefighter, or rescue squad worker who ~~is~~ becomes permanently and
25 totally disabled on or after October 1, 1997, as a direct result of a
26 traumatic injury sustained in the line of duty.
27 (4) Any child, if the child is at least 17 years old but not yet 23 years old,
28 whose parent is a law enforcement officer, firefighter, volunteer
29 firefighter, or rescue squad worker who ~~is~~ becomes permanently and

1 totally disabled on or after October 1, 1997, as a direct result of a
2 traumatic injury sustained in the line of duty. However, a child's
3 eligibility for a waiver of tuition under this Chapter shall not exceed:
4 (i) 48 months, if the child is seeking a baccalaureate degree, or (ii) if
5 the child is not seeking a baccalaureate degree, the number of months
6 required to complete the educational program to which the child is
7 applying."

8 **SECTION 3.** G.S. 115B-5(b) reads as rewritten:

9 "(b) The officials of the institutions charged with administration of this Chapter
10 shall require the following proof to insure that a person applying to the institution and
11 who requests a tuition waiver under G.S. 115B-2(2), (3), or (4) is eligible for the
12 benefits provided by this Chapter.

- 13 (1) The parent-child relationship shall be verified by a birth certificate,
14 legal adoption papers, or other documentary evidence deemed
15 appropriate by the institution.
- 16 (2) The marital relationship shall be verified by a marriage certificate or
17 other documentary evidence deemed appropriate by the institution.
- 18 (3) The cause and date of death of the law enforcement officer, firefighter,
19 volunteer firefighter, or rescue squad worker shall be verified by
20 certification from the records of the Department of State Treasurer, the
21 appropriate city or county law enforcement agency that employed the
22 deceased, the administrative agency for the fire department or fire
23 protection district recognized for funding under the Department of
24 State Auditor, or the administrative agency having jurisdiction over
25 any paid firefighters of all counties and cities.
- 26 (4) The permanent and total disability and the date the disability occurred
27 shall be verified by documentation deemed necessary by the institution
28 from the North Carolina Industrial Commission."

29 **SECTION 4.** This act is effective when it becomes law.



SENATE BILL 424: Tuition Waiver Technical Correction

BILL ANALYSIS

Committee: House Education
Date: May 8, 2003
Version: Second Edition

Introduced by: Senator Hartsell
Summary by: Shirley Iorio*
Committee Staff

SUMMARY: *Senate Bill 424 would codify language that previously appeared in the effective date of legislation adopted in 1997. The bill also would make clarifying changes to the statutory provision regarding proof of the date of death and date of disability.*

The act would become effective when it becomes law.

CURRENT LAW: Chapter 115B allows tuition waivers for

- legal residents of North Carolina who are 65 years old and older, and
- the spouses and children of law enforcement officers, firefighters, volunteer firefighters, or rescue squad workers who are killed or permanently and totally disabled in the line of duty, or die as a result of a service-connected disability, if the death or disability occurred on or after October 1, 1997.

The tuition waivers apply at all State-supported institutions of higher education, community colleges, industrial education centers and technical institutes.

BILL ANALYSIS: Senate Bill 424 codifies (places in the body of the statute) the eligibility criteria, that the death or disability must have occurred on or after October 1, 1997, for receiving the tuition waiver. The original bill in 1997 put this language in the effective date that is not codified.

Codifying the language does not change the effect of the current law. It does make it easier to read the statutes and understand who is eligible to receive certain tuition waivers.

**2003 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

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

By Representative **Bonner, Hilton, Warner, Wood** (Chairs) for the Committee on
EDUCATION.

☐ Committee Substitute for
S.B. 931 A BILL TO BE ENTITLED AN ACT NO PORTFOLIO REQUIRED/TEACHER
CERTIFICATION

- ☐ 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)

03/19/03

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2003

S

2

SENATE BILL 931
Second Edition Engrossed 5/1/03

Short Title: No Portfolio Required/Teacher Certification.

(Public)

Sponsors: Senators Shubert; and Brock.

Referred to: Education/Higher Education.

April 3, 2003

A BILL TO BE ENTITLED
AN ACT ELIMINATING THE PORTFOLIO REQUIREMENT FOR TEACHER
CERTIFICATION.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 115C-296(b) reads as rewritten:

"(b) 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, until the retirement of the teacher. The last certificate renewal received prior to retirement shall remain in effect for five years after retirement.

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

1 achievement. These rigorous standards shall not include a portfolio requirement for
2 teachers.

3 The State Board of Education, in consultation with local boards of education and the
4 Board of Governors of The University of North Carolina, shall reevaluate and enhance
5 the requirements for renewal of teacher certificates. The State Board shall consider
6 modifications in the certificate renewal achievement and to make it a mechanism for
7 teachers to renew continually their knowledge and professional skills. The State Board
8 shall adopt new standards for the renewal of teacher certificates by May 15, 1998.

9 The standards for approval of institutions of teacher education shall require that
10 teacher education programs for students who do not major in special education include
11 demonstrated competencies in the identification and education of children with learning
12 disabilities. The State Board of Education shall incorporate the criteria developed in
13 accordance with G.S. 116-74.21 for assessing proposals under the School Administrator
14 Training Program into its school administrator program approval standards.

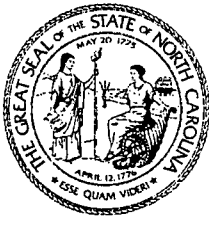
15 All North Carolina institutions of higher education that offer teacher education
16 programs, masters degree programs in education, or masters degree programs in school
17 administration shall provide performance reports to the State Board of Education. The
18 performance reports shall follow a common format, shall be submitted according to a
19 plan developed by the State Board, and shall include the information required under the
20 plan developed by the State Board."

21 **SECTION 2.** The State Board, in consultation with the Board of Governors
22 of The University of North Carolina, shall revise the standards for continuing
23 certification so that the portfolio requirement for teachers is no longer required. The
24 standards shall continue to be rigorous and aligned with the State's priorities for
25 improving student achievement.

26 **SECTION 3.** Section 28.19(b) of S.L. 2001-424 is repealed.

27 **SECTION 4.** No new requirement added by the State Board of Education to
28 the teacher certification process as the result of the violation of the rules of the
29 legislature in 2002 may be required for licensure now or in the future without explicit
30 legislative authorization.

31 **SECTION 5.** This act is effective when it becomes law.



SENATE BILL 931: No Portfolio Required/Teacher Certification

BILL ANALYSIS

Committee: House Education
Date: May 13, 2003
Version: Second Edition

Introduced by: Senator Shubert
Summary by: Drupti Chauhan*
Committee Staff

SUMMARY: *Senate Bill 931 would prohibit the State Board of Education from including a portfolio as a requirement for continuing certification for teachers.*

The bill would repeal the Session Law that provides up to three days of approved paid leave during the second year of employment for initially certified teachers, and three days of approved paid leave in the third year of employment for those teachers who do not meet the requirements during the second year of employment.

Senate Bill 931 would prohibit any new requirements for licensure to be added by the State Board of Education to the teacher certification process without explicit legislative authorization.

The act would become effective when it becomes law.

CURRENT LAW: G.S. 115C-296(b) provides that the State Board of Education, in consultation with the Board of Governors of The University of North Carolina, must evaluate and develop enhanced requirements for continuing certification that reflect more rigorous standards, and to the extent possible, that will be aligned with quality professional development programs that reflect State priorities for improving student achievement.

Section 7.18 of S.L. 2002-126 directed the State Board of Education to suspend the portfolio requirements for all teachers who are required, under the current law, to submit portfolios from August 1, 2002, through June 30, 2004. These teachers must complete interim requirements adopted by the State Board. This section of the Session Law also requires the State Board to contract with an outside consultant to study the entire certification process, and report to the Joint Legislative Education Oversight Committee by January 1, 2004.

BILL ANALYSIS: Senate Bill 931 would amend G.S. 115C-296(b) by adding language that would explicitly prohibit the State Board of Education, in consultation with the Board of Governors of The University of North Carolina, from including a portfolio requirement as a part of the rigorous standards for continuing certification for teachers.

Section 2 of the bill would require the State Board of Education, in consultation with the Board of Governors of The University of North Carolina, to revise the standards for continuing certification so that the portfolio requirement for teachers would no longer be required.

Section 3 of Senate Bill 931 would repeal Section 28.19(b) of S.L. 2001-424 (the 2001 budget bill). Section 28.19(b) provides initially certified teachers with up to three days of approved paid leave during their second year of employment to work on their performance-based product or to consult with their mentors. If a teacher does not successfully complete the performance-based requirements by the third year of employment, the teacher receives up to three days of approved paid leave during the third year of employment to complete all requirements.

SENATE BILL 931

Page 2

Section 4 of the bill would prohibit the State Board of Education from adding any new requirements for licensure to the teacher certification process without the explicit authorization of the legislature.

BACKGROUND: In 1997, The Excellent Schools Act directed the 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 certification that would reflect more rigorous standards, and to the extent possible, that would be aligned with quality professional development programs that reflect State priorities for improving student achievement (This language from the Excellent Schools Act is now codified in G.S. 115C-296(b)). To that end, the Department of Public Instruction convened an advisory committee during the 1997-98 school year.

One of the recommendations of that committee was that the submission of a performance-based product that would address the national standards for what beginning teachers should know and be able to do should be required. This recommendation was the basis for the Performance-Based Licensure Program.

The Performance-Based Licensure Program was piloted during the 1998-1999 and 1999-2000 school years and then implemented Statewide during the 2000-2001 school year. The program was revised several times based on feedback from the field that the process might be overwhelming to beginning teachers. The Performance-Based Product, commonly referred to as the portfolio, was one component of the Performance-Based Licensure Program. In June 2001, the first group of beginning teachers submitted the Performance-Based product, with a 95% pass rate. In June 2002, the second group of beginning teachers submitted the Performance-Based Product, with a 96% pass rate.

**Dr. Shirley Iorio, Research Analyst, contributed significantly to this summary.*

S931-SMRQ-003

VISITOR REGISTRATION SHEET

Education

Name of Committee

5/13/07

Date

VISITORS: PLEASE SIGN BELOW AND RETURN TO COMMITTEE ASSISTANT

<u>NAME</u>	<u>FIRM OR AGENCY</u>
<u>Jim Ayre</u>	<u>SAB</u>
<u>Katherine Tosa</u>	<u>NCAAA</u>
<u>Deanne Wynn</u>	<u>NC SBA</u>
<u>Joanne Stevens</u>	<u>Nursing</u>
<u>Trey O'Driscoll</u>	<u>OSBM</u>
<u>Elizabeth Groenewegen</u>	<u>OSBM</u>
<u>John Thompson</u>	<u>ACS</u>
<u>Hal Miller</u>	<u>Direct</u>
<u>Danny L. Berry</u>	<u>ITS</u>
<u>P. Ben Hall</u>	<u>General Statutes Commission</u>
<u>Pam Deardorff</u>	<u>Retirement</u>
<u>Gene Causby</u>	<u>NCSFSA</u>
<u>Tom Henderson</u>	<u>NCICU</u>
<u>Candace M. Kinney</u>	<u>NCAE</u>
<u>Michael House</u>	<u>NCAE</u>
<u>Angela Farthing</u>	<u>NCAE</u>
<u>Ernestine Dutton</u>	<u>Executive Intern. FRD</u>
<u>Wanda S. Brown</u>	<u>Capital Trans</u>
<u>Angela Doughty</u>	<u>ANA</u>
<u>Robert Joy</u>	
<u>Joan Harrison</u>	<u>WCPSS</u>
<u>Carol Lawler</u>	<u>FGHS</u>
<u>Liu - Ann Lee</u>	<u>NCPA</u>
<u>Wendy Dwyer</u>	<u>VIP</u>
<u>Paige Johnson</u>	<u>Planned Parenthood</u>
<u>Brian Lewis</u>	<u>"</u>

**2003 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

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

By Representative **Bonner, Hilton, Warner, Wood** (Chairs) for the Committee on
EDUCATION.

☐ Committee Substitute for

S.B. 31 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 ☐ Pensions & Retirement ☒.

☐ 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)

03/19/03

FOR JOURNAL USE ONLY

____ Pursuant to Rule 36(b), the bill/resolution is placed on the Calendar of _____.

____ The (committee substitute) bill/resolution (, as amended,) is (ordered engrossed and) re-referred to the Committee on _____.

____ The bill/resolution is re-referred to the Committee on _____.

____ On motion of (Rep. _____,) (the Chair,) the (committee substitute) bill/resolution is (ordered engrossed and) re-referred to the Committee on _____.

____ Pursuant to Rule 36(b), the (House)committee substitute bill (No. ____)/resolution is placed on the Calendar of _____. (The original bill) (House Committee Substitute Bill No. ____)/resolution is placed on the Unfavorable Calendar.

____ On motion of Rep. _____, (the rules are suspended) (Rule ____ is suspended) and the bill/resolution is placed on today's calendar. (for immediate consideration.)

____ On motion of Rep. _____, Committee Amendment No.(s) _____ is/are adopted (by EV _____).

____ On motion of Rep. _____, Committee Amendment No.(s) _____ is/are adopted (by EV _____).

____ Rep. _____ offers Amendment No. ____ which (is adopted.) (fails of adoption.) (by EV _____.) () This amendment changes the title.

____ The bill/resolution (, as amended,) passes its second reading (by following vote, _____ RC) (, by EV _____,) and (remains on the Calendar,) (and there being no objection is read a third time).

____ The bill/resolution (, as amended,) passes its third reading (by the following vote, _____ RC) (, by EV _____,) and is ordered
____ sent to the Senate.
____ without engrossment. ____ by Special message.
____ sent to the Senate for concurrence in
____ the House amendment (s).
____ the House committee substitute bill.
____ enrolled.

____ On motion of Rep. _____, the House concurs in the (material) Senate _____ (by the following vote, _____ RC) (, by EV _____,) and the bill is ordered enrolled.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2003

S

2

SENATE BILL 31
Education/Higher Education Committee Substitute Adopted 4/24/03

Short Title: Teacher Credit for Excess Personal Leave.

(Public)

Sponsors:

Referred to:

February 13, 2003

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 or at the time of retirement.~~ A teacher may carry forward to July 1 a maximum of five days of personal leave; the remainder of the teacher'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, 2003.

**2003 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

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

By Representative **Bonner, Hilton, Warner, Wood** (Chairs) for the Committee on
EDUCATION.

- ☐ Committee Substitute for
S.B. 931 A BILL TO BE ENTITLED AN ACT ELIMINATING THE PORTFOLIO
REQUIREMENT FOR TEACHER CERTIFICATION
- ☐ 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)

03/19/03

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2003

S

2

SENATE BILL 931
Second Edition Engrossed 5/1/03

Short Title: No Portfolio Required/Teacher Certification. (Public)

Sponsors: Senators Shubert; and Brock.

Referred to: Education/Higher Education.

April 3, 2003

A BILL TO BE ENTITLED
AN ACT ELIMINATING THE PORTFOLIO REQUIREMENT FOR TEACHER
CERTIFICATION.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 115C-296(b) reads as rewritten:

"(b) 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, until the retirement of the teacher. The last certificate renewal received prior to retirement shall remain in effect for five years after retirement.

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

1 achievement. These rigorous standards shall not include a portfolio requirement for
2 teachers.

3 The State Board of Education, in consultation with local boards of education and the
4 Board of Governors of The University of North Carolina, shall reevaluate and enhance
5 the requirements for renewal of teacher certificates. The State Board shall consider
6 modifications in the certificate renewal achievement and to make it a mechanism for
7 teachers to renew continually their knowledge and professional skills. The State Board
8 shall adopt new standards for the renewal of teacher certificates by May 15, 1998.

9 The standards for approval of institutions of teacher education shall require that
10 teacher education programs for students who do not major in special education include
11 demonstrated competencies in the identification and education of children with learning
12 disabilities. The State Board of Education shall incorporate the criteria developed in
13 accordance with G.S. 116-74.21 for assessing proposals under the School Administrator
14 Training Program into its school administrator program approval standards.

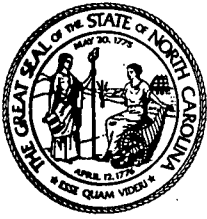
15 All North Carolina institutions of higher education that offer teacher education
16 programs, masters degree programs in education, or masters degree programs in school
17 administration shall provide performance reports to the State Board of Education. The
18 performance reports shall follow a common format, shall be submitted according to a
19 plan developed by the State Board, and shall include the information required under the
20 plan developed by the State Board."

21 **SECTION 2.** The State Board, in consultation with the Board of Governors
22 of The University of North Carolina, shall revise the standards for continuing
23 certification so that the portfolio requirement for teachers is no longer required. The
24 standards shall continue to be rigorous and aligned with the State's priorities for
25 improving student achievement.

26 **SECTION 3.** Section 28.19(b) of S.L. 2001-424 is repealed.

27 **SECTION 4.** No new requirement added by the State Board of Education to
28 the teacher certification process as the result of the violation of the rules of the
29 legislature in 2002 may be required for licensure now or in the future without explicit
30 legislative authorization.

31 **SECTION 5.** This act is effective when it becomes law.



SENATE BILL 931: No Portfolio Required/Teacher Certification

BILL ANALYSIS

Committee: House Education
Date: May 13, 2003
Version: Second Edition

Introduced by: Senator Shubert
Summary by: Drupti Chauhan*
Committee Staff

SUMMARY: *Senate Bill 931 would prohibit the State Board of Education from including a portfolio as a requirement for continuing certification for teachers.*

The bill would repeal the Session Law that provides up to three days of approved paid leave during the second year of employment for initially certified teachers, and three days of approved paid leave in the third year of employment for those teachers who do not meet the requirements during the second year of employment.

Senate Bill 931 would prohibit any new requirements for licensure to be added by the State Board of Education to the teacher certification process without explicit legislative authorization.

The act would become effective when it becomes law.

CURRENT LAW: G.S. 115C-296(b) provides that the State Board of Education, in consultation with the Board of Governors of The University of North Carolina, must evaluate and develop enhanced requirements for continuing certification that reflect more rigorous standards, and to the extent possible, that will be aligned with quality professional development programs that reflect State priorities for improving student achievement.

Section 7.18 of S.L. 2002-126 directed the State Board of Education to suspend the portfolio requirements for all teachers who are required, under the current law, to submit portfolios from August 1, 2002, through June 30, 2004. These teachers must complete interim requirements adopted by the State Board. This section of the Session Law also requires the State Board to contract with an outside consultant to study the entire certification process, and report to the Joint Legislative Education Oversight Committee by January 1, 2004.

BILL ANALYSIS: Senate Bill 931 would amend G.S. 115C-296(b) by adding language that would explicitly prohibit the State Board of Education, in consultation with the Board of Governors of The University of North Carolina, from including a portfolio requirement as a part of the rigorous standards for continuing certification for teachers.

Section 2 of the bill would require the State Board of Education, in consultation with the Board of Governors of The University of North Carolina, to revise the standards for continuing certification so that the portfolio requirement for teachers would no longer be required.

Section 3 of Senate Bill 931 would repeal Section 28.19(b) of S.L. 2001-424 (the 2001 budget bill). Section 28.19(b) provides initially certified teachers with up to three days of approved paid leave during their second year of employment to work on their performance-based product or to consult with their mentors. If a teacher does not successfully complete the performance-based requirements by the third year of employment, the teacher receives up to three days of approved paid leave during the third year of employment to complete all requirements.

SENATE BILL 931

Page 2

Section 4 of the bill would prohibit the State Board of Education from adding any new requirements for licensure to the teacher certification process without the explicit authorization of the legislature.

BACKGROUND: In 1997, The Excellent Schools Act directed the 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 certification that would reflect more rigorous standards, and to the extent possible, that would be aligned with quality professional development programs that reflect State priorities for improving student achievement (This language from the Excellent Schools Act is now codified in G.S. 115C-296(b)). To that end, the Department of Public Instruction convened an advisory committee during the 1997-98 school year.

One of the recommendations of that committee was that the submission of a performance-based product that would address the national standards for what beginning teachers should know and be able to do should be required. This recommendation was the basis for the Performance-Based Licensure Program.

The Performance-Based Licensure Program was piloted during the 1998-1999 and 1999-2000 school years and then implemented Statewide during the 2000-2001 school year. The program was revised several times based on feedback from the field that the process might be overwhelming to beginning teachers. The Performance-Based Product, commonly referred to as the portfolio, was one component of the Performance-Based Licensure Program. In June 2001, the first group of beginning teachers submitted the Performance-Based product, with a 95% pass rate. In June 2002, the second group of beginning teachers submitted the Performance-Based Product, with a 96% pass rate.

**Dr. Shirley Iorio, Research Analyst, contributed significantly to this summary.*

S931-SMRQ-003

HOUSE EDUCATION COMMITTEE MEETING

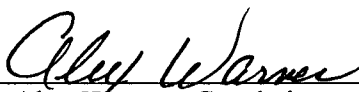
MAY 20, 2003

The House Education Committee met on Tuesday, May 20, in Room 643, in the Legislative Office Building. The members present are indicated on the Attendance Sheet. Rep. Alex Warner, Co-Chair, presided over the meeting.

Senator Dalton was called on to explain ***SB 620, PURCHASING FLEXIBILITY FOR SCHOOLS***. Rep. Bonner made the motion to adopt the House proposed committee substitute and it passed. After much discussion, the House committee substitute passed, unfavorable as to Senate committee substitute bill.

Senator Hartsell was called on to explain ***SB 714, COMPENSATION/PUBLIC SCHOOL EMPLOYEES/ACTIVE DUTY***. Rep. Dixon made the motion to adopt the House proposed committee substitute and it passed. After much discussion, the House committee substitute passed, unfavorable as to Senate committee substitute bill.

Senator Carpenter was called on to explain ***SB 886, SUN SAFETY FOR SCHOOL CHILDREN***. After some discussion, the meeting adjourned without action on the bill.


Rep. Alex Warner, Co-chair
Rep. Donald Bonner, Co-chair
Rep. Mark Hilton, Co-chair
Rep. Steve Wood, Co-chair


Ann Stancil, Committee Clerk

**2003 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

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

By Representatives **Bonner, Hilton, Warner, Wood** (Chairs) for the Committee on
EDUCATION.

-
- ☒ Committee Substitute for
S.B. 620 A BILL TO BE ENTITLED AN ACT TO GIVE LOCAL BOARDS OF
EDUCATION ADDITIONAL PURCHASING FLEXIBILITY AND TO ENCOURAGE
THEM TO USE THE NC E-PROCUREMENT SERVICE.
- ☐ 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)

03/19/03

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2003**

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3

**SENATE BILL 620
Commerce Committee Substitute Adopted 4/21/03
Third Edition Engrossed 4/24/03**

Short Title: Purchasing Flexibility for Schools.

(Public)

Sponsors:

Referred to:

March 31, 2003

A BILL TO BE ENTITLED
AN ACT TO GIVE LOCAL BOARDS OF EDUCATION ADDITIONAL
PURCHASING FLEXIBILITY AND TO ENCOURAGE THEM TO USE THE NC
E-PROCUREMENT SERVICE.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 115C-522(a) reads as rewritten:

"(a) ~~Except as provided in G.S. 115C-522.1, it~~ shall be the duty of local boards of education to purchase or exchange all supplies, ~~equipment and materials in accordance with contracts made by or with the approval of the Department of Administration.~~ equipment, and materials, and such purchases shall be made in accordance with Article 8 of Chapter 143 of the General Statutes. These purchases may be made from contracts made by the Department of Administration. Title to instructional supplies, office supplies, fuel and janitorial supplies, enumerated in the current expense fund budget and purchased out of State funds, shall be taken in the name of the local board of education which shall be responsible for the custody and replacement: Provided, that no contracts shall be made by any local school administrative unit for purchases unless provision has been made in the budget of the unit to pay for the purchases, unless surplus funds are on hand to pay for the purchases, or unless the contracts are made pursuant to G.S. 115C-47(28) and G.S. 115C-528 and adequate funds are available to pay in the current fiscal year the sums obligated for the current fiscal year, ~~and in order to protect the State purchase contractor, it is made the duty of the governing authorities of the local units to pay for these purchases promptly and in accordance with the terms of the contract of purchase year.~~ The State Board of Education shall adopt rules regarding equipment standards for supplies, equipment and materials related to student transportation."

SECTION 2. G.S. 115C-522.1 is repealed.

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

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

SECTION 4. G.S. 115C-264 reads as rewritten:

"§ 115C-264. Operation.

In the operation of their public school food programs, the public schools shall participate in the National School Lunch Program established by the federal government. The program shall be under the jurisdiction of the Division of School Food Services of the Department of Public Instruction and in accordance with federal guidelines as established by the Child Nutrition Division of the United States Department of Agriculture.

Each school may, with the approval of the local board of education, sell soft drinks to students so long as soft drinks are not sold (i) during the lunch period, (ii) at elementary schools, or (iii) contrary to the requirements of the National School Lunch Program.

All school food services shall be operated on a nonprofit basis, and any earnings therefrom over and above the cost of operation as defined herein shall be used to reduce the cost of food, to serve better food, or to provide free or reduced-price lunches to indigent children and for no other purpose. The term "cost of operation" shall be defined as actual cost incurred in the purchase and preparation of food, the salaries of all personnel directly engaged in providing food services, and the cost of nonfood supplies as outlined under standards adopted by the State Board of Education. "Personnel" shall be defined as food service supervisors or directors, bookkeepers directly engaged in food service record keeping and those persons directly involved in preparing and serving food: Provided, that food service personnel shall be paid from the funds of food services only for services rendered in behalf of lunchroom services. Any cost incurred in the provisions and maintenance of school food services over and beyond the cost of operation shall be included in the budget request filed annually by local boards of education with boards of county commissioners. It shall not be mandatory that the provisions of ~~G.S. 115C-522(a)~~ and ~~143-129~~ G.S. 143-129 be complied with in the purchase of supplies and food for such school food services."

SECTION 4.1. G.S. 143-48(b) reads as rewritten:

"(b) Reporting. – Every governmental entity required by statute to use the services of the Department of Administration in the purchase of goods and ~~services~~ services, every local school administrative unit, and every private, nonprofit corporation other than an institution of higher education or a hospital that receives an appropriation of five hundred thousand dollars (\$500,000) or more during a fiscal year from the General Assembly shall report to the department of Administration annually on what percentage of its contract purchases of goods and services, through term contracts and open-market contracts, were from minority-owned businesses, what percentage from female-owned businesses, what percentage from disabled-owned businesses, what percentage from disabled business enterprises and what percentage from nonprofit work centers for the blind and the severely disabled. The same governmental entities shall include in their reports what percentages of the contract bids for such purchases were from such

businesses. The Department of Administration shall provide instructions to the reporting entities concerning the manner of reporting and the definitions of the businesses referred to in this act, provided that, for the purposes of this act:

- (1) Except as provided in subdivision (1a) of this section, a business in one of the categories above means one:
 - a. In which at least fifty-one percent (51%) of the business, or of the stock in the case of a corporation, is owned by one or more persons in the category; and
 - b. Of which the management and daily business operations are controlled by one or more persons in the category who own it.
- (1a) A "disabled business enterprise" means a nonprofit entity whose main purpose is to provide ongoing habilitation, rehabilitation, independent living, and competitive employment for persons who are handicapped through supported employment sites or business operated to provide training and employment and competitive wages.
- (1b) A "nonprofit work center for the blind and the severely disabled" means an agency:
 - a. Organized under the laws of the United States or this State, operated in the interest of the blind and the severely disabled, the net income of which agency does not inure in whole or in part to the benefit of any shareholder or other individual;
 - b. In compliance with any applicable health and safety standard prescribed by the United States Secretary of Labor; and
 - c. In the production of all commodities or provision of services, employs during the current fiscal year severely handicapped individuals for (i) a minimum of seventy-five percent (75%) of the hours of direct labor required for the production of commodities or provision of services, or (ii) in accordance with the percentage of direct labor required under the terms and conditions of Public Law 92-28 (41 U.S.C. § 46, et seq.) for the production of commodities or provision of services, whichever is less.
- (2) A female or a disabled person is not a minority, unless the female or disabled person is also a member of one of the minority groups described in G.S. 143-128(2)a through d.
- (3) A disabled person means a person with a handicapping condition as defined in G.S. 168-1 or G.S. 168A-3."

SECTION 5. G.S. 143-48.3 reads as rewritten:

"§ 143-48.3. Electronic procurement.

...

(b) The Department of Administration, in conjunction with the Office of the State Controller and the Office of Information Technology Services may, upon request, provide to all State agencies, universities, ~~local school administrative units, and the~~ and community colleges, training in the use of the electronic procurement system.

1 ...

2 (d) This section does not otherwise modify existing law relating to procurement
3 between The University of North Carolina, UNC Health Care, ~~local school~~
4 ~~administrative units~~, community colleges, and the Department of Administration.

5 ...

6 (f) Any State ~~entity, local school administrative unit, entity~~ or community
7 college operating a functional electronic procurement system established prior to
8 September 1, 2001, may until May 1, 2003, continue to operate that system
9 independently or may opt into the North Carolina E-Procurement Service. Each entity
10 subject to this section shall notify the Information Resources Management Commission
11 by January 1, 2002, and annually thereafter, of its intent to participate in the North
12 Carolina E-Procurement Service."

13 **SECTION 6. G.S. 143-49 reads as rewritten:**

14 **"§ 143-49. Powers and duties of Secretary.**

15 The Secretary of Administration shall have power and authority, and it shall be his
16 duty, subject to the provisions of this Article:

17 ...

18 (6) To make available to nonprofit corporations operating charitable
19 hospitals, to local nonprofit community sheltered workshops or centers
20 that meet standards established by the Division of Vocational
21 Rehabilitation of the Department of Health and Human Services, to
22 private nonprofit agencies licensed or approved by the Department of
23 Health and Human Services as child placing agencies, residential
24 child-care facilities, private nonprofit rural, community, and migrant
25 health centers designated by the Office of Rural Health and Resource
26 Development, to private higher education institutions that are defined
27 as "institutions" in G.S. 116-22(1), and to counties, cities, towns, local
28 school administrative units, governmental entities and other
29 subdivisions of the State and public agencies thereof in the expenditure
30 of public funds, the services of the Department of Administration in
31 the purchase of materials, supplies and equipment under such rules,
32 regulations and procedures as the Secretary of Administration may
33 adopt. In adopting rules and regulations any or all provisions of this
34 Article may be made applicable to such purchases and contracts made
35 through the Department of Administration, and in addition the rules
36 and regulations shall contain a requirement that payment for all such
37 purchases be made in accordance with the terms of the contract. Prior
38 to adopting rules and regulations under this subdivision, the Secretary
39 of Administration may consult with the Advisory Budget Commission.

40 ...

41 (8) To establish and maintain a procurement card program for use by State
42 agencies, community colleges, ~~nonexempted constituent institutions of~~
43 ~~The University of North Carolina, and local school administrative~~
44 units and nonexempted constituent institutions of The University of

1 North Carolina. The Secretary of Administration may adopt temporary
2 rules for the implementation and operation of the program in
3 accordance with the payment policies of the State Controller, after
4 consultation with the Office of Information Technology Services.
5 These rules would include the establishment of appropriate order limits
6 that leverage the cost savings and efficiencies of the procurement card
7 program in conjunction with the fullest possible use of the North
8 Carolina E-Procurement Service. Prior to implementing the program,
9 the Secretary shall consult with the State Controller, the UNC General
10 Administration, the Community Colleges System Office, the State
11 Auditor, the Department of Public Instruction, a representative chosen
12 by the local school administrative units, and the Office of Information
13 Technology Services. The Secretary may periodically adjust the order
14 limit authorized in this section after consulting with the State
15 Controller, the UNC General Administration, the Community Colleges
16 System Office, the Department of Public Instruction, and the Office of
17 Information Technology Services."

18 **SECTION 7.** G.S. 143-53(a)(2) reads as rewritten:

19 **"§ 143-53. Rules.**

20 (a) The Secretary of Administration may adopt rules governing the following:

21 ...
22 (2) Prescribing the routine, including consistent contract language, for
23 securing bids on items that do not exceed the bid value benchmark
24 established under the provisions of G.S. 143-53.1 or G.S. 116-31.10.
25 The purchasing delegation for securing offers (excluding the special
26 responsibility constituent institutions of The University of North
27 Carolina), for each State department, institution, agency, ~~community~~
28 ~~college, and public school administrative unit~~ and community college
29 shall be determined by the Director of the Division of Purchase and
30 Contract. For the State agencies this shall be done following the
31 Director's consultation with the State Budget Officer and the State
32 Auditor. The Director for the Division of Purchase and Contract may
33 set or lower the delegation, or raise the delegation upon written request
34 by the agency, after consideration of their overall capabilities,
35 including staff resources, purchasing compliance reviews, and audit
36 reports of the individual agency. The routine prescribed by the
37 Secretary shall include contract award protest procedures and
38 consistent requirements for advertising of solicitations for securing
39 offers issued by State departments, institutions, universities (including
40 the special responsibility constituent institutions of The University of
41 North Carolina), agencies, community colleges, and the public school
42 administrative units."

1 **SECTION 8.(a)** Encourage Use of NC E-Procurement Service by LEAs. -
2 The State encourages local school administrative units to use the NC E-Procurement
3 Service.

4 **SECTION 8.(b)** Certification of E-Procurement Compliance. – The Office
5 of Information Technology Services must certify that a local school administrative unit
6 is E-procurement compliant when the unit's current software purchasing system is
7 adequately interfaced with the NC E-Procurement Service system and the unit's
8 employees involved in the purchasing process have been properly trained in the use of
9 the Service. The Office of Information Technology Services, in consultation with the
10 Department of Public Instruction and the NC E-Procurement Service, may establish the
11 standards that must be met for certification. The Office of Information Technology
12 Services must notify the Department of Administration of the units certified within three
13 days of the certification.

14 **SECTION 8.(c)** Pilot Projects. – To use the NC E-Procurement Service, a
15 local school administrative unit's current software purchasing system must be interfaced
16 with the NC E-Procurement Service system. All but two of the 117 local school
17 administrative units utilize one of two systems: ISIS by EMS or SunPac by Sartox. To
18 encourage local school administrative units to use the NC E-Procurement Service, the
19 Service will begin the interface process with four local school administrative units – two
20 of which use ISIS and two of which use SunPac. The four pilot units will be the local
21 school administrative units of Cabarrus County, Edgecombe County, Guilford County,
22 and Sampson County. The four pilot units must be certified as being E-procurement
23 compliant on or before October 1, 2003.

24 **SECTION 8.(d)** Charlotte/Mecklenburg LEA and Wake County LEA. – The
25 local school administrative units of Charlotte/Mecklenburg and Wake County each
26 utilize a unique software purchasing system. NC E-Procurement Service must begin the
27 process of interfacing the Service's software system with these units' software system.
28 Charlotte/Mecklenburg and Wake County must be certified as E-procurement compliant
29 on or before July 1, 2004.

30 **SECTION 8.(e)** Remainder of LEAs. – The remaining 111 local school
31 administrative units must be certified as being E-procurement compliant by January 1,
32 2005. The NC E-Procurement Service will assist the units in interfacing their systems
33 and training their employees on a regional basis by the type of software the unit
34 currently uses.

35 **SECTION 8.(f)** Obligation of LEAs. – As of the date a local school
36 administrative unit is certified by the Office of Information Technology Services as
37 being E-procurement compliant, it must expend at least thirty percent (30%) of its
38 remaining unencumbered funds used to purchase supplies, equipment, materials,
39 computer software, and other tangible personal property during the fiscal year in which
40 it is certified through the NC E-Procurement Service. The unit must expend at least
41 thirty-five percent (35%) of its funds used to purchase supplies, equipment, materials,
42 computer software, and other tangible personal property during the fiscal year following
43 certification through the NC E-Procurement Service and forty percent (40%) during the
44 second fiscal year following certification. The State encourages the units to utilize the

1 NC E-Procurement Service to purchase at least fifty percent (50%) of their supplies,
2 equipment, materials, computer software, and other tangible personal property during
3 the fiscal year following certification and at least seventy percent (70%) of their
4 supplies, equipment, materials, computer software, and other tangible personal property
5 during the second fiscal year following certification.

6 **SECTION 9.** Nothing in this act shall be construed to limit the authority of
7 the Department of Administration to develop, implement, and monitor a pilot program
8 for reverse auctions for public school systems as provided in Section 3 of Chapter 107
9 of the 2002 Session Laws.

10 **SECTION 10.** Sections 1 through 7 of this act become effective for a local
11 school administrative unit when the unit is certified by the Office of Information
12 Technology Services as being E-procurement compliant, as provided in Section 8 of this
13 act, or April 1, 2004, whichever occurs first. The remainder of this act is effective when
14 it becomes law.

Last

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2003

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SENATE BILL 620
Commerce Committee Substitute Adopted 4/21/03
Third Edition Engrossed 4/24/03
PROPOSED HOUSE COMMITTEE SUBSTITUTE S620-PCS85240-RC-53

Short Title: Purchasing Flexibility for Schools.

(Public)

Sponsors:

Referred to:

March 31, 2003

A BILL TO BE ENTITLED

AN ACT TO GIVE LOCAL BOARDS OF EDUCATION ADDITIONAL
PURCHASING FLEXIBILITY AND TO ENCOURAGE THEM TO USE THE NC
E-PROCUREMENT SERVICE.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 115C-522(a) reads as rewritten:

"(a) ~~Except as provided in G.S. 115C-522.1, it~~ It shall be the duty of local boards of education to purchase or exchange all supplies, ~~equipment and materials in accordance with contracts made by or with the approval of the Department of Administration.~~ equipment, and materials, and these purchases shall be made in accordance with Article 8 of Chapter 143 of the General Statutes. These purchases may be made from contracts made by the Department of Administration. Title to instructional supplies, office supplies, fuel and janitorial supplies, enumerated in the current expense fund budget and purchased out of State funds, shall be taken in the name of the local board of education which shall be responsible for the custody and replacement: Provided, that no contracts shall be made by any local school administrative unit for purchases unless provision has been made in the budget of the unit to pay for the purchases, unless surplus funds are on hand to pay for the purchases, or unless the contracts are made pursuant to G.S. 115C-47(28) and G.S. 115C-528 and adequate funds are available to pay in the current fiscal year the sums obligated for the current fiscal year, ~~and in order to protect the State purchase contractor, it is made the duty of the governing authorities of the local units to pay for these purchases promptly and in accordance with the terms of the contract of purchase.~~ year. The State Board of Education shall adopt rules regarding equipment standards for supplies, equipment, and materials related to student transportation. The State Board may adopt guidelines for any commodity that needs safety features. If a commodity that needs safety features is

1 available on statewide term contract, any guidelines adopted by the State Board must at
2 a minimum meet the safety standards of the statewide term contract.

3 (1) Where competition is available, local school administrative units may
4 utilize the:

5 a. E-Quote service of the NC E-Procurement system as one means
6 of solicitation in seeking informal bids for purchases subject to
7 the bidding requirements of G.S. 143-131; and

8 b. Division of Purchase and Contract's electronic Interactive
9 Purchasing System as one means of advertising formal bids on
10 purchases subject to the bidding requirements of G.S. 143-129
11 and applicable rules regarding advertising. This sub-subdivision
12 does not prohibit a local school administrative unit from using
13 other methods of advertising.

14 (2) In order to provide an efficient transition of purchasing procedures, the
15 Secretary of the Department of Administration and the local school
16 administrative units shall establish a local school administrative unit
17 purchasing user group. The user group shall be comprised of a
18 proportionate number of representatives from the Department of
19 Administration and local school administrative unit purchasing and
20 finance officers. The user group shall examine any issues that may
21 arise between the Department of Administration and local school
22 administrative units, including the new relationship between the
23 Department and the local school administrative units, the appropriate
24 exchange of information, the continued efficient use of
25 E-Procurement, appropriate bid procedures, and any other technical
26 assistance that may be necessary for the purchase of supplies and
27 materials."

28 **SECTION 2.** G.S. 115C-522.1 is repealed.

29 **SECTION 3.** G.S. 115C-47(23) reads as rewritten:

30 "(23) To Purchase Equipment and Supplies. – Local boards shall contract for
31 equipment and supplies under G.S. ~~115C-522(a)~~, ~~115C-522.1~~,
32 ~~115C-522(a)~~ and G.S. 115C-528."

33 **SECTION 4.** G.S. 115C-264 reads as rewritten:

34 **"§ 115C-264. Operation.**

35 In the operation of their public school food programs, the public schools shall
36 participate in the National School Lunch Program established by the federal
37 government. The program shall be under the jurisdiction of the Division of School Food
38 Services of the Department of Public Instruction and in accordance with federal
39 guidelines as established by the Child Nutrition Division of the United States
40 Department of Agriculture.

41 Each school may, with the approval of the local board of education, sell soft drinks
42 to students so long as soft drinks are not sold (i) during the lunch period, (ii) at
43 elementary schools, or (iii) contrary to the requirements of the National School Lunch
44 Program.

1 All school food services shall be operated on a nonprofit basis, and any earnings
2 therefrom over and above the cost of operation as defined herein shall be used to reduce
3 the cost of food, to serve better food, or to provide free or reduced-price lunches to
4 indigent children and for no other purpose. The term "cost of operation" shall be defined
5 as actual cost incurred in the purchase and preparation of food, the salaries of all
6 personnel directly engaged in providing food services, and the cost of nonfood supplies
7 as outlined under standards adopted by the State Board of Education. "Personnel" shall
8 be defined as food service supervisors or directors, bookkeepers directly engaged in
9 food service record keeping and those persons directly involved in preparing and
10 serving food: Provided, that food service personnel shall be paid from the funds of food
11 services only for services rendered in behalf of lunchroom services. Any cost incurred
12 in the provisions and maintenance of school food services over and beyond the cost of
13 operation shall be included in the budget request filed annually by local boards of
14 education with boards of county commissioners. It shall not be mandatory that the
15 provisions of ~~G.S. 115C-522(a) and 143-129~~ G.S. 143-129 be complied with in the
16 purchase of supplies and food for such school food services."

17 **SECTION 5.** G.S. 143-48(b) reads as rewritten:

18 "(b) Reporting. – Every governmental entity required by statute to use the services
19 of the Department of Administration in the purchase of goods and ~~services~~ services,
20 every local school administrative unit, and every private, nonprofit corporation other
21 than an institution of higher education or a hospital that receives an appropriation of five
22 hundred thousand dollars (\$500,000) or more during a fiscal year from the General
23 Assembly shall report to the department of Administration annually on what percentage
24 of its contract purchases of goods and services, through term contracts and open-market
25 contracts, were from minority-owned businesses, what percentage from female-owned
26 businesses, what percentage from disabled-owned businesses, what percentage from
27 disabled business enterprises and what percentage from nonprofit work centers for the
28 blind and the severely disabled. The same governmental entities shall include in their
29 reports what percentages of the contract bids for such purchases were from such
30 businesses. The Department of Administration shall provide instructions to the reporting
31 entities concerning the manner of reporting and the definitions of the businesses referred
32 to in this act, provided that, for the purposes of this act:

33 (1) Except as provided in subdivision (1a) of this ~~section~~ subsection, a
34 business in one of the categories above means one:

- 35 a. In which at least fifty-one percent (51%) of the business, or of
36 the stock in the case of a corporation, is owned by one or more
37 persons in the category; and
38 b. Of which the management and daily business operations are
39 controlled by one or more persons in the category who own it.

40 (1a) A "disabled business enterprise" means a nonprofit entity whose main
41 purpose is to provide ongoing habilitation, rehabilitation, independent
42 living, and competitive employment for persons who are handicapped
43 through supported employment sites or business operated to provide
44 training and employment and competitive wages.

(1b) A "nonprofit work center for the blind and the severely disabled" means an agency:

- a. Organized under the laws of the United States or this State, operated in the interest of the blind and the severely disabled, the net income of which agency does not inure in whole or in part to the benefit of any shareholder or other individual;
- b. In compliance with any applicable health and safety standard prescribed by the United States Secretary of Labor; and
- c. In the production of all commodities or provision of services, employs during the current fiscal year severely handicapped individuals for (i) a minimum of seventy-five percent (75%) of the hours of direct labor required for the production of commodities or provision of services, or (ii) in accordance with the percentage of direct labor required under the terms and conditions of Public Law 92-28 (41 U.S.C. § 46, et seq.) for the production of commodities or provision of services, whichever is less.

(2) A female or a disabled person is not a minority, unless the female or disabled person is also a member of one of the minority groups described in G.S. 143-128(2)a through d.

(3) A disabled person means a person with a handicapping condition as defined in G.S. 168-1 or G.S. 168A-3."

SECTION 6. G.S. 143-48.3 reads as rewritten:

"§ 143-48.3. Electronic procurement.

...
(b) The Department of Administration, in conjunction with the Office of the State Controller and the Office of Information Technology Services may, upon request, provide to all State agencies, universities, ~~local school administrative units, and the~~ and community colleges, training in the use of the electronic procurement system.

...
(d) This section does not otherwise modify existing law relating to procurement between The University of North Carolina, UNC Health Care, ~~local school administrative units,~~ community colleges, and the Department of Administration.

...
(f) Any State ~~entity, local school administrative unit,~~ entity or community college operating a functional electronic procurement system established prior to September 1, 2001, may until May 1, 2003, continue to operate that system independently or may opt into the North Carolina E-Procurement Service. Each entity subject to this section shall notify the Information Resources Management Commission by January 1, 2002, and annually thereafter, of its intent to participate in the North Carolina E-Procurement Service."

SECTION 7. G.S. 143-49 reads as rewritten:

"§ 143-49. Powers and duties of Secretary.

1 The Secretary of Administration shall have power and authority, and it shall be his
2 duty, subject to the provisions of this Article:

3 ...
4 (6) To make available to nonprofit corporations operating charitable
5 hospitals, to local nonprofit community sheltered workshops or centers
6 that meet standards established by the Division of Vocational
7 Rehabilitation of the Department of Health and Human Services, to
8 private nonprofit agencies licensed or approved by the Department of
9 Health and Human Services as child placing agencies, residential
10 child-care facilities, private nonprofit rural, community, and migrant
11 health centers designated by the Office of Rural Health and Resource
12 Development, to private higher education institutions that are defined
13 as "institutions" in G.S. 116-22(1), and to counties, cities, towns, local
14 school administrative units, governmental entities and other
15 subdivisions of the State and public agencies thereof in the expenditure
16 of public funds, the services of the Department of Administration in
17 the purchase of materials, supplies and equipment under such rules,
18 regulations and procedures as the Secretary of Administration may
19 adopt. In adopting rules and regulations any or all provisions of this
20 Article may be made applicable to such purchases and contracts made
21 through the Department of Administration, and in addition the rules
22 and regulations shall contain a requirement that payment for all such
23 purchases be made in accordance with the terms of the contract. Prior
24 to adopting rules and regulations under this subdivision, the Secretary
25 of Administration may consult with the Advisory Budget Commission.

26 ...
27 (8) To establish and maintain a procurement card program for use by State
28 agencies, community colleges, ~~nonexempted constituent institutions of~~
29 ~~The University of North Carolina, and local school administrative~~
30 ~~units and nonexempted constituent institutions of The University of~~
31 North Carolina. The Secretary of Administration may adopt temporary
32 rules for the implementation and operation of the program in
33 accordance with the payment policies of the State Controller, after
34 consultation with the Office of Information Technology Services.
35 These rules would include the establishment of appropriate order limits
36 that leverage the cost savings and efficiencies of the procurement card
37 program in conjunction with the fullest possible use of the North
38 Carolina E-Procurement Service. Prior to implementing the program,
39 the Secretary shall consult with the State Controller, the UNC General
40 Administration, the Community Colleges System Office, the State
41 Auditor, the Department of Public Instruction, a representative chosen
42 by the local school administrative units, and the Office of Information
43 Technology Services. The Secretary may periodically adjust the order
44 limit authorized in this section after consulting with the State

1 Controller, the UNC General Administration, the Community Colleges
2 System Office, the Department of Public Instruction, and the Office of
3 Information Technology Services."

4 SECTION 8. G.S. 143-53(a)(2) reads as rewritten:

5 "§ 143-53. Rules.

6 (a) The Secretary of Administration may adopt rules governing the following:

7 ...
8 (2) Prescribing the routine, including consistent contract language, for
9 securing bids on items that do not exceed the bid value benchmark
10 established under the provisions of G.S. 143-53.1 or G.S. 116-31.10.
11 The purchasing delegation for securing offers (excluding the special
12 responsibility constituent institutions of The University of North
13 Carolina), for each State department, institution, agency, ~~community~~
14 ~~college, and public school administrative unit and community college~~
15 shall be determined by the Director of the Division of Purchase and
16 Contract. For the State agencies this shall be done following the
17 Director's consultation with the State Budget Officer and the State
18 Auditor. The Director for the Division of Purchase and Contract may
19 set or lower the delegation, or raise the delegation upon written request
20 by the agency, after consideration of their overall capabilities,
21 including staff resources, purchasing compliance reviews, and audit
22 reports of the individual agency. The routine prescribed by the
23 Secretary shall include contract award protest procedures and
24 consistent requirements for advertising of solicitations for securing
25 offers issued by State departments, institutions, universities (including
26 the special responsibility constituent institutions of The University of
27 North Carolina), agencies, community colleges, and the public school
28 administrative units."

29 SECTION 9.(a) Use of NC E-Procurement Service by LEAs. – The State
30 encourages local school administrative units to use the NC E-Procurement Service
31 ('Service'). In order to facilitate use of the Service by school units, the State Board of
32 Education, in consultation with the Office of Information Technology Services, the
33 Division of Purchase and Contract, and the Service, shall establish standards for
34 determining when a local school administrative unit's purchasing process is
35 E-Procurement compliant. The Department of Public Instruction shall determine when
36 a local school administrative unit is E-Procurement compliant and shall notify the
37 Division of Purchase and Contract of the units certified within three days of the
38 certification.

39 SECTION 9.(b) Obligation of LEAs. – As of the date a local school
40 administrative unit is certified by the Department of Public Instruction as being
41 E-Procurement compliant, it must expend at least thirty percent (30%) of its remaining
42 unencumbered funds used to purchase supplies, equipment, materials, computer
43 software, and other tangible personal property during the fiscal year in which it is
44 certified through the NC E-Procurement Service. The unit must expend at least

thirty-five percent (35%) of its funds used to purchase supplies, equipment, materials, computer software, and other tangible personal property during the fiscal year following certification through the NC E-Procurement Service and forty percent (40%) during the second fiscal year following certification. The State encourages the units to utilize the NC E-Procurement Service to purchase at least fifty percent (50%) of their supplies, equipment, materials, computer software, and other tangible personal property during the fiscal year following certification and at least seventy percent (70%) of their supplies, equipment, materials, computer software, and other tangible personal property during the second fiscal year following certification.

SECTION 9.(c) Pilot Projects/Reporting. – To use the NC E-Procurement Service, a local school administrative unit's current software purchasing system must be interfaced with the NC E-Procurement Service system. All but two of the 117 local school administrative units utilize one of two systems: ISIS by EMS or SunPac by Sartox. To encourage local school administrative units to use the NC E-Procurement Service, the Service will begin the interface process with four local school administrative units – two of which use ISIS and two of which use SunPac. The four pilot units will be the local school administrative units of Cabarrus County, Edgecombe County, Guilford County, and Sampson County. The four pilot units must be certified as being E-Procurement compliant on or before December 1, 2003.

The General Assembly finds that the timely implementation of the pilot projects is critical to the statewide availability of E-Procurement to all local school administrative units. Therefore, in order to monitor the progress of the interface process, the Department of Public Instruction shall report to the Joint Legislative Commission on Governmental Operations and the State Board of Education by November 1, 2003, on the progress of the pilots and whether those local school administrative units will be E-Procurement compliant by December 1, 2003. Notwithstanding any other provision of law, if the State Board determines that the pilots will not be E-Procurement compliant by the target date, it may establish an alternative date after taking into consideration the State priority of prompt implementation. The State Board shall notify the Joint Legislative Commission on Governmental Operations of any action it takes in this matter.

SECTION 9.(d) Charlotte/Mecklenburg LEA and Wake County LEA. – The local school administrative units of Charlotte/Mecklenburg and Wake County each utilize a unique software purchasing system. NC E-Procurement Service must begin the process of interfacing the Service's software system with these units' software system. Charlotte/Mecklenburg and Wake County must be certified as E-Procurement compliant on or before July 1, 2004.

SECTION 9.(e) Remainder of LEAs. – The remaining 111 local school administrative units must be certified as being E-Procurement compliant by January 1, 2005. The NC E-Procurement Service will assist the units in interfacing their systems and training their employees on a regional basis by the type of software the unit currently uses.

SECTION 10. Nothing in this act shall be construed to limit the authority of the Department of Administration to develop, implement, and monitor a pilot program

1 for reverse auctions for public school systems as provided in Section 3 of Chapter 107
2 of the 2002 Session Laws.

3 **SECTION 11.** Sections 1 through 8 of this act become effective for a local
4 school administrative unit when the unit is certified by the Department of Public
5 Instruction as being E-Procurement compliant, as provided in Section 9 of this act, or
6 April 1, 2004, whichever occurs first. The remainder of this act is effective when it
7 becomes law.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2003

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D

SENATE BILL 620

Commerce Committee Substitute Adopted 4/21/03

Third Edition Engrossed 4/24/03

PROPOSED HOUSE COMMITTEE SUBSTITUTE S620-CSRC-53 [v.8]

5/19/2003 2:07:47 PM

Short Title: Purchasing Flexibility for Schools.

(Public)

Sponsors:

Referred to:

March 31, 2003

A BILL TO BE ENTITLED

AN ACT TO GIVE LOCAL BOARDS OF EDUCATION ADDITIONAL
PURCHASING FLEXIBILITY AND TO ENCOURAGE THEM TO USE THE NC
E-PROCUREMENT SERVICE.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 115C-522(a) reads as rewritten:

"(a) ~~Except as provided in G.S. 115C-522.1, it~~ shall be the duty of local boards of education to purchase or exchange all supplies, equipment and materials in accordance with contracts made by or with the approval of the Department of Administration equipment, and materials, and these purchases shall be made in accordance with Article 8 of Chapter 143 of the General Statutes. These purchases may be made from contracts made by the Department of Administration. Title to instructional supplies, office supplies, fuel and janitorial supplies, enumerated in the current expense fund budget and purchased out of State funds, shall be taken in the name of the local board of education which shall be responsible for the custody and replacement: Provided, that no contracts shall be made by any local school administrative unit for purchases unless provision has been made in the budget of the unit to pay for the purchases, unless surplus funds are on hand to pay for the purchases, or unless the contracts are made pursuant to G.S. 115C-47(28) and G.S. 115C-528 and adequate funds are available to pay in the current fiscal year the sums obligated for the current fiscal year, and in order to protect the State purchase contractor, it is made the duty of the governing authorities of the local units to pay for these purchases promptly and in accordance with the terms of the contract of purchase year. The State Board of Education shall adopt rules regarding equipment standards for supplies, equipment and materials related to student transportation. The State Board may adopt guidelines for any commodity that needs safety features. If a commodity that needs safety features is

available on statewide term contract, any guidelines adopted by the State Board must at a minimum meet the safety standards of the statewide term contract.

(1) Where competition is available, local school administrative units may utilize the:

- a. E-Quote service of the NC E-Procurement system as one means of solicitation in seeking informal bids for purchases subject to the bidding requirements of G.S. 143-131; and
- b. Division of Purchase and Contract's electronic Interactive Purchasing System as one means of advertising formal bids on purchases subject to the bidding requirements of G.S. 143-129 and applicable rules regarding advertising. This sub-subdivision does not prohibit a local school administrative unit from using other methods of advertising.

(2) In order to provide an efficient transition of purchasing procedures, the Secretary of the Department of Administration and the local school administrative units shall establish a local school administrative unit purchasing user group. The user group shall be comprised of a proportionate number of representatives from the Department of Administration and local school administrative unit purchasing and finance officers. The user group shall examine any issues that may arise between the Department of Administration and local school administrative units, including the new relationship between the Department and the local school administrative units, the appropriate exchange of information, the continued efficient use of E-Procurement, appropriate bid procedures and any other technical assistance that may be necessary for the purchase of supplies and materials."

SECTION 2. G.S. 115C-522.1 is repealed.

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

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

SECTION 4. G.S. 115C-264 reads as rewritten:

"§ 115C-264. Operation.

In the operation of their public school food programs, the public schools shall participate in the National School Lunch Program established by the federal government. The program shall be under the jurisdiction of the Division of School Food Services of the Department of Public Instruction and in accordance with federal guidelines as established by the Child Nutrition Division of the United States Department of Agriculture.

Each school may, with the approval of the local board of education, sell soft drinks to students so long as soft drinks are not sold (i) during the lunch period, (ii) at elementary schools, or (iii) contrary to the requirements of the National School Lunch Program.

1 All school food services shall be operated on a nonprofit basis, and any earnings
2 therefrom over and above the cost of operation as defined herein shall be used to reduce
3 the cost of food, to serve better food, or to provide free or reduced-price lunches to
4 indigent children and for no other purpose. The term "cost of operation" shall be defined
5 as actual cost incurred in the purchase and preparation of food, the salaries of all
6 personnel directly engaged in providing food services, and the cost of nonfood supplies
7 as outlined under standards adopted by the State Board of Education. "Personnel" shall
8 be defined as food service supervisors or directors, bookkeepers directly engaged in
9 food service record keeping and those persons directly involved in preparing and
10 serving food: Provided, that food service personnel shall be paid from the funds of food
11 services only for services rendered in behalf of lunchroom services. Any cost incurred
12 in the provisions and maintenance of school food services over and beyond the cost of
13 operation shall be included in the budget request filed annually by local boards of
14 education with boards of county commissioners. It shall not be mandatory that the
15 provisions of ~~G.S. 115C-522(a) and 143-129~~ G.S. 143-129 be complied with in the
16 purchase of supplies and food for such school food services."

17 **SECTION 5.** G.S. 143-48(b) reads as rewritten:

18 "(b) Reporting. – Every governmental entity required by statute to use the services
19 of the Department of Administration in the purchase of goods and ~~services~~ services,
20 every local school administrative unit, and every private, nonprofit corporation other
21 than an institution of higher education or a hospital that receives an appropriation of five
22 hundred thousand dollars (\$500,000) or more during a fiscal year from the General
23 Assembly shall report to the department of Administration annually on what percentage
24 of its contract purchases of goods and services, through term contracts and open-market
25 contracts, were from minority-owned businesses, what percentage from female-owned
26 businesses, what percentage from disabled-owned businesses, what percentage from
27 disabled business enterprises and what percentage from nonprofit work centers for the
28 blind and the severely disabled. The same governmental entities shall include in their
29 reports what percentages of the contract bids for such purchases were from such
30 businesses. The Department of Administration shall provide instructions to the reporting
31 entities concerning the manner of reporting and the definitions of the businesses referred
32 to in this act, provided that, for the purposes of this act:

33 (1) Except as provided in subdivision (1a) of this section, a business in
34 one of the categories above means one:

- 35 a. In which at least fifty-one percent (51%) of the business, or of
36 the stock in the case of a corporation, is owned by one or more
37 persons in the category; and
38 b. Of which the management and daily business operations are
39 controlled by one or more persons in the category who own it.

40 (1a) A "disabled business enterprise" means a nonprofit entity whose main
41 purpose is to provide ongoing habilitation, rehabilitation, independent
42 living, and competitive employment for persons who are handicapped
43 through supported employment sites or business operated to provide
44 training and employment and competitive wages.

(1b) A "nonprofit work center for the blind and the severely disabled" means an agency:

- a. Organized under the laws of the United States or this State, operated in the interest of the blind and the severely disabled, the net income of which agency does not inure in whole or in part to the benefit of any shareholder or other individual;
- b. In compliance with any applicable health and safety standard prescribed by the United States Secretary of Labor; and
- c. In the production of all commodities or provision of services, employs during the current fiscal year severely handicapped individuals for (i) a minimum of seventy-five percent (75%) of the hours of direct labor required for the production of commodities or provision of services, or (ii) in accordance with the percentage of direct labor required under the terms and conditions of Public Law 92-28 (41 U.S.C. § 46, et seq.) for the production of commodities or provision of services, whichever is less.

(2) A female or a disabled person is not a minority, unless the female or disabled person is also a member of one of the minority groups described in G.S. 143-128(2)a through d.

(3) A disabled person means a person with a handicapping condition as defined in G.S. 168-1 or G.S. 168A-3."

SECTION 6. G.S. 143-48.3 reads as rewritten:

"§ 143-48.3. Electronic procurement.

...
(b) The Department of Administration, in conjunction with the Office of the State Controller and the Office of Information Technology Services may, upon request, provide to all State agencies, universities, ~~local school administrative units, and the~~ and community colleges, training in the use of the electronic procurement system.

...
(d) This section does not otherwise modify existing law relating to procurement between The University of North Carolina, UNC Health Care, ~~local school administrative units,~~ community colleges, and the Department of Administration.

...
(f) Any State entity, ~~local school administrative unit,~~ entity or community college operating a functional electronic procurement system established prior to September 1, 2001, may until May 1, 2003, continue to operate that system independently or may opt into the North Carolina E-Procurement Service. Each entity subject to this section shall notify the Information Resources Management Commission by January 1, 2002, and annually thereafter, of its intent to participate in the North Carolina E-Procurement Service."

SECTION 7. G.S. 143-49 reads as rewritten:

"§ 143-49. Powers and duties of Secretary.

1 The Secretary of Administration shall have power and authority, and it shall be his
2 duty, subject to the provisions of this Article:

3 ...
4 (6) To make available to nonprofit corporations operating charitable
5 hospitals, to local nonprofit community sheltered workshops or centers
6 that meet standards established by the Division of Vocational
7 Rehabilitation of the Department of Health and Human Services, to
8 private nonprofit agencies licensed or approved by the Department of
9 Health and Human Services as child placing agencies, residential
10 child-care facilities, private nonprofit rural, community, and migrant
11 health centers designated by the Office of Rural Health and Resource
12 Development, to private higher education institutions that are defined
13 as "institutions" in G.S. 116-22(1), and to counties, cities, towns, local
14 school administrative units, governmental entities and other
15 subdivisions of the State and public agencies thereof in the expenditure
16 of public funds, the services of the Department of Administration in
17 the purchase of materials, supplies and equipment under such rules,
18 regulations and procedures as the Secretary of Administration may
19 adopt. In adopting rules and regulations any or all provisions of this
20 Article may be made applicable to such purchases and contracts made
21 through the Department of Administration, and in addition the rules
22 and regulations shall contain a requirement that payment for all such
23 purchases be made in accordance with the terms of the contract. Prior
24 to adopting rules and regulations under this subdivision, the Secretary
25 of Administration may consult with the Advisory Budget Commission.

26 ...
27 (8) To establish and maintain a procurement card program for use by State
28 agencies, community colleges, ~~nonexempted constituent institutions of~~
29 ~~The University of North Carolina, and local school administrative~~
30 ~~units and nonexempted constituent institutions of The University of~~
31 North Carolina. The Secretary of Administration may adopt temporary
32 rules for the implementation and operation of the program in
33 accordance with the payment policies of the State Controller, after
34 consultation with the Office of Information Technology Services.
35 These rules would include the establishment of appropriate order limits
36 that leverage the cost savings and efficiencies of the procurement card
37 program in conjunction with the fullest possible use of the North
38 Carolina E-Procurement Service. Prior to implementing the program,
39 the Secretary shall consult with the State Controller, the UNC General
40 Administration, the Community Colleges System Office, the State
41 Auditor, the Department of Public Instruction, a representative chosen
42 by the local school administrative units, and the Office of Information
43 Technology Services. The Secretary may periodically adjust the order
44 limit authorized in this section after consulting with the State

1 Controller, the UNC General Administration, the Community Colleges
2 System Office, the Department of Public Instruction, and the Office of
3 Information Technology Services."

4 **SECTION 8.** G.S. 143-53(a)(2) reads as rewritten:

5 **"§ 143-53. Rules.**

6 (a) The Secretary of Administration may adopt rules governing the following:

7 ...

8 (2) Prescribing the routine, including consistent contract language, for
9 securing bids on items that do not exceed the bid value benchmark
10 established under the provisions of G.S. 143-53.1 or G.S. 116-31.10.
11 The purchasing delegation for securing offers (excluding the special
12 responsibility constituent institutions of The University of North
13 Carolina), for each State department, institution, agency, ~~community~~
14 ~~college, and public school administrative unit and community college~~
15 shall be determined by the Director of the Division of Purchase and
16 Contract. For the State agencies this shall be done following the
17 Director's consultation with the State Budget Officer and the State
18 Auditor. The Director for the Division of Purchase and Contract may
19 set or lower the delegation, or raise the delegation upon written request
20 by the agency, after consideration of their overall capabilities,
21 including staff resources, purchasing compliance reviews, and audit
22 reports of the individual agency. The routine prescribed by the
23 Secretary shall include contract award protest procedures and
24 consistent requirements for advertising of solicitations for securing
25 offers issued by State departments, institutions, universities (including
26 the special responsibility constituent institutions of The University of
27 North Carolina), agencies, community colleges, and the public school
28 administrative units."

29 **SECTION 9.(a)** -Use of NC E-Procurement Service by LEAs. -The State
30 encourages local school administrative units to use the NC E-Procurement Service
31 ('Service'). In order to facilitate use of the Service by school units, the State Board of
32 Education, in consultation with the Office of Information Technology Services, the
33 Division of Purchase and Contract, and the Service, shall establish standards for
34 determining when a local school administrative unit's purchasing process is
35 E-procurement compliant. The Department of Public Instruction shall determine when
36 a local school administrative unit is E-procurement compliant and shall notify the
37 Division of Purchase and Contract of the units certified within three days of the
38 certification.

39 **SECTION 9.(b)** Obligation of LEAs. – As of the date a local school
40 administrative unit is certified by the Department of Public Instruction as being
41 E-procurement compliant, it must expend at least thirty percent (30%) of its remaining
42 unencumbered funds used to purchase supplies, equipment, materials, computer
43 software, and other tangible personal property during the fiscal year in which it is
44 certified through the NC E-Procurement Service. The unit must expend at least

thirty-five percent (35%) of its funds used to purchase supplies, equipment, materials, computer software, and other tangible personal property during the fiscal year following certification through the NC E-Procurement Service and forty percent (40%) during the second fiscal year following certification. The State encourages the units to utilize the NC E-Procurement Service to purchase at least fifty percent (50%) of their supplies, equipment, materials, computer software, and other tangible personal property during the fiscal year following certification and at least seventy percent (70%) of their supplies, equipment, materials, computer software, and other tangible personal property during the second fiscal year following certification.

SECTION 9.(c) Pilot Projects/Reporting. – To use the NC E-Procurement Service, a local school administrative unit's current software purchasing system must be interfaced with the NC E-Procurement Service system. All but two of the 117 local school administrative units utilize one of two systems: ISIS by EMS or SunPac by Sartox. To encourage local school administrative units to use the NC E-Procurement Service, the Service will begin the interface process with four local school administrative units – two of which use ISIS and two of which use SunPac. The four pilot units will be the local school administrative units of Cabarrus County, Edgecombe County, Guilford County, and Sampson County. The four pilot units must be certified as being E-procurement compliant on or before December 1, 2003.

The General Assembly finds that the timely implementation of the pilot projects is critical to the statewide availability of E-procurement to all local school administrative units. Therefore, in order to monitor the progress of the interface process, the Department of Public Instruction shall report to the Joint Legislative Commission on Governmental Operations and the State Board of Education by November 1, 2003 on the progress of the pilots and whether those local school administrative units will be E-procurement complaint by December 1, 2003. Notwithstanding any other provision of law, if the State Board determines that the pilots will not be E-Procurement compliant by the target date, it may establish an alternative date after taking into consideration the State priority of prompt implementation. The State Board shall notify the Joint Legislative Commission on Governmental Operations of any action it takes in this matter.

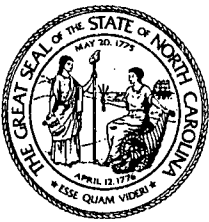
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SECTION 9.(e) Remainder of LEAs. – The remaining 111 local school administrative units must be certified as being E-procurement compliant by January 1, 2005. The NC E-Procurement Service will assist the units in interfacing their systems and training their employees on a regional basis by the type of software the unit currently uses.

SECTION 10. Nothing in this act shall be construed to limit the authority of the Department of Administration to develop, implement, and monitor a pilot program

1 for reverse auctions for public school systems as provided in Section 3 of Chapter 107
2 of the 2002 Session Laws.

3 **SECTION 11.** Sections 1 through 8 of this act become effective for a local
4 school administrative unit when the unit is certified by the Department of Public
5 Instruction as being E-procurement compliant, as provided in Section 9 of this act, or
6 April 1, 2004, whichever occurs first. The remainder of this act is effective when it
7 becomes law.



SENATE BILL 620: Purchasing Flexibility for Schools

BILL ANALYSIS

Committee: House Education
Date: May 17, 2003
Version: Proposed Committee Substitute
S620-CSRC-53[v.8]

Introduced by: Senator Dalton
Summary by: Drupti Chauhan*
Committee Co-Counsel

SUMMARY: *SB 620 removes the requirement that local school administrative units (LEAs) must purchase materials, equipment and supplies under contracts established or approved by the State Department of Administration (DOA), effective April 1, 2004 at the latest. Instead, LEAs would use the same competitive bidding methods used by other units of local government. SB 620 allows a LEA to be removed from the requirement to purchase under State contracts earlier than April 1, 2004, if the LEA is certified as E-procurement compliant by the Department of Public Instruction and purchases a specified percentage of their materials, equipment, and supplies through the NC E-Procurement Service.*

The Proposed Committee Substitute provides that if the State Board of Education adopts safety guidelines for certain commodities, those guidelines must be at least as strict as ones adopted for state term contracts. It also establishes a "user group" made up representatives from the Department of Administration and local school administrative units that will address issues related to proper bidding procedures, the exchange of information, and use of the E-procurement system. Finally, it sets December 1, 2003 as the date when the E-procurement pilot projects must be E-procurement compliant, but gives the State Board of Education the authority to modify that date.

CURRENT LAW: G.S. 115C-522(a) provides that LEAs must purchase materials, equipment and supplies under contracts established or approved by DOA. G.S. 115C-522.1 provides a limited exception in that it allows LEAs to purchase items from vendors who do not have contracts with DOA if the cost is less than the DOA contract cost, the item is the same or similar as an item under DOA contract, the total cost of the contract does not exceed \$25,000 (\$10,000 for most LEAs), and the LEA makes certain reports to the DOA.

BILL ANALYSIS:

Section 1 amends G.S. 115C-522(a) to remove the requirement that LEAs purchase under DOA contracts. Instead, LEAs would use the same competitive bidding system used by other units of local governments. It would also allow the LEA to purchase from contract made by the DOA.

In addition, it directs the State Board of Education to adopt rules regarding equipment standards for supplies, equipment and materials related to student transportation; and allows the State Board of adopt guidelines for commodities that need safety features. Any safety guidelines adopted by the State Board must at least meet the same standards as those for items on state term contracts. Local school administrative units may utilize the E-Quote and Interactive Purchasing System for the soliciting bids. The bill also creates a "user group" that allows the Department of Administration and local school administrative units to work together for a smooth transition.

Section 2 repeals G.S. 115C-522.1 regarding the purchasing flexibility for LEAs. This provision is no longer applicable given the changes in G.S. 115C-522.

Sections 3, 4, 6, 7 and 8 make conforming changes to the statutes.

Section 5 requires LEAs to report to the Department of Administration on the percentage of contract purchases that were from minority-owned businesses.

Section 9 acknowledges that the State wants to encourage LEAs to purchase goods through the NC E-Procurement Service. The NC E-Procurement Service is an Internet-based purchasing system that offers electronic purchase order processing and enhanced administrative functions to buyers and suppliers resulting in operational efficiencies

SENATE BILL 620

Page 2

and potential cost savings. To use NC E-Procurement Service, a LEA's purchasing system must be interfaced with the Internet-based purchasing system of the Service. The PCS provides that the NC E-Procurement Service must work with the LEAs to accomplish this interface through a graduated process:

- The Service will work with four local school administrative units that represent the two most popular purchasing systems used by the LEAs. The four pilot units will be the LEAs of Guilford County, Cabarrus County, Sampson County, and Edgecombe County. These four units must be certified as being E-procurement compliant by December 1, 2003. However, if the State Board determines by November 1, 2003 that the pilots will not be compliant within the specified timeframe, it may extend the required date of compliance.
- After these pilot units are working efficiently and effectively, the Service will work with the remaining LEAs that use one of these two systems on a regional basis. These 111 LEAs must be certified as being E-procurement compliant by January 1, 2005.
- The Service will work with the LEAs of Wake County and Charlotte/Mecklenburg County. These two units have a unique purchasing system. These two units must be certified as being E-procurement compliant by July 1, 2004.

The Office of Information Technology Services, in conjunction with the Department of Public Instruction and the NC E-Procurement Service, will develop standards that must be met to certify a LEA as being "E-procurement complaint". At a minimum, it means that the purchasing systems of the LEA and the Service have been adequately interfaced and the LEA purchasing personnel are trained to use the Service. As of the date a LEA is certified as being E-procurement compliant, it is removed from the requirement to purchase under State contracts, but it will be under an obligation to purchase at least 30% of its remaining unencumbered funds used to purchase supplies, equipment, materials, computer software, and other tangible personal property during that fiscal year through the NC E-Procurement Service. It must purchase at least 35% of its goods through the Service during the following fiscal year and the State encourages the LEA to purchase at least 50% of its goods in this manner. During the second fiscal year following certification, the LEA must purchase at least 40% of its goods through the Service and the State encourages the LEA to purchase at least 70% of its goods in this manner.

Section 10 allows the Department of Administration to continue a pilot project for reverse auctions with schools.

Section 11 provides that an LEA is removed from the requirement to purchase under the State term contracts on the date it is certified as E-procurement compliant or April 1, 2004, whichever occurs first.

BACKGROUND: The provisions of Article 8 of Chapter 143 and the \$90,000 threshold for formal bids with respect to purchase contracts currently apply to local governments other than schools. The provisions of Article 8 do apply to the State and state agencies for construction or repair contracts. If the total estimated cost of the contract exceeds \$90,000, the formal procedures that require advertisement, bid opening, bid deposits and bid evaluations are triggered.

Accenture provides the NC E-Procurement Service in return for a 1.75% supplier fee. The Service project began in February 2001. The system was piloted in October 2001 and began to be interfaced with the purchasing systems of various State entities from November 2001 through July 2002. Over \$930 million purchases have been made through the system and over 98,000 purchase orders have been issued to vendors through the system. At least 115 State entities have started using the system including 29 State agencies, 26 community colleges, and 24 LEAs. Based on a survey of pre-selected goods, the system appears to decrease the time it takes to issue a purchase order to a vendor by 26% to 50% and it appears to achieve a measured savings of 12%.

S620-SMRQ-002

*Kory Goldsmith and Robin Johnson, Research Attorneys, contributed significantly to this summary.

**2003 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

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

By Representatives **Bonner, Hilton, Warner, Wood** (Chairs) for the Committee on
EDUCATION.

- ☒ Committee Substitute for
S.B. 714 A BILL TO BE ENTITLED AN ACT TO ENSURE THAT PUBLIC SCHOOL
EMPLOYEES DO NOT LOSE PAY WHILE THEY ARE ON MILITARY DUTY.
- ☐ 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)

03/19/03

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2003**

S

D

**SENATE BILL 714
Education/Higher Education Committee Substitute Adopted 4/17/03
PROPOSED COMMITTEE SUBSTITUTE S714-PCS35288-SF-18**

Short Title: Compensation/Pub. Sch. Employees/Active Duty.

(Public)

Sponsors:

Referred to:

April 2, 2003

A BILL TO BE ENTITLED

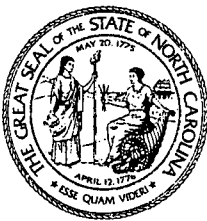
AN ACT TO ENSURE THAT PUBLIC SCHOOL EMPLOYEES DO NOT LOSE
PAY WHILE THEY ARE ON MILITARY DUTY.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 115C-302.1 is amended by adding a new subsection to read:

"(g1) Payment During Military Duty. – The State Board of Education shall adopt rules relating to leaves of absence, without loss of pay or time, for periods of military training and for State or federal military duty or for special emergency management service. The rules shall apply to all public school employees, including, but not limited to, school teachers, administrators, guidance counselors, speech language pathologists, nurses, and custodians employed by local boards of education or by charter schools. The rules shall provide that (i) the State pays any salary differential to all public school employees in State-funded positions, (ii) the employing local board of education pays any pay differential to all public school employees in locally funded positions, (iii) the employing charter school pays any pay differential to all public school employees in the charter school, and (iv) the employing local board of education pays the local supplement."

SECTION 2. This act becomes effective on or after July 1, 2002.



SENATE BILL 714: Compensation of Teachers on Active Duty

BILL ANALYSIS

Committee: House Education
Date: May 20, 2003
Version: PCS to Second Edition
S714-CSSF-18 [v.1]

Introduced by: Senator Hartsell
Summary by: Shirley Iorio
Committee Staff

SUMMARY: *The Proposed Committee Substitute to Senate Bill 714 would require the State Board of Education to adopt rules relating to leaves of absence for public school employees, without loss of pay or time, for periods of military training and for State or federal military duty or special emergency management service. The rules would provide that the State would pay any salary differential to public school employees in State-funded positions, local boards would pay any salary differential to public school employees in locally-funded positions, charter schools would pay any salary differential to public school employees in charter schools, and local boards would pay the local supplement.*

The act would become effective on or after July 1, 2002.

The PCS deletes the word "short" from the phrase "short periods of military training".

CURRENT LAW AND STATE BOARD OF EDUCATION POLICY:

Short –Term Military Leave:

- Full-time or part-time permanent employees are eligible for short-term military leave.
- Leave with pay shall be granted to members of Reserve Components¹ of the U.S. Armed Forces for periods of active duty training.
- Military leave with pay shall be granted for up to 15 workdays during the federal fiscal year (October 1-September 30). Included in the 15 days paid leave is necessary time off when the employee must undergo a required physical examination relating to membership in a reserve component as well as regularly scheduled unit assemblies or "drills" when they occur on a workday rather than the weekend.
- There are additional periods of entitlement for National Guard only:
 - Military leave with pay shall be granted for infrequent special activities in the interest of the State when so authorized by the Governor or his designee. This leave is in addition to the 15 days allowed for military training.
 - For active duty in excess of 30 days, employees shall be entitled to military leave with differential pay between military pay and regular pay if the military pay is less than the employee's regular pay.

Paid military leave is treated like any other paid leave. The employee shall continue to accumulate leave and receive health insurance for self, etc.

¹ Reserve Components of the U.S. Armed Forces are the National Guard, the Army Reserve, the Naval Reserve, the Marine Corps Reserve, the Air Force Reserve and the Coast Guard Reserve. The National Guard serves both as a federal reserve component and as the State Militia.

SENATE BILL 714

Page 2

Military Leave for Extended Active Duty:

- All permanent, probationary and trainee employees who enter active military service are eligible for military leave for extended active duty.
- All or any portion of an employee's 15 days paid military leave or regular vacation leave may be used in lieu of or in conjunction with unpaid military leave for:
 - Attendance at service schools, or
 - Attendance at Active Duty Training in a Reserve Unit
- Leave without pay shall be granted under certain circumstances for periods of active duty in the United States armed forces. An employee may not use paid military leave for extended active duty.
- An employee going on extended active duty may choose to have accumulated vacation leave paid in a lump sum, exhaust available leave, or retain all or part of the accumulated leave until he or she returns to work.
- The employee retains all accumulated sick leave and continues to earn state service credit and time toward salary increases.
- An employee will receive full retirement membership credit for all active duty service in the armed forces if he or she is honorably discharged. Enlistment of up to five years is credible.
- Employees on leave without pay honorably discharged from military service who apply for reinstatement within the appropriate time limit must be reemployed in a position equivalent in status, seniority, and pay and as if employment had not been interrupted.
- If an employee is disabled during military service to the extent that he or she cannot perform the duties of the original position, the employee shall be reinstated to a position with duties compatible with the disability. In no case will the reinstated employee's salary be less than his or her salary prior to military leave.

S714-SMSF-004

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2003

S

2

SENATE BILL 714
Education/Higher Education Committee Substitute Adopted 4/17/03

Short Title: Compensation/Pub. Sch. Employees/Active Duty. (Public)

Sponsors:

Referred to:

April 2, 2003

1 A BILL TO BE ENTITLED
2 AN ACT TO ENSURE THAT PUBLIC SCHOOL EMPLOYEES DO NOT LOSE
3 PAY WHILE THEY ARE ON MILITARY DUTY.

4 The General Assembly of North Carolina enacts:

5 SECTION 1. G.S. 115C-302.1 is amended by adding a new subsection to
6 read:

7 "(g1) Payment During Military Duty. – The State Board of Education shall adopt
8 rules relating to leaves of absence, without loss of pay or time, for short periods of
9 military training and for State or federal military duty, or special emergency
10 management service. The rules shall apply to all public school employees, including but
11 not limited to school teachers, administrators, guidance counselors, speech language
12 pathologists, nurses, and custodians employed by local boards of education or by charter
13 schools. The rules shall provide that (i) the State pays any salary differential to all
14 public school employees in State-funded positions, (ii) the employing local board of
15 education pays any pay differential to all public school employees in locally funded
16 positions, (iii) the employing charter school pays any pay differential to all public
17 school employees in the charter school, and (iv) the employing local board of education
18 pays the local supplement."

19 SECTION 2. This act is effective on or after July 1, 2002.

VISITOR REGISTRATION SHEET

Name of Committee _____

Date 5/20/03

VISITORS: PLEASE SIGN BELOW AND RETURN TO COMMITTEE ASSISTANT

<u>NAME</u>	<u>FIRM OR AGENCY</u>
Molly Ryan	NC School Boards Assoc.
Jenna Ashley	Carolina Journal
Blake Huffman	John Locke Foundation
Danny Lindsey	ITS
Hal Miller	NCACET
DAVID BARNES	Pagano-Spaul
Amy Tracy	Office of the Governor
Joanne Stevens	nursing
Sherry Wilson	St. Ed. of Ed.
Linda Supps	" "
Katherine Joyce	NCA SA
Leanne Nomin	NCSBA
CBN BSLT	MT
Ed Deagan	N.C.A.C.G.
John Myers	OWOP-CPV
Angie Hain	Marylin Taylor
Glenn Shappard	Buono Hope LLC - Project HEART
Melissa Hamon	ECU - AmeriCorps Project HEART
Maxine Evans-Armwood	Dept. of Juvenile Justice
Debrah Porterfield	NC DPH.
John McHale	Governor's
Carlton Mynick	DOA
George Millage	DOA
Sharon Hays	DOA
Linda Parker	Project HEART
Elizabeth Anderton	OSBM

VISITOR REGISTRATION SHEET

Name of Committee

5/20/03
Date

VISITORS: PLEASE SIGN BELOW AND RETURN TO COMMITTEE ASSISTANT

<u>NAME</u>	<u>FIRM OR AGENCY</u>
David Crawford	AIA NC
Alex Ryall	NC Family Policy Council
Wayne Year	Leg. Counsel
James H. H. H.	
Kresha Baldwin	Americorps / Project Heart
DAWN GRAHAM	Americorps / Project Heart
Jeanne Maule	Americorps Project Heart
McKusick, Wooten, Jr.	DOA
Frances Cockman	NC State Watch
Bobby White	White's Tire Service
Rebecca Perez Palacia	NC Justice Center
Marcus Davis	NCAE
Janice Vaughn	Americorps / Project Heart ECU
Jane Ramague	NCAED
Michael Huxter	NCAE
Paula A. Wolf	Covenant w/ NC's Children
Jessica Dancy	" "
Hobby Emanuelson	NMSS
10/10/12	Mulla CC
Michael Huxter	NCICU
W. H. H. H.	NCICU
Gary Fleisby	NC SFSH
W. H. H. H.	NCIPPA
April White	Capital Strategic
Pais Johnson	Raymond Leonard
BRIAN LEWIS	" "

House Education Committee

May 27, 2003

Minutes

The House Education Committee met on Tuesday, May 27, 2003 at 11:00 a.m. in Room 643 of the Legislative Office Building. Chairman Steve Wood called the meeting to order and introduced the Pages assigned to serve the House Education Committee at this meeting (Attachment I). The attendance sheet indicates members present (Attachment II). The Visitor Registration sheet is also attached (Attachment III).

Chairman Wood made some announcements. Chairman Hilton and Representative Lewis were congratulated on the birth of their sons (Attachments IV and V).

Chairman Wood recognized Senator Linda Garrou to explain Senate Bill 993; "A BILL TO BE ENTITLED AN ACT TO ENHANCE THE ABILITY OF THE STATE BOARD OF EDUCATION TO SAFEGUARD SCHOOLCHILDREN THROUGH AUTOMATIC REVOCATION OF TEACHER CERTIFICATES UPON CONVICTION OF CERTAIN CRIMES, AND THE USE OF INVESTIGATIVE SERVICES AS NEEDED" (Attachment VI). A Bill Analysis for Senate Bill 993 is attached (Attachment VII). Senator Garrou stated this bill would require the State Board of Education to automatically revoke the certificate of a teacher or of a school administrator upon receipt of prove that that person has been convicted of murder, rape, or other serious felonies. The current law does not specify that the State Board is to revoke the certification for certain crimes. This bill simply gives us another tool to protect children in our schools.

Chairman Wood opened the Floor for discussion.

Representative McAllister moved for a Favorable Report for Senate Committee Substitute for Senate Bill 993.

Chairman Wood recognized Linda Suggs, Legislative Director for the State Board, to answer questions.

Harry Wilson, Staff Attorney for Education, was also recognized to answer questions.

Motion passed.

Chairman Wood recognized Senator Linda Garrou to explain Senate Bill 994; "A BILL TO BE ENTITLED AN ACT TO ENABLE LOCAL BOARDS OF EDUCATION TO SUSPEND FROM SCHOOL THOSE STUDENTS WHO GIVE AWAY, SELL, OR USE ALCOHOLIC BEVERAGES, PRESCRIPTION DRUGS, OR CONTROLLED SUBSTANCES ON SCHOOL PROPERTY" (Attachment VIII). A Bill Analysis for Senate Bill 994 is attached (Attachment IX). Senator Metcalf stated this bill would give the authority, but does not mandate, to suspend from school for up to 365 days any

student who uses, gives away, sells, or possesses with the intent to give away or sell alcoholic beverages, prescription drugs, or controlled substances on educational property.

Chairman Wood opened the Floor for discussion.

Representative Womble moved for a Favorable Report for Senate Committee Substitute for Senate Bill 994.

Harry Wilson, Staff Attorney for Education, was recognized to answer questions.

Representative Womble withdrew his motion and asked that a sub-committee look at the bill.

Chairman Wood suggested the bill be withdrawn from the calendar until further discussion of the bill could be made.

Chairman Wood recognized Senator Fletcher Hartsell to explain Senate Bill 424; "A BILL TO BE ENTITLED AN ACT TO AMEND THE LAW CONCERNING TUITION WAIVERS AND TO DIRECT THE JOINT LEGISLATIVE EDUCATION OVERSIGHT COMMITTEE TO STUDY WHETHER TO EXTEND THESE TUITION WAIVERS" (Attachment X). Chairman Bonner moved for adoption of a Proposed House Committee Substitute for Senate Bill 424 (Attachment XI) for discussion purposes. A Bill Analysis for Senate Bill 993 is attached (Attachment XII). Senator Hartsell stated this bill would identify anyone who is a survivor of a law enforcement officer, firefighter, volunteer firefighter, rescue squad worker, killed as a result of traumatic injury and the spouse or child or those individuals. The addition identifies those circumstances.

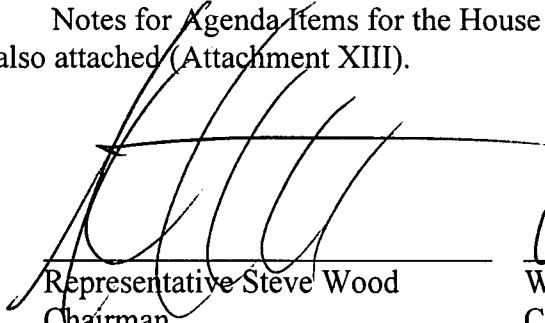
Chairman Wood opened the Floor for discussion.

Representative Moore moved for a Favorable Report for House Committee Substitute for Senate Committee Substitute for Senate Bill 424, Unfavorable to the original.

Motion passed.

Meeting was adjourned.

Notes for Agenda Items for the House Education Meeting held on May 27, 2003 are also attached (Attachment XIII).


Representative Steve Wood
Chairman


Wendy Miller
Committee Clerk

House Pages

1. Name: Shira Sattin
County: New Hanover
Sponsor: McComas
2. Name: Nina Jackson
County: Sampson
Sponsor: Nye
3. Name: Gus Willis
County: Craven
Sponsor: Gorman
4. Name: Heather Clayton
County: Rowan
Sponsor: McCombs
5. Name: Michael Sabetti
County: Cleveland
Sponsor: Moore
6. Name: Ginny Moye
County: Wayne
Sponsor: Pate

Sgt-At-Arms

1. Name: Charlie Grady
2. Name: Aaron Woodlief
3. Name: Martha Parrish
4. Name: Matthew Myers

5/27/03

XIII

House Education
Notes for Agenda Items
May 27, 2003
Rep. Wood, chair

S 886 – Sun Safety for School Children

Sen. Carpenter

Sara is handling the bill

PCS was adopted for discussion at the last meeting.

S 993 – An Act to Safeguard Children

Sen. Garrou

Drupti is handling the bill

S 994 – School Suspension for Sale of Alcohol/Drug

Sen. Garrou

Robin is handling the bill

S 955 – Modify Law/Contracts for School Principals

Sen. Tillman

Shirley is handling the bill

PCS needs to be adopted for discussion

S 424 – Tuition Waiver Technical Correction

Sen. Hartsell

Robin is handling the bill

PCS needs to be adopted for discussion

NOTE: IF THERE ARE ANY AMENDMENTS, 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.

V

Wendy Miller (Rep. Steve Wood)

From: Marie Strickland (Rep. Lewis)
Sent: Tuesday, May 27, 2003 9:13 AM
To: @House/Members; @House Principal Clerk's Office; @House/Legislative Assistants
Subject: Arrival of "Baby Lewis"

Announcement

Henry Pierce Lewis

arrived

May 23, 2003 at 9:40am

Weight: 7 lbs. 9 ozs.

Length: 20 1/4 inches

Parents: Rep. David Lewis & Michelle Lewis & Brother: David Ray Lewis,
Sr.

Baby, Mother & Father are doing fine.

IV

Wendy Miller (Rep. Steve Wood)

From: Anne Soles (Rep. Hilton)
Sent: Friday, May 23, 2003 11:30 AM
To: @All Exchange Users
Subject: Arrival of "Baby Hilton"

**ANNOUNCING THE
ARRIVAL
OF
ABRAHAM "ABRAM" WARREN HILTON**

MAY 23, 2003 at 8:02am

Weighing: 5 lbs. 15 ozs.

Length: 19 inches

Parents: Rep. Mark Hilton and Allison Hilton

Mother and baby are doing fine!!!

Father is OK, too....

May 27, 2003

**2003 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

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

By Representatives **Bonner, Hilton, Warner and Wood** (Chairs) for the Committee on **EDUCATION.**

☒ Committee Substitute for

S.B. 993 A BILL TO BE ENTITLED AN ACT TO ENHANCE THE ABILITY OF THE STATE BOARD OF EDUCATION TO SAFEGUARD SCHOOLCHILDREN THROUGH AUTOMATIC REVOCATION OF TEACHER CERTIFICATES UPON CONVICTION OF CERTAIN CRIMES, AND THE USE OF INVESTIGATIVE SERVICES AS NEEDED.

☒ 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)

03/19/03

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2003

S

2

SENATE BILL 993
Judiciary I Committee Substitute Adopted 4/23/03

Short Title: An Act to Safeguard Children.

(Public)

Sponsors:

Referred to:

April 3, 2003

A BILL TO BE ENTITLED

AN ACT TO ENHANCE THE ABILITY OF THE STATE BOARD OF EDUCATION
TO SAFEGUARD SCHOOLCHILDREN THROUGH AUTOMATIC
REVOCATION OF TEACHER CERTIFICATES UPON CONVICTION OF
CERTAIN CRIMES, AND THE USE OF INVESTIGATIVE SERVICES AS
NEEDED.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 115C-296(d) reads as rewritten:

"(d) The State Board shall adopt rules to establish the reasons and procedures for
the suspension and revocation of certificates.

(1) The State Board shall revoke the certificate of a teacher or school
administrator if the State Board receives notification from a local
board or the Secretary of Health and Human Services that a teacher or
school administrator has received an unsatisfactory or below standard
rating under G.S. 115C-333(d).

(2) The State Board shall automatically revoke the certificate of a teacher
or school administrator without the right to a hearing upon receiving
verification of the identity of the teacher or school administrator
together with a certified copy of a criminal record showing that the
teacher or school administrator has entered a plea of guilty or nolo
contendere to or has been finally convicted of any of the following
crimes: Murder in the first or second degree, G.S. 14-17; Conspiracy
or solicitation to commit murder, G.S. 14-18.1; Rape or sexual offense
as defined in Article 7A of Chapter 14 of the General Statutes.
Felony assault with deadly weapon with intent to kill or inflicting
serious injury, G.S. 14-32; Kidnapping, G.S. 14-39; Abduction of
children, G.S. 14-41; Crime against nature, G.S. 14-177; Incest, G.S.
14-178 or G.S. 14-179; Employing or permitting minor to assist in
offense against public morality and decency, G.S. 14-190.6;

1 Dissemination to minors under the age of 16 years, G.S. 14-190.7;
2 Dissemination to minors under the age of 13 years, G.S. 14-190.8;
3 Displaying material harmful to minors, G.S. 14-190.14; Disseminating
4 harmful material to minors, G.S. 14-190.15; First degree sexual
5 exploitation of a minor, G.S. 14-190.16; Second degree sexual
6 exploitation of a minor, G.S. 14-190.17; Third degree sexual
7 exploitation of a minor, G.S. 14-190.17A; Promoting prostitution of a
8 minor, G.S. 14-190.18; Participating in prostitution of a minor, G.S.
9 14-190.19; Taking indecent liberties with children, G.S. 14-202.1;
10 Solicitation of child by computer to commit an unlawful sex act, G.S.
11 14-202.3; Taking indecent liberties with a student, G.S. 14-202.4;
12 Prostitution, G.S. 14-204; and child abuse under either G.S. 14-318.2
13 or G.S. 14-318.4. The Board shall mail notice of its intent to act
14 pursuant to this subdivision by certified mail, return receipt requested,
15 directed to the teacher or school administrator at their last known
16 address. The notice shall inform the teacher or school administrator
17 that it will revoke the person's certificate unless the teacher or school
18 administrator notifies the Board in writing within 10 days after receipt
19 of the notice that the defendant identified in the criminal record is not
20 the same person as the teacher or school administrator. If the teacher or
21 school administrator provides this written notice to the Board, the
22 Board shall not revoke the certificate unless it can establish as a fact
23 that the defendant and the teacher or school administrator are the same
24 person.

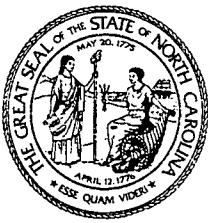
25 (3) In addition, the State Board may revoke or refuse to renew a teacher's
26 certificate when:

27 (1)a. The Board identifies the school in which the teacher is
28 employed as low-performing under G.S. 115C-105.37 or G.S.
29 143B-146.5; and

30 (2)b. The assistance team assigned to that school makes the
31 recommendation to revoke or refuse to renew the teacher's
32 certificate for one or more reasons established by the State
33 Board in its rules for certificate suspension or revocation.

34 The State Board may issue subpoenas for the purpose of obtaining documents or the
35 testimony of witnesses in connection with proceedings to suspend or revoke certificates.
36 In addition, the Board shall have the authority to contract with individuals who are
37 qualified to conduct investigations in order to obtain all information needed to assist the
38 Board in the proper disposition of allegations of misconduct by certificated persons."

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



SENATE BILL 993: An Act to Safeguard Children.

VII

BILL ANALYSIS

Committee: House Education
Date: May 20, 2003
Version: 2nd Edition

Introduced by: Senator Garrou
Summary by: Drupti Chauhan*
Committee Co-Counsel

SUMMARY: *Senate Bill 993 would require the State Board of Education to automatically revoke the certificate of a teacher or school administrator upon receipt of proof that the person has been convicted of murder, rape or other serious felonies of sexual misconduct or child abuse.*

CURRENT LAW: Current law does not specifically authorize the State Board of Election to automatically revoke teacher or school administrator certification for conviction of certain crimes.

BILL ANALYSIS: Senate Bill 993 would amend the law that governs teacher and school administrator certification by the State Board of Election, to add as an additional ground for the revocation of a certificate the final conviction of certain serious felonies and misdemeanors, including murder, rape, assault with a deadly weapon with intent to kill or inflict serious injury, kidnapping, abduction of children, crimes against nature, incest, sexual misconduct involving minors, sexual exploitation of a minor, indecent liberties with children and students, and child abuse.

The bill requires before acting that the Board receive a certified copy of the criminal record showing the conviction, and verification that the record applies to the teacher or school administrator. Written notice to the teacher or school administrator that revocation action is being considered on the grounds set forth in the bill must be given, including notification that the person may challenge that the criminal record is for another person. If challenged, the Board may not revoke the certificate unless it can establish as a fact that the defendant and the teacher or school administrator are the same person.

The bill also authorizes the State Board to contract for any services necessary to comply with this subsection.

The automatic revocation of licenses could raise a Constitutional challenge based on violation of due process because the bill does not provide for any hearing on the license except for the identity issue. Licenses are considered property interests and the taking of a property interest without a hearing has been held in violation of due process. The lack of a pre-deprivation hearing can be acceptable as long as there is some meaningful post-deprivation hearing. *In Re Lamm*, 116 N.C. App. 382 (1994). However, if the judge makes a finding regarding the status of the license during the hearing on the underlying felony, then that may suffice as an adequate safeguard. For example, a judge may order the revocation of a teaching license for failure to pay child support if the judge finds that the person is willfully delinquent in child support payments.

EFFECTIVE DATE: The bill becomes effective when it becomes law.

*Walker Reagan, Research Attorney, contributed significantly to this summary.
S993-SMRQ-001

YALL

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2003

S

2

SENATE BILL 994

Education/Higher Education Committee Substitute Adopted 4/30/03

Short Title: School Suspension for Sale of Alcohol/Drug.

(Public)

Sponsors:

Referred to:

April 3, 2003

A BILL TO BE ENTITLED

AN ACT TO ENABLE LOCAL BOARDS OF EDUCATION TO SUSPEND FROM SCHOOL THOSE STUDENTS WHO GIVE AWAY, SELL, OR USE ALCOHOLIC BEVERAGES, PRESCRIPTION DRUGS, OR CONTROLLED SUBSTANCES ON SCHOOL PROPERTY.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 115C-391 reads as rewritten:

"§ 115C-391. Corporal punishment, suspension, or expulsion of pupils.

...

(d3) A local board of education or superintendent 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. The local board upon recommendation by the superintendent may modify either suspension requirement on a case-by-case basis that includes, but is not limited to, the procedures established for the discipline of students with disabilities and may also provide, or contract for the provision of, educational services to any student suspended under this subsection in an alternative school setting or in another setting that provides educational and other services. For purposes of this subsection and ~~subsection (d1)~~ subsections (d1), (d4), and (d6) of this section, the term "educational property" has the same definition as in G.S. 14-269.2(a)(1).

...

(d6) A local board of education or superintendent may suspend for up to 365 days any student who knowingly offers, distributes, delivers, sells, gives away, possesses with intent to offer, distribute, deliver, sell, or give away, or uses any alcoholic beverage as defined in G.S. 18B-101(4) or any controlled substance as defined in G.S. 90-87(5) on educational property or at a school-sponsored curricular or extracurricular activity off educational property. A local board of education or superintendent also may suspend for up to 365 days any student who knowingly offers, distributes, delivers, sells, gives away, possesses with intent to offer, distribute, deliver, sell, or give away, or uses without authorization any prescription drug as defined in G.S. 90-85.3(s) on educational property or at a school-sponsored curricular or extracurricular activity off educational property. The local board of education or the superintendent may provide, or contract for the provision of, educational services to a student suspended under this subsection in an alternative school setting or other setting that provides educational and other services.

(e) A decision of a superintendent under subsection (c), (d1), (d2), (d3), ~~or (d4)~~(d4), or (d6) 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.

..."

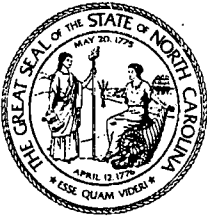
SECTION 2. G.S. 115C-45(c)(1) reads as rewritten:

"(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), (d3), ~~or (d4)~~(d4), or (d6);

..."

SECTION 3. This act becomes effective December 1, 2003, and applies to acts committed on or after that date.



TX

SENATE BILL 994: School Suspension for Sale of Alcohol/Drugs.

BILL ANALYSIS

Committee: House Education
Date: May 20, 2003
Version: Second Edition

Introduced by: Senator Garrou
Summary by: Robin Johnson*
Committee Counsel

SUMMARY: *This bill would allow local boards of education to suspend from school for up to 365 days any student who uses, gives away, sells, or possesses with the intent to give away or sell alcoholic beverages, prescription drugs, or controlled substances on educational property.*

The bill would take effect December 1, 2003, and apply to acts committed on or after that date.

CURRENT LAW: G.S. 115C-391 (attached) covers school discipline and provides for when students can be expelled or suspended. A student may be suspended for no more than 10 days (short-term suspension) or for 10 or more days but no longer than the current school year (long-term suspension). Local board or school policies generally specify the types of conduct that can lead to these short-term and long-term suspensions.

In addition, a local board of education can expel (i.e., permanently remove) any student aged 14 or over whose behavior indicates that the student's continued presence at school is a clear threat to the safety of other students and teachers. The statute also specifies certain conduct that can lead to a long-term suspension of up to 365 days: (i) bringing or possessing specific weapons on educational property, (ii) physically assaulting school personnel; (iii) physically assaulting and seriously injuring another student; and (iv) communicating threats and making false reports about explosions, bombs and other activities capable of causing injury to persons and property.

BILL ANALYSIS: This bill would add a new subsection (d6) to G.S. 115C-391, which would add to the list of specified conduct that can result in the suspension of the student for up to 365 day. A local board of education or a superintendent would be authorized to suspend for up to 365 days any student who knowingly offers, distributes, delivers, sells, gives away, possesses with the intent to offer, distribute, deliver, sell or give away, or uses any alcoholic beverage or controlled substance on educational property or at a school sponsored curricular or extracurricular activity off educational property. A local board of education or a superintendent also would be authorized to suspend for up to 365 days any student who knowingly offers, distributes, delivers, sells, gives away, possesses with the intent to offer, distribute, deliver, sell or give away, or uses without authorization any prescription drug on educational property or at a school sponsored curricular or extracurricular activity off educational property. The local board or superintendent would be authorized to provide educational services in an alternative setting to any student suspended under this new subsection.

- Educational property is defined as "any school building or bus, school campus, grounds, recreational area, athletic field, or other property owned, used, or operated by any board of education or school board of trustees, or directors for the administration of any school."
- Alcoholic beverage is defined as "any beverage containing at least one-half of one percent (0.5%) alcohol by volume, including malt beverages, unfortified wine, fortified wine, spirituous liquor, and mixed beverages."

SENATE BILL 994

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- Prescription drug is defined as "any drug that under federal law is required, prior to being dispensed or delivered to be labeled with the following statement: Caution: Federal law prohibits dispensing without prescription."
- Controlled substance is defined as any "drug, substance, or immediate precursor included in Schedules I through VI" of Article 5 of Chapter 90, the North Carolina Controlled Substances Act. The Commission for Mental Health, Developmental Disabilities and Substance Abuse Services makes determinations as to the controlled substances listed in Schedules I through IV.

If a superintendent makes the suspension decision under this new subsection, the decision may be appealed to the local board of education.

S994-SMRH-003: Drupti Chauhan, Committee Counsel, substantially contributed to this summary.

SENATE BILL 994

Page 3

§ 115C-391. Corporal punishment, suspension, or expulsion of pupils.

(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 for students 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.

(b) The principal of a school, or his delegate, shall have authority to suspend for a period of 10 days or less any student who willfully violates policies of conduct established by the local board of education: Provided, that a student suspended pursuant to this subsection shall be provided an opportunity to take any quarterly, semester or grading period examinations missed during the suspension period.

(c) The principal of a school, with the prior approval of the superintendent, shall have the authority to suspend for periods of times in excess of 10 school days but not exceeding the time remaining in the school year, any pupil who willfully violates the policies of conduct established

SENATE BILL 994

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by the local board of education. The pupil or his parents may appeal the decision of the principal to the local board of education.

(d) Notwithstanding G.S. 115C-378, a local board of education may, upon recommendation of the principal and superintendent, expel any student 14 years of age or older whose behavior indicates that the student's continued presence in school constitutes a clear threat to the safety of other students or employees. The local board of education's decision to expel a student under this section shall be based on clear and convincing evidence. Prior to ordering the expulsion of a student pursuant to this subsection, the local board of education shall consider whether there is an alternative program offered by the local school administrative unit that may provide education services for the student who is subject to expulsion. At any time after the first July 1 that is at least six months after the board's decision to expel a student under this subsection, a student may request the local board of education to reconsider that decision. If the student demonstrates to the satisfaction of the local board of education that the student's presence in school no longer constitutes a threat to the safety of other students or employees, the board shall readmit the student to a school in that local school administrative unit on a date the board considers appropriate.

(d1) A local board of education or superintendent shall suspend for 365 calendar days any student who:

- (1) Brings onto educational property or to a school-sponsored curricular or extracurricular activity off educational property, or
- (2) Possesses on educational property or at a school-sponsored curricular or extracurricular activity off educational property,

a weapon, as defined in G.S. 14-269.2(b), 14-269.2(b1), 14-269.2(g), and 14-269.2(h). The local board of education upon recommendation by the superintendent may modify this suspension requirement on a case-by-case basis that includes, but is not limited to, the procedures established for the discipline of students with disabilities and may also provide, or contract for the provision of, educational services to any student suspended pursuant to this subsection in an alternative school setting or in another setting that provides educational and other services.

- (d2) (1) The superintendent shall, upon recommendation of the principal, remove to an alternative educational setting, as provided in subdivision (4) of this subsection, any student who is at least 13 and who physically assaults and seriously injures a teacher or other school personnel. If no appropriate alternative educational setting is available, then the superintendent shall, upon recommendation of the principal, suspend for no less than 300 days but no more than 365 days any student who is at least 13 and who physically assaults and seriously injures a teacher or other school personnel.
- (2) The superintendent may, upon recommendation of the principal, remove to an alternative educational setting any student who is at least 13 and who does one of the following:
- a. Physically assaults a teacher or other adult who is not a student.
 - b. Physically assaults another student if the assault is witnessed by school personnel.
 - c. Physically assaults and seriously injures another student.

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

- (3) For purposes of this subsection, the conduct leading to suspension or removal to an alternative educational setting must occur on school property or at a school-sponsored or school-related activity on or off school property. This subsection shall not apply when the student who is subject to suspension or removal was acting in self-defense. If a teacher is assaulted or injured and as a result a student is suspended or removed to an alternative educational setting under this subsection, then the student shall not be returned to that teacher's classroom unless the teacher consents. If a student is suspended under this subsection, the board may assign the student to an alternative educational setting upon the expiration of the period of suspension.
- (4) If the superintendent removes the student to an alternative educational setting, as provided in subdivision (1) of this subsection, and the conduct leading to the removal occurred on or before the ninetieth school day, the board shall remove the student to that setting for the remainder of the current school year and the first 90 school days in the following school year. If the superintendent chooses to remove the student to an alternative educational setting, as provided in subdivision (1) of this subsection, and the conduct leading to the removal occurred after the ninetieth school day, the board shall remove the student to that setting for the remainder of the current school year and for the entire subsequent school year. Notwithstanding these requirements, the superintendent may authorize a shorter or longer length of time a student must remain in an alternative educational setting if the superintendent finds this would be more appropriate based upon the recommendations of the principals of the alternative school and the school to which the student will return.

(d3) A local board of education or superintendent 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. The local board upon recommendation by the superintendent may modify either suspension requirement on a case-by-case basis that includes, but is not limited to, the procedures established for the discipline of students with disabilities and may also provide, or contract for the provision of, educational services to any student suspended under this subsection in an alternative school setting or in another setting that provides educational and other services. For purposes of this subsection and subsection (d1) of this section, the term "educational property" has the same definition as in G.S. 14-269.2(a)(1).

SENATE BILL 994

Page 6

(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.

(d5) 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.

(e) A decision of a superintendent under subsection (c), (d1), (d2), (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.

(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

SENATE BILL 994

Page 7

this information under G.S. 115C-402. The State Board shall develop guidelines to assist local boards in this process.

(g) Notwithstanding the provisions of this section, the policies and procedures for the discipline of students with disabilities shall be consistent with federal laws and regulations.

(h) Notwithstanding any other law, no officer or employee of the State Board of Education or of a local board of education shall be civilly liable for using reasonable force, including corporal punishment, in conformity with State law, State or local rules, or State or local policies regarding the control, discipline, suspension, and expulsion of students. Furthermore, the burden of proof is on the claimant to show that the amount of force used was not reasonable.

May 27, 2003

**2003 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

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

By Representatives **Bonner, Hilton, Warner and Wood** (Chairs) for the Committee on
EDUCATION.

☒ Committee Substitute for

S.B. 424 A BILL TO BE ENTITLED AN ACT TO MAKE TECHNICAL CORRECTIONS
IN A 1997 LAW CONCERNING TUITION WAIVERS, AS RECOMMENDED BY THE
GENERAL STATUTES COMMISSION.

☐ 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)

03/19/03

X

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2003

S

2

SENATE BILL 424
Judiciary II Committee Substitute Adopted 4/16/03

Short Title: Tuition Waiver Technical Correction.

(Public)

Sponsors:

Referred to:

March 17, 2003

1 A BILL TO BE ENTITLED
2 AN ACT TO MAKE TECHNICAL CORRECTIONS IN A 1997 LAW CONCERNING
3 TUITION WAIVERS, AS RECOMMENDED BY THE GENERAL STATUTES
4 COMMISSION.

5 The General Assembly of North Carolina enacts:

6 **SECTION 1.** It is the intent of this act to codify the provisions of Section 6
7 of S.L. 1997-505, which stated that the law became effective October 1, 1997, and
8 applies to deaths or disabilities occurring on or after that date.

9 **SECTION 2.** G.S. 115B-2 reads as rewritten:

10 **"§ 115B-2. Tuition waiver authorized.**

11 State-supported institutions of higher education, community colleges, industrial
12 education centers and technical institutes, shall permit the following persons to attend
13 classes for credit or noncredit purposes without the required payment of tuition;
14 provided, however, that such persons meet admission and other standards deemed
15 appropriate by the educational institution, and provided further that such persons shall
16 be accepted by the constituent institutions of the University of North Carolina only on a
17 spaces-available basis:

- 18 (1) Legal residents of North Carolina who have attained the age of 65.
19 (2) Any person who is the survivor of a law enforcement officer,
20 firefighter, volunteer firefighter, or rescue squad worker killed on or
21 after October 1, 1997, as a direct result of a traumatic injury sustained
22 in the line of duty.
23 (3) The spouse of a law enforcement officer, firefighter, volunteer
24 firefighter, or rescue squad worker who ~~is~~ becomes permanently and
25 totally disabled on or after October 1, 1997, as a direct result of a
26 traumatic injury sustained in the line of duty.
27 (4) Any child, if the child is at least 17 years old but not yet 23 years old,
28 whose parent is a law enforcement officer, firefighter, volunteer
29 firefighter, or rescue squad worker who ~~is~~ becomes permanently and

1 totally disabled on or after October 1, 1997, as a direct result of a
2 traumatic injury sustained in the line of duty. However, a child's
3 eligibility for a waiver of tuition under this Chapter shall not exceed:
4 (i) 48 months, if the child is seeking a baccalaureate degree, or (ii) if
5 the child is not seeking a baccalaureate degree, the number of months
6 required to complete the educational program to which the child is
7 applying."

8 **SECTION 3.** G.S. 115B-5(b) reads as rewritten:

9 "(b) The officials of the institutions charged with administration of this Chapter
10 shall require the following proof to insure that a person applying to the institution and
11 who requests a tuition waiver under G.S. 115B-2(2), (3), or (4) is eligible for the
12 benefits provided by this Chapter.

- 13 (1) The parent-child relationship shall be verified by a birth certificate,
14 legal adoption papers, or other documentary evidence deemed
15 appropriate by the institution.
- 16 (2) The marital relationship shall be verified by a marriage certificate or
17 other documentary evidence deemed appropriate by the institution.
- 18 (3) The cause and date of death of the law enforcement officer, firefighter,
19 volunteer firefighter, or rescue squad worker shall be verified by
20 certification from the records of the Department of State Treasurer, the
21 appropriate city or county law enforcement agency that employed the
22 deceased, the administrative agency for the fire department or fire
23 protection district recognized for funding under the Department of
24 State Auditor, or the administrative agency having jurisdiction over
25 any paid firefighters of all counties and cities.
- 26 (4) The permanent and total disability and the date the disability occurred
27 shall be verified by documentation deemed necessary by the institution
28 from the North Carolina Industrial Commission."

29 **SECTION 4.** This act is effective when it becomes law.

XL

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2003

S

D

SENATE BILL 424
Judiciary II Committee Substitute Adopted 4/16/03
PROPOSED HOUSE COMMITTEE SUBSTITUTE S424-CSRH-35 [v.3]

5/21/2003 7:45:32 PM

Short Title: Tuition Waiver Correction.

(Public)

Sponsors:

Referred to:

March 17, 2003

A BILL TO BE ENTITLED

AN ACT TO AMEND THE LAW CONCERNING TUITION WAIVERS AND TO
DIRECT THE JOINT LEGISLATIVE EDUCATION OVERSIGHT COMMITTEE
TO STUDY WHETHER TO EXTEND THESE TUITION WAIVERS.

The General Assembly of North Carolina enacts:

SECTION 1. Section 6 of S.L. 1997-505 reads as rewritten:

"Section 6. This act becomes effective ~~October 1, 1997, and applies to deaths or~~
~~disabilities occurring July 1, 2003, and applies to persons enrolled in constituent~~
~~institutions of The University of North Carolina and community colleges on or after that~~
date."

SECTION 2. G.S. 115B-2 reads as rewritten:

"§ 115B-2. Tuition waiver authorized.

~~State supported institutions of higher education, community colleges, industrial~~
~~education centers and technical institutes,~~

(a) The constituent institutions of The University of North Carolina and the
community colleges as defined in G.S. 115D-2(2) shall permit the following persons to
attend classes for credit or noncredit purposes without the required payment of tuition;
~~provided, however, that such persons meet admission and other standards deemed~~
~~appropriate by the educational institution, and provided further that such persons shall~~
~~be accepted by the constituent institutions of the University of North Carolina only on a~~
~~spaces available basis;tuition:~~

(1) Legal residents of North Carolina who have attained the age of 65.

(2) Any person who is the survivor of a law enforcement officer,
firefighter, volunteer firefighter, or rescue squad worker killed as a
direct result of a traumatic injury sustained in the line of duty.

(3) The spouse of a law enforcement officer, firefighter, volunteer
firefighter, or rescue squad worker who is permanently and totally

1 disabled as a direct result of a traumatic injury sustained in the line of
2 duty.

- 3 (4) Any child, if the child is at least 17 years old but not yet 23 years old,
4 whose parent is a law enforcement officer, firefighter, volunteer
5 firefighter, or rescue squad worker who is permanently and totally
6 disabled as a direct result of a traumatic injury sustained in the line of
7 duty. However, a child's eligibility for a waiver of tuition under this
8 Chapter shall not exceed: (i) 48 months, if the child is seeking a
9 baccalaureate degree, or (ii) if the child is not seeking a baccalaureate
10 degree, the number of months required to complete the educational
11 program to which the child is applying.

12 (b) Persons eligible for the tuition waiver under subsection (a) of this section
13 must meet admission and other standards considered appropriate by the educational
14 institution. In addition, the constituent institutions of The University of North Carolina
15 shall accept these persons only on a space available basis."

16 **SECTION 3.** G.S. 115B-3 reads as rewritten:

17 **"§ 115B-3. ~~Rules and regulations.~~ Rules.**

18 The Board of Governors of ~~the~~ The University of North Carolina and the State
19 Board of Education ~~Community Colleges~~ shall each, with respect to the institutions
20 governed by it, promulgate rules ~~and regulations~~ necessary for the implementation of
21 ~~the provisions of this Chapter.~~"

22 **SECTION 4.** The Joint Legislative Education Oversight Committee shall
23 study whether to extend the tuition waivers under Chapter 115B of the General Statutes.
24 In particular, the Committee shall consider whether the waivers should be made
25 available (i) to law enforcement officers, firefighters, volunteer firefighters, or rescue
26 squad workers who are permanently and totally disabled as a direct result of a traumatic
27 injury sustained in the line of duty, and (ii) to their children, regardless of the age of the
28 children either at the time of the injury or enrollment. The Committee shall report to the
29 General Assembly by April 15, 2004, on its findings and recommendations.

30 **SECTION 5.** This act becomes effective July 1, 2003.



SENATE BILL 424: Tuition Waiver Technical Correction

XII

BILL ANALYSIS

Committee: House Education
Date: May 22, 2003
Version: S424-CSRH-35[v.3]

Introduced by: Senator Hartsell
Summary by: Robin Johnson* *Robin*
Committee Counsel

SUMMARY: *Senate Bill 424 would (i) change the application of tuition waivers that are available to certain persons enrolled in community colleges and UNC institutions and (ii) direct the Joint Legislative Education Oversight Committee to study whether to extend these waivers. The bill also would make technical changes.*

The act would become effective July 1, 2003, and apply to persons enrolled in community colleges and UNC institutions on or after that date.

CURRENT LAW: Chapter 115B of the General Statutes allows tuition waivers for:

- Legal residents of North Carolina who are 65 years old and older.
- Survivors of State or local law enforcement officers, firefighters, volunteer firefighters, or rescue squad workers who are killed while in active service or training for active service or who died as a result of a service-connected disability, if the death occurred on or after October 1, 1997.
- Spouses of State or local law enforcement officers, firefighters, volunteer firefighters, or rescue squad workers who are permanently and totally disabled as a direct result of a traumatic injury sustained in the line of duty, if the disability occurred on or after October 1, 1997.
- Children, aged 17-23, of State or local law enforcement officers, firefighters, volunteer firefighters, or rescue squad workers who are permanently and totally disabled as a direct result of a traumatic injury sustained in the line of duty, if the disability occurred on or after October 1, 1997.

The tuition waivers apply at all State-supported institutions of higher education, community colleges, industrial education centers and technical institutes. The tuition waivers for children of permanently and totally disabled individuals are limited to (i) 48 months for children seeking a baccalaureate degree, or (ii) the number of months needed to complete any other program. The individuals who are killed or permanently disabled must have been State residents at the time of death or injury.

BILL ANALYSIS: Senate Bill 424 would remove the limitation that the death or disability must have occurred on or after October 1, 1997, and would make numerous technical and clarifying changes.

In addition, Section 4 would direct the Joint Legislative Education Oversight Committee to study whether to extend the tuition waivers to law enforcement officers, firefighters, volunteer firefighters, or rescue squad workers who are permanently and totally disabled as a result of a service-connected disability. The

SENATE BILL 424

Page 2

Committee also is directed to consider whether to remove the age limitations on their children. The Committee would report its findings and recommendations to the General Assembly by April 15, 2004.

The PCS is a complete rewrite from the second edition, which this committee discussed last week. The original bill, recommended by the General Statutes Commission, would have codified the requirement that death or injury must have occurred on or after October 1, 1997.

S424-SMRH-003: *Kory Goldsmith, Research Division, and Shirley Iorio, Committee Staff, contributed to this summary.

VISITOR REGISTRATION SHEET

Education

Name of Committee

5/27/03

Date

VISITORS: PLEASE SIGN BELOW AND RETURN TO COMMITTEE ASSISTANT

<u>NAME</u>	<u>FIRM OR AGENCY</u>
<i>[Signature]</i>	NY PAPER
<i>[Signature]</i>	NCICU
<i>[Signature]</i>	NCICU
<i>[Signature]</i>	Matheson Co
Katherine Joyce	NCASTA
Peeres Anderson	DJDP - CPSU
Annie Gao	DJDP
Amy Ivey	Office of the Governor
<i>[Signature]</i>	SBE
Harry Wilson	"
P. B. Hae	General Statutes Commission
Hal Miller	NCACCT
LARRY KING	Council For Children
Brett Loftis	Council for Children
JOHN WITHROW	NC STATEWATCH
Michael Houser	NCAE
KEDDIE DAVIS	NCAE
Molly Ryan	NCSBA
<i>[Signature]</i>	NASW
TED KAPLAN	KEL
Raice Johnson	Planned Parenthood
Charlotte & Ted Blount	W-S

HOUSE EDUCATION COMMITTEE MEETING

JUNE 3, 2003

The House Education Committee met on Tuesday, June 3, 2003, 11:00 AM, in Room 643, Legislative Office Building. Rep. Donald A. Bonner, Co-Chair, presided over the meeting. The Attendance Sheet indicates members present.

A letter had been received from Governor Easley, dated May 8, 2003, stating the appointments to the State Board of Education. The motion was made to confirm these appointments by the committee. The motion passed. Attached are the resumes of Mr. Robert Tom Speed, Ms. Kathy A. Taft, and Mr. John A. Tate, III.

Senator Carpenter was asked to explain **SB 886, AN ACT TO ENCOURAGE LOCAL BOARDS OF EDUCATION TO ADOPT POLICIES TO ALLOW FOR THE OUTDOOR USE DURING THE SCHOOL DAY OF ARTICLES OF SUN-PROTECTIVE CLOTHING AND TO ALLOW PUPILS TO USE SUNSCREEN DURING THE SCHOOL DAY WITHOUT A PHYSICIAN'S NOTE OR PRESCRIPTION.** After much discussion on this bill, Co-Chair Bonner referred SB 866 to the Subcommittee on Preschool, Elementary and Secondary Education.

Rep. Brubaker was called on to explain **SB 955, AN ACT TO MODIFY THE LAW REGARDING CONTRACTS FOR SCHOOL PRINCIPALS.** Rep. Michaux made a motion for a favorable report to committee substitute, unfavorable as to original. The motion passed.

Meeting adjourned.

Rep. Donald Bonner /s/
Rep, Donald A. Bonner presiding Co-Chair
Rep. Mark Hilton
Rep. Alex Warner
Rep. Steve Wood

Phyllis Cameron /s/
Phyllis Cameron, Committee Clerk



North Carolina General Assembly
House of Representatives
State Legislative Building
Raleigh 27601-1096

REPRESENTATIVE ALEX WARNER
45TH DISTRICT
OFFICE ADDRESS: LEGISLATIVE BUILDING
RALEIGH, NC 27601-1096
TELEPHONE: (919) 733-5853
(919) 733-2599 FAX
HOME ADDRESS: 4333 LEGION RD.
HOPE MILLS, NC 28348

COMMITTEES:

EDUCATION, CHAIRMAN
APPROPRIATIONS
SUBCOMMITTEE ON EDUCATION
ENVIRONMENT & NATURAL RESOURCES
MILITARY, VETERANS & INDIAN AFFAIRS
STATE GOVERNMENT

June 3, 2003

The Speakers and Members of the House
North Carolina General Assembly
State Legislative Building
Raleigh, North Carolina 27601

Dear Mr. Speakers and Members of the House,

In compliance with the provisions of G.S. 115C-10-11, requiring appointees to the North Carolina State Board of Education to be confirmed by the General Assembly, Governor Easley has submitted Mr. Robert Tom Speed, Ms. Kathy A. Taft, and Mr. John A. Tate, III for confirmation.

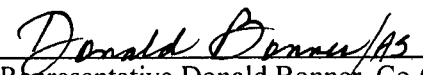
The House Committee on Education has considered the appointments and makes the following recommendations to the General Assembly:

That the appointment of Mr. Robert Tom Speed, to the North Carolina State Board of Education for a term to expire March 31, 2011, be confirmed.

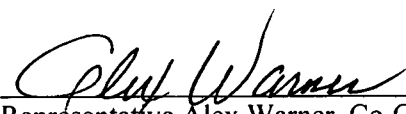
That the appointment of Ms. Kathy A. Taft, to the North Carolina State Board of Education for a term to expire March 31, 2011, be confirmed.


That the appointment of Mr. John A. Tate, III, to the North Carolina State Board of Education for a term to expire March 31, 2011, be confirmed.

Respectfully submitted,

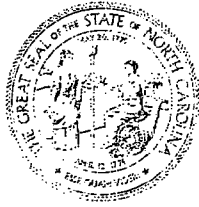

Representative Donald Bonner, Co-Chair
House Education Committee


Representative Mark Hilton, Co-Chair
House Education Committee


Representative Alex Warner, Co-Chair
House Education Committee


Representative Steve Wood, Co-Chair
House Education Committee





STATE OF NORTH CAROLINA
OFFICE OF THE GOVERNOR
20301 MAIL SERVICE CENTER • RALEIGH, NC 27699-0301

MICHAEL F. EASLEY
GOVERNOR

May 8, 2003

The Honorable James Black
The Honorable Richard Morgan
Speakers of the House
NC General Assembly
Raleigh, NC 27601

Dear Speaker Black and Speaker Morgan:

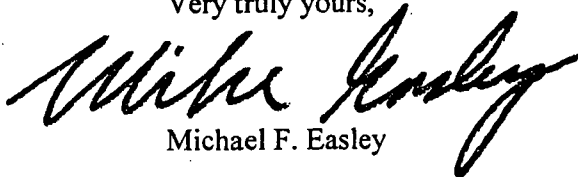
Pursuant to North Carolina General Statute §115C-10, I hereby appoint and reappoint the following to the North Carolina State Board of Education and submit their names for confirmation by the North Carolina General Assembly. Their terms will begin immediately pending confirmation and expire on March 31, 2011.

- Mr. Robert Tom Speed represents Education Region 7 and will fill the seat currently held by Mr. Ronald E. Deal - New Appointment
- Ms. Kathy A. Taft represents Education Region 1 and has served since April 1995 - Reappoint
- Mr. John A. Tate, III fills an At-Large Seat and has served since January 2003 - Reappoint

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:bc

Enclosures

c: The Honorable Beverly Perdue
The Honorable Marc Basnight
Ms. Denise Weeks
Ms. Janet Pruitt

Read MAY 12 2003
Denise Weeks
Referred to Education

ROBERT THOMAS SPEED

MAILING ADDRESS:

Post Office Box 432
Boone, North Carolina 28607

TELEPHONE:

Home: (828) 265-3144
Business: (828) 264-1191
(828) 264-7133
(828) 263-9936

PERSONAL DATA

Born: October 9, 1951
Height: 5'8"
Weight: 175 pounds
Marital Status: Married, 1 child
Health: Excellent

EDUCATION

Appalachian State University
Boone, North Carolina
B.S. Business Administration - 1973
M.A. Economics and Business - 1978

Campbell University School of Law
Buies Creek, North Carolina
J.D. - 1982

Licensed to Practice Law in North Carolina
Effective March 19, 1983

COLLEGE HONORS
AND ACTIVITIES

Dean's List
Intramural Sports (basketball, softball)

CIVIC ACTIVITIES

Yosef Club (Athletic Boosters, Appalachian
State University) Since 1975
Fraternal Order of Police
Member SnowLodge #363, Boone, NC (Masonic Lodge)
Winston Salem Scottish Rite Bodies

WORK EXPERIENCE

Having been reared on a tobacco, cattle, and tree farm in Franklin County, North Carolina my work experience until age 22 consists of various types of farm work including management of planting and harvesting of tobacco and grain crops as well as operation and maintenance of the necessary farm equipment. My farm experience has continued during my employment elsewhere and as summer employment during my legal education. As a result of this experience, I have acquired extensive

knowledge of technical and business aspects of agriculture in general and some experience with the mechanics of timber sales.

Period: October 1, 1973 – December 28, 1973
Employer: Patc Derby Produce Company
Raleigh, North Carolina
Position: Truck Driver
Duties: Delivery of produce throughout Eastern North Carolina. This employment was a means of support while searching for permanent employment.

Period: January 15, 1974 to April, 1974
Employer: North Carolina General Assembly
Position: Member, Sargeant-at-Arms Staff,
NC House of Representatives
Duties: Preparation of committee rooms prior to meetings and monitoring of entry to the House Chambers during the daily sessions of the General Assembly. This employment was temporary while searching for permanent employment, and was accepted primarily because of the opportunity for exposure to the legislative process.

Period: May 1, 1974 to September 1, 1979
Employer: North Carolina Department of Correction
Division of Adult Probation and Parole
Position: State Probation/Parole Officer for Watauga County
Duties: Supervision of Probationers and Parolees in their employment and education as well as in their personal lives. Additional duties included arrests of probation or parole violators and apprehension and return of absconders who had fled to other states (extensive travel).

While employed in this capacity, I obtained a great deal of courtroom experience in criminal cases and conducted background investigations of defendants on trial and inmates seeking parole from prison. In addition to supervision of existing cases and investigation of potential cases, this position involved job placement of those individuals who were unemployed. There was extensive contact with the general public and various state and federal agencies.

I resigned this position in September 1979 in order to attend law school.

Period: June 1, 1980 to August 1, 1980
Employer: NC Department of Agriculture
Position: Legal Research Assistant
Duties: Research of State Statutes and Federal Regulations having an impact upon Agriculture. Research was primarily in the area of land use restrictions.

Period: September, 1981 to May 1983
Employer: Wake Technical College
1901 Fayetteville Rd., Raleigh, NC
Position: Part-time instructor of Business - Night Program
Duties: Teaching of Economics and Business Law

Period: August 1, 1983 to Present
Employer: Self Employed - Attorney
825 West King Street
Boone, North Carolina 28607

Nature of Practice: Law Practice began as a general practice with a substantial amount of real estate work in addition to Criminal and Civil trial practice. My practice is currently limited to trials of Criminal and Civil cases, with absolutely no real estate closings, no cases arising from family law problems, and no wills and estates.

Resume of Kathy Arnold Taft
611 Queen Anne's Road, Greenville, NC 27858
(919) 355-7299

EDUCATION

Wayne Community College
School of Dental Hygiene
Goldsboro, North Carolina

Associate Degree of Applied Science
Dental Hygiene, 1968

North Carolina State University 1974 - 1977
Raleigh, North Carolina

East Carolina University
Greenville, North Carolina

1978 - 1981
Bachelor of Science Degree in Education
Cum Laude

1982 - 1985
Worked toward Masters Degree in Education

HONORS

President, Dental Hygiene Class of 1968
Outstanding Senior, Class of 1981 East Carolina University

ORGANIZATIONS

Member and officer, Democratic Women of Pitt County

Member, the Women's Forum of North Carolina

Member, the League of Women Voters

Member, Pitt County Bar Auxiliary

Member, Sallie Southall Cotton Network

Member, Greenville Museum of Art

PUBLIC SERVICE

Member, North Carolina School Board Association

Member of the Executive Board, Pitt County Boys and Girls Club

Member and Officer, Communities in School Executive Board

Member and Officer, Partnership for Progress Executive Board

Member, Parents-Teachers Association

ELECTED OFFICE

Member and past Vice-Chairperson, Pitt County Board of Education

PROFESSIONAL EMPLOYMENT

1968 - 1973	Private Practice of Dental Hygiene
1973 - 1977	Public Health Dental Hygienist
1977 - 1978	Assistant Dental Program Director
1978 - 1984	Public Health Dental Hygienist
1978 - 1985	Part-time Radiology Instructor
1981 - 1987	Part-time Instructor, Health Education Department, East Carolina University

Board representative on the NC Compliance Commission for Accountability

Board representative on the NC Charter School Advisory Committee Chaired the SBE, Ad Hoc Writing Committee

Has participated as a State Board representative on the the SBE Textbook Reconsideration Committee

Chair of the Governmental Affairs Committee, National Association of State Boards of Education

Inductee, ECU, School of Education, Educator Hall of Fame

Founding Board Member of the Pitt County Communities In Schools program

John A. Tate, III
1431 Biltmore Drive
Charlotte, N.C. 28207

704/332-5538 (residence)
704/374-6451 (office)

Vita (10/15/02)

Personal:

- Wife: Claire Kinnett Tate
- Children:
 - Bright Emslie Tate (22), recent graduate of Colorado College
 - John Austin Tate, IV (19), sophomore, Georgetown University

Education:

- University of North Carolina, Chapel Hill ('69, AB History)
- Georgia State University, Atlanta ('76, MBA Finance)

Employment:

- Wachovia Bank (1978-present): Senior Vice President, with present & past job responsibilities ranging from managing Charlotte commercial/corporate market segment to business development to assignment of major accounts.
- First National Bank of Atlanta (1973-1977): Vice President, corporate lending.
- United States Navy (1969-1972): destroyer duty, honorably discharged as full Lt.

Civic engagement:

- Charlotte-Mecklenburg Board of Education (1990-1997)
- Communities in Schools (Board of Directors, including term as chair: 1997-present)
- Right Moves for Youth (Board of Directors, including term as chair: 1992-2002)
- Success by Six (Board of Directors, 1996-present)
- UNC-CH, School of Social Work (Board of Advisors, 1995-present)
- UNC-CH, School of Education (Board of Advisors, 1996-1998)
- YMCA (1980, forward: branch & metropolitan board involvement, with current engagement in community development work)
- Chapel of Christ the King Weekday School (Board of Directors, 2001-present)
- Habitat for Humanity of Charlotte (recently elected to Board of Directors for three year term)

Religious affiliation:

- First Presbyterian Church (elder for last 3 years, & project leader for church's Habitat program for last 4 years)

References available upon request.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2003

S

3

SENATE BILL 886
Education/Higher Education Committee Substitute Adopted 4/24/03
Third Edition Engrossed 4/28/03

Short Title: Sun Safety for School Children.

(Public)

Sponsors:

Referred to:

April 3, 2003

1 A BILL TO BE ENTITLED
2 AN ACT TO ENCOURAGE LOCAL BOARDS OF EDUCATION TO ADOPT
3 POLICIES TO ALLOW FOR THE OUTDOOR USE DURING THE SCHOOL
4 DAY OF ARTICLES OF SUN-PROTECTIVE CLOTHING AND TO ALLOW
5 PUPILS TO USE SUNSCREEN DURING THE SCHOOL DAY WITHOUT A
6 PHYSICIAN'S NOTE OR PRESCRIPTION.

7 The General Assembly of North Carolina enacts:

8 SECTION 1. Chapter 115C is amended by adding a new Article to read:

9 "Article 29A.

10 "Sun Protection Policy to Prevent Skin Cancer.

11 "§ 115C-407.1. Sun protection policy.

12 (a) Local boards of education may adopt policies that establish sun safety as a
13 priority and highlight the importance of skin cancer prevention. At a minimum, the
14 policies should:

15 (1) Encourage students to wear protective clothing, hats, and UVA/UVB
16 protective sunglasses to prevent excessive sun exposure.

17 (2) Allow use of broad-spectrum UVA/UVB sunscreen with an SPF of 15
18 or greater at school or for after-school activities without a physician's
19 note or prescription. The policy may range from encouraging parents
20 to include sunscreen in required school-supply kits to using permission
21 slips for students to be able to apply sunscreen at school. For the
22 purposes of this subsection, sunscreen is not an over-the-counter
23 medication. Nothing in this subsection requires school personnel to
24 assist students in applying sunscreen.

25 (b) Local boards of education shall publish any policies adopted under this
26 section and make the published policies available to students and parents or guardians."

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

2003 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES

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

By Representative(s) Bonner, Hilton, Warner, Woods (Chairs) for the Committee on
EDUCATION.

☐ Committee Substitute for

S.B. 955 A BILL TO BE ENTITLED AN ACT TO MODIFY THE LAW REGARDING
CONTRACTS FOR SCHOOL PRINCIPALS.

☐ With a favorable report.

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

☐ With a favorable report, as amended.

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

☒ With a favorable report as to the House 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)

6/3/03



GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2003

S

1

SENATE BILL 955

Short Title: Modify Law/Contracts for School Principals. (Public)

Sponsors: Senators Tillman, Dannelly; Apodaca, Berger, Bingham, Blake, Brock, Carpenter, Dorsett, Garrou, Hargett, Hartsell, Holloman, Lucas, Metcalf, Moore, Pittenger, Queen, Reeves, Sloan, and Stevens.

Referred to: Education/Higher Education.

April 3, 2003

A BILL TO BE ENTITLED
AN ACT TO MODIFY THE LAW REGARDING CONTRACTS FOR SCHOOL
PRINCIPALS.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 115C-287.1(b) reads as rewritten:

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

SECTION 2. This act becomes effective July 1, 2003.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2003

S

D

SENATE BILL 955
PROPOSED HOUSE COMMITTEE SUBSTITUTE S955-CSSF-19 [v.1]

5/21/2003 6:38:33 PM

Short Title: Modify Law/Contracts for School Principals.

(Public)

Sponsors:

Referred to:

April 3, 2003

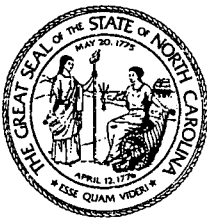
1 A BILL TO BE ENTITLED
2 AN ACT TO MODIFY THE LAW REGARDING CONTRACTS FOR SCHOOL
3 PRINCIPALS.

4 The General Assembly of North Carolina enacts:

5 **SECTION 1.** G.S. 115C-287.1(b) reads as rewritten:

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

21 **SECTION 2.** This act becomes effective July 1, 2003.



6/10 - yav - cs

SENATE BILL 955: Modify Law/Contracts for School Principals

BILL ANALYSIS

Committee: House Education
Date: May 22, 2003
Version: PCS to First Edition
S955-CSSF-19 [v.1]

Introduced by: Senator Tillman
Summary by: Shirley Iorio*
Committee Staff

SUMMARY: *The Proposed Committee Substitute to Senate Bill 955 would amend the law governing the length of contracts for school principals and assistant principals who are employed by contract. Subsequent contracts would be required to be for a term of four years.*

The bill would become effective July 1, 2003.

The PCS changes the phrase "All contracts" to "The initial contract" in reference to a contract of two to four years.

CURRENT LAW: In the mid-1990's the method for employing school administrators changed. Beginning July 1, 1995, all persons employed as school administrators who are ineligible for career status must be hired on a contract basis. (The governing statute is G.S. 115C-287.1 – attached.)

School administrators are the following persons whose major function includes the direct or indirect supervision of teaching or any other part of the instructional program: principals, assistant principals, supervisors, and directors.

A school administrator contract must be for a term of two to four years, ending on June 30 of the final 12 months of the contract. An initial contract may be for less than 12 months if it begins on or before September 1. A contract may be renewed at any time after the first 12 months so long as the term of the new, renewed, or extended contract does not exceed four years.

BILL ANALYSIS: The bill would require subsequent contracts between local boards and principals or assistant principals to be for a term of four years. These contracts could still be renewed at any time after the first 12 months so long as the term of the new, renewed, or extended contract does not exceed four years.

SENATE BILL 955

Page 2

§ 115C-287.1. Method of employment of principals, assistant principals, supervisors, and directors.

- (a) (1) Beginning July 1, 1995, all persons employed as school administrators shall be employed pursuant to this section.
- (2) Notwithstanding G.S. 115C-287.1(a)(1), the following school administrators shall be employed pursuant to G.S. 115C-325:
 - a. School administrators who, as of July 1, 1995, are serving in a principal or supervisor position with career status in that position; and
 - b. School administrators who, as of July 1, 1995, are serving in a principal or supervisor position and who are eligible to achieve career status on or before June 30, 1997.

A school administrator shall cease to be employed pursuant to G.S. 115C-325 if the school administrator: (i) voluntarily relinquishes career status or the opportunity to achieve career status through promotion, resignation, or otherwise; or (ii) is dismissed or demoted or whose contract is not renewed pursuant to G.S. 115C-325.

- (3) For purposes of this section, school administrator means a:
 - a. Principal;
 - b. Assistant principal;
 - c. Supervisor; or
 - d. Director,whose major function includes the direct or indirect supervision of teaching or of any other part of the instructional program.
- (4) Nothing in this section shall be construed to confer career status on any assistant principal or director, or to make an assistant principal eligible for career status as an assistant principal or a director eligible for career status as a director.

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

(c) The term of employment shall be stated in a written contract that shall be entered into between the local board of education and the school administrator. The school administrator shall not be dismissed or demoted during the term of the contract except for the grounds and by the procedure by which a career teacher may be dismissed or demoted as set forth in G.S. 115C-325.

(d) If a superintendent intends to recommend to the local board of education that the school administrator be offered a new, renewed, or extended contract, the superintendent shall submit the recommendation to the local board for action. The local board may approve the superintendent's recommendation or decide not to offer the school administrator a new, renewed, or extended school administrator's contract.

If a superintendent decides not to recommend that the local board of education offer a new, renewed, or extended school administrator's contract to the school administrator, the superintendent shall give the

SENATE BILL 955

Page 3

school administrator written notice of his or her decision and the reasons for his or her decision no later than May 1 of the final year of the contract. The superintendent's reasons may not be arbitrary, capricious, discriminatory, personal, or political. No action by the local board or further notice to the school administrator shall be necessary unless the school administrator files with the superintendent a written request, within 10 days of receipt of the superintendent's decision, for a hearing before the local board. Failure to file a timely request for a hearing shall result in a waiver of the right to appeal the superintendent's decision. If a school administrator files a timely request for a hearing, the local board shall conduct a hearing pursuant to the provisions of G.S. 115C-45(c) and make a final decision on whether to offer the school administrator a new, renewed, or extended school administrator's contract.

If the local board decides not to offer the school administrator a new, renewed, or extended school administrator's contract, the local board shall notify the school administrator of its decision by June 1 of the final year of the contract. A decision not to offer the school administrator a new, renewed, or extended contract may be for any cause that is not arbitrary, capricious, discriminatory, personal, or political. The local board's decision not to offer the school administrator a new, renewed, or extended school administrator's contract is subject to judicial review in accordance with Article 4 of Chapter 150B of the General Statutes.

(e) Repealed by Session Laws 1995, c. 369, s. 1.

(f) If the superintendent or the local board of education fails to notify a school administrator by June 1 of the final year of the contract that the school administrator will not be offered a new school administrator's contract, the school administrator shall be entitled to 30 days of additional employment or severance pay beyond the date the school administrator receives written notice that a new contract will not be offered.

(g) If, prior to appointment as a school administrator, the school administrator held career status as a teacher in the local school administrative unit in which he or she is employed as a school administrator, a school administrator shall retain career status as a teacher if the school administrator is not offered a new, renewed, or extended contract by the local board of education, unless the school administrator voluntarily relinquished that right or is dismissed or demoted pursuant to G.S. 115C-325.

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

VISITOR REGISTRATION SHEET

HOUSE COMMITTEE ON EDUCATION

Name of Committee

6/3/03
Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME

FIRM OR AGENCY AND ADDRESS

Gene Causty	NC SFS A
Mary Doney	VIF
Phyllis	NC PATA
John Boydish	AstraZeneca
Sharon Harris	WCPS
Glenn Naves	Public Sch. Forum
Irish Dyer	SBE
Jane Atkinson	DPI
Marguerite Peebles	DPI
Mary Leah Singletary	Intern - Rep. Torrus
John Landry	Rep. Glazier
Michael Houser	NCAE
Eddie Davis	NCAE

VISITOR REGISTRATION SHEET

HOUSE COMMITTEE ON EDUCATION

Name of Committee

6/3/03
Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME

FIRM OR AGENCY AND ADDRESS

Katherine Joyce	NCA SA
Leanne E Minnie	NCSBA
Molly Ryan	NCSBA
Hal Miller	NEACET
Elizabeth Loveland	OSBM
Maria Davis	NIAE
Karina Chapman	planned parenthood intern
Jim Ricks	NASW
Keeshia White	DSSDP/CPSV
Bill Brooks	NCFPC
Jim M	NCA4C

HOUSE EDUCATION COMMITTEE MEETING

June 5, 2003

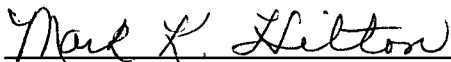
The House Education Committee met on Thursday, June 5, in Room 643, in the Legislative Office Building. The members present are indicated on the Attendance Sheet. Rep. Mark Hilton, Co-Chair, presided.

Rep. Larry Womble was call upon to explain **SB 359, AN ACT AUTHORIZING THE FORSYTH COUNTY BOARD OF EDUCATION TO APPLY FOR AND BE GRANTED A CHARTER TO OPERATE A CHARTER SCHOOL**, for Sen. Linda Garrou, Sponsor. After quite a bit of lengthy discussion, the Chairs made the motion to displace the bill. After conferring with the staff attorneys the Chairs decided to refer the bill to an Adhoc Sub-Committee. The Adhoc Sub-Committee members were: Rep. Wayne Sexton, Chairman. Reps. Bernard Allen, Jeff Barnhardt, Curtis Blackwood, Margaret Dixon, Wayne Godwin, Linda Johnson, and Larry Womble. The Adhoc Sub-Committee referred the bill to the Sub-Committee on Pre-school, Elementary and Secondary Education.

Senator Richard Stevens was asked to explain **SB 796, AN ACT TO AMEND THE PROCEDURE FOR RESOLUTION OF DISPUTES BETWEEN BOARDS OF EDUCATION AND BOARDS OF COUNTY COMMISSIONERS**. There was quite a bit of discussion both from members and visitors. Ed Reagan, from the NC County Board of Commissioners and Lee Ann Winner, Legislative Liaison for the State Board of Education spoke. Vice-Chairman Michael Gorman offered an amendment, which passed. After further discussion, Rep. Bernard Allen made the motion that the bill be given a favorable report as amended, unfavorable to the original bill. Co-Chair Hilton asked for a show of hands for voting purposes. The vote was 17 to 17. Bill Failed

Senator Walter Dalton was called upon to explain **SB 656, AN ACT TO ESTABLISH THE INNOVATIVE EDUCATION INITIATIVES ACT**. Rep. Jeff Barnhart offered a Proposed Committee Substitute and after lot, of discussion, Co-Chairman Alex Warner asked for a favorable report to the Proposed Committee Substitute. Motion passed.

Meeting adjourned

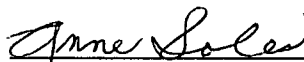


Rep. Mark K. Hilton, Presiding, Co-Chairman

Rep. Donald Bonner, Co-Chairman

Rep. Alex Warner, Co-Chairman

Rep. Steve Wood, Co-Chairman



Anne Soles, Committee Clerk

House Education
Notes for Agenda Items
June 5, 2003
Rep. Hilton, Chair

S 994 – School Suspension for Sale of Alcohol/Drug

Sen. Garrou

Robin is handling the bill

PCS needs to be adopted for discussion

S 656 – Innovative Educ. Initiatives Act

Sen. Dalton

Robin is handling the bill

PCS needs to be adopted for discussion

S 359 – LEA's Authority to Operate Charter School

Sen. Garrou

Shirley is handling the bill

S 796 – School Board/County Dispute Resolution

Sen. Stevens

Drupti is handling the bill

NOTE: IF THERE ARE ANY AMENDMENTS, 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.

REFERRAL FORM

**NORTH CAROLINA HOUSE OF REPRESENTATIVES
ASSIGNMENT OF BILLS TO SUBCOMMITTEE**

COMMITTEE: **EDUCATION**

Chairs: **Representatives Bonner, Hilton, Warner, Wood**

DATE: **6/11/03**

Bill Number (Indicate H or S): **S 359**

Short Title: **LEA's Authority to Operate Charter School**

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):

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Bill Number (Indicate H or S):

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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:

failed

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2003

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2

SENATE BILL 796
Judiciary I Committee Substitute Adopted 4/24/03

Short Title: School Board/County Dispute Resolution.

(Public)

Sponsors:

Referred to:

April 3, 2003

1 A BILL TO BE ENTITLED
2 AN ACT TO AMEND THE PROCEDURE FOR RESOLUTION OF DISPUTES
3 BETWEEN BOARDS OF EDUCATION AND BOARDS OF COUNTY
4 COMMISSIONERS.

5 The General Assembly of North Carolina enacts:

6 SECTION 1. G.S. 115C-431 reads as rewritten:

7 "§ 115C-431. Procedure for resolution of dispute between board of education and
8 board of county commissioners.

9 (a) If the board of education determines that the amount of money appropriated
10 to the local current expense fund, or the capital outlay fund, or both, by the board of
11 county commissioners is not sufficient to support a system of free public schools, the
12 ~~chairman~~ chair of the board of education and the ~~chairman~~ chair of the board of county
13 commissioners shall arrange (i) a joint meeting of the two boards ~~to or~~, (ii) if neither
14 chair wants a joint meeting, mediation of the dispute.

15 If they arrange a joint meeting, the meeting shall be held within seven days after the
16 day of the county commissioners' decision on the school appropriations. During the
17 joint meeting, the entire school budget shall be considered carefully and judiciously, and
18 the two boards shall make a good-faith effort to resolve the differences that have arisen
19 between them.

20 (a1) ~~Prior to the joint meeting, the~~ The Senior Resident Superior Court Judge shall
21 appoint a mediator unless the boards agree to jointly select a mediator. ~~The~~ If a joint
22 meeting of the boards is conducted, the mediator shall preside at the joint meeting and
23 shall act as a neutral facilitator of disclosures of factual information, statements of
24 positions and contentions, and efforts to negotiate an agreement settling the boards'
25 differences.

26 ~~At the joint meeting, the entire school budget shall be considered carefully and~~
27 ~~judiciously, and the two boards shall make a good faith attempt to resolve the~~
28 ~~differences that have arisen between them.~~

(b) If no agreement is reached at the joint meeting of the two boards, or if there is no joint meeting, the mediator shall, at the request of either board, commence a mediation immediately or within a reasonable period of time. The mediation shall be held in accordance with rules and standards of conduct adopted under Chapter 7A of the General Statutes governing mediated settlement conferences but modified as appropriate and suitable to the resolution of the particular issues in disagreement.

Unless otherwise agreed upon by both boards, the following individuals shall constitute the two working groups empowered to represent their respective boards during the mediation:

- (1) The chair of each board or the chair's designee;
- (2) The superintendent of the local school administrative unit and the county manager or either's designee;
- (3) The finance officer of each board; and
- (4) The attorney for each board.

Members of both boards, their chairs, and representatives shall cooperate with and respond to all reasonable requests of the mediator to participate in the mediation. Notwithstanding Article 33C of Chapter 143 of the General Statutes, the mediation proceedings involving the two working groups shall be conducted in private. Evidence of statements made and conduct occurring in a mediation are not subject to discovery and are inadmissible in any court action. However, no evidence otherwise discoverable is inadmissible merely because it is presented or discussed in a mediation. The mediator shall not be compelled to testify or produce evidence concerning statements made and conduct occurring in a mediation in any civil proceeding for any purpose, except disciplinary hearings before the State Bar or any agency established to enforce standards of conduct for mediators. Reports by members of either working group to their respective boards shall be made in compliance with Article 33C of Chapter 143 of the General Statutes.

Unless both boards agree otherwise, or unless the boards have already resolved their dispute, the mediation shall end no later than August 1. The mediator shall have the authority to determine that an impasse exists and to discontinue the mediation. The mediation may continue beyond August 1 provided both boards agree. If both boards agree to continue the mediation beyond August 1, the board of county commissioners shall appropriate to the local school administrative unit for deposit in the local current expense fund a sum of money sufficient to equal the local contribution to this fund for the previous year.

If the working groups reach a proposed agreement, the terms and conditions must be approved by each board. If no agreement is reached, the mediator shall announce that fact to the chairs of both boards, the Senior Resident Superior Court Judge, and the public. The mediator shall not disclose any other information about the mediation. The mediator shall not make any recommendations or public statement of findings or conclusions.

The local board of education and the board of county commissioners shall share equally the mediator's compensation and expenses. The mediator's compensation shall be determined according to rules adopted under Chapter 7A of the General Statutes.

1 (c) Within five days after an announcement of no agreement by the mediator, the
2 local board of education may file an action in the superior court division of the General
3 Court of Justice. The court shall find the facts as to the amount of money necessary to
4 maintain a system of free public schools, and the amount of money needed from the
5 county to make up this total. Either board has the right to have the issues of fact tried by
6 a jury. When a jury trial is demanded, the cause shall be set for the first succeeding term
7 of the superior court in the county, and shall take precedence over all other business of
8 the court. However, if the judge presiding certifies to the Chief Justice of the Supreme
9 Court, either before or during the term, that because of the accumulation of other
10 business, the public interest will be best served by not trying the cause at the term next
11 succeeding the filing of the action, the Chief Justice shall immediately call a special
12 term of the superior court for the county, to convene as soon as possible, and assign a
13 judge of the superior court or an emergency judge to hold the court, and the cause shall
14 be tried at this special term. The issue submitted to the jury shall be what amount of
15 money is needed from sources under the control of the board of county commissioners
16 to maintain a system of free public schools.

17 All findings of fact in the superior court, whether found by the judge or a jury, shall
18 be conclusive. When the facts have been found, the court shall give judgment ordering
19 the board of county commissioners to appropriate a sum certain to the local school
20 administrative unit, and to levy such taxes on property as may be necessary to make up
21 this sum when added to other revenues available for the purpose.

22 (d) If an appeal is taken to the appellate division of the General Court of Justice,
23 and if such an appeal would result in a delay beyond a reasonable time for levying taxes
24 for the year, the judge shall order the board of county commissioners to appropriate to
25 the local school administrative unit for deposit in the local current expense fund a sum
26 of money sufficient when added to all other moneys available to that fund to equal the
27 amount of this fund for the previous year. All papers and records relating to the case
28 shall be considered a part of the record on appeal.

29 (e) If, in an action filed under this section, the final judgment of the General
30 Court of Justice is rendered after the due date prescribed by law for property taxes, the
31 board of county commissioners is authorized to levy such supplementary taxes as may
32 be required by the judgment, notwithstanding any other provisions of law with respect
33 to the time for doing acts necessary to a property tax levy. Upon making a
34 supplementary levy under this subsection, the board of county commissioners shall
35 designate the person who is to compute and prepare the supplementary tax receipts and
36 records for all such taxes. Upon delivering the supplementary tax receipts to the tax
37 collector, the board of county commissioners shall proceed as provided in G.S. 105-321.

38 The due date of supplementary taxes levied under this subsection is the date of the
39 levy, and the taxes may be paid at par or face amount at any time before the one
40 hundred and twentieth day after the due date. On or after the one hundred and twentieth
41 day and before the one hundred and fiftieth day from the due date there shall be added
42 to the taxes interest at the rate of two percent (2%). On or after the one hundred and
43 fiftieth day from the due date, there shall be added to the taxes, in addition to the two
44 percent (2%) provided above, interest at the rate of three-fourths of one percent (3/4 of

1 1%) per 30 days or fraction thereof until the taxes plus interest have been paid. No
2 discounts for prepayment of supplementary taxes levied under this subsection shall be
3 allowed."

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

2003 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES

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

By Representatives **Bonner, Hilton, Warner and Wood**, (Chairs) for the Committee on
EDUCATION.

-
- ☒ Committee Substitute for
S.B. 656 A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE INNOVATIVE
EDUCATION INITIATIVES ACT.
- ☐ 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)

03/19/03

6/5/03 Dalton
jav-cs

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2003

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SENATE BILL 656
Education/Higher Education Committee Substitute Adopted 4/16/03
Third Edition Engrossed 4/17/03
PROPOSED HOUSE COMMITTEE SUBSTITUTE S656-CSRH-39 [v.2]

5/28/2003 11:53:02 AM

Short Title: Innovative Educ. Initiatives Act.

(Public)

Sponsors:

Referred to:

April 1, 2003

A BILL TO BE ENTITLED

AN ACT TO ESTABLISH THE INNOVATIVE EDUCATION INITIATIVES ACT.

The General Assembly of North Carolina enacts:

SECTION 1. Chapter 116C of the General Statutes is amended by adding the following new section to read:

"§ 116C-4. First in America Innovative Education Initiatives.

(a) The General Assembly strongly endorses the Governor's goal of making North Carolina's system of education first in America by 2010. With that as the goal, the Education Cabinet shall set as a priority cooperative efforts between secondary schools and institutions of higher education so as to reduce the high school dropout rate, increase high school and college graduation rates, decrease the need for remediation in institutions of higher education, and raise certificate, associate, and bachelor degree completion rates. The Cabinet shall identify and support efforts that achieve the following purposes:

- (1) Support cooperative innovative high school programs developed under Part 9 of Article 16 of Chapter 115C of the General Statutes.
- (2) Improve high school completion rates and reduce high school dropout rates.
- (3) Close the achievement gap.
- (4) Create redesigned middle schools or high schools.
- (5) Provide flexible, customized programs of learning for high school students who would benefit from accelerated, higher level coursework or early graduation.
- (6) Establish high quality alternative learning programs.
- (7) Establish a virtual high school.

(8) Implement other innovative education initiatives designed to advance the State's system of education.

(b) The Education Cabinet shall identify federal, State, and local funds that may be used to support these initiatives. In addition, the Cabinet is strongly encouraged to pursue private funds that could be used to support these initiatives.

(c) The Cabinet shall report by January 15, 2004, and annually thereafter, to the Joint Legislative Education Oversight Committee on its activities under this Section. The annual reports may include recommendations for statutory changes needed to support cooperative innovative initiatives, including programs approved under Part 9 of Article 16 of Chapter 115C of the General Statutes."

SECTION 2. Article 16 of Chapter 115C of the General Statutes is amended by adding the following new Part to read:

"Part 9. Cooperative Innovative High School Programs.

"§ 115C-238.50. Purpose.

(a) The purpose of this Part is to authorize boards of trustees of community colleges and local boards of education to jointly establish cooperative innovative programs in high schools and community colleges that will expand students' opportunities for educational success through high-quality instructional programming. These cooperative innovative high school programs shall target:

- (1) High school students who are at risk of dropping out of school before attaining a high school diploma; or
- (2) High school students who would benefit from accelerated academic instruction.

(b) All the cooperative innovative high school programs established under this Part shall:

- (1) Prepare students adequately for future learning in the workforce or in an institution of higher education.
- (2) Expand students' educational opportunities within the public school system.
- (3) Be centered on the core academic standards represented by the college preparatory or tech prep program of study as defined by the State Board of Education.
- (4) Encourage the cooperative or shared use of resources, personnel, and facilities between public schools and community colleges.
- (5) Integrate and emphasize both academic and technical skills necessary for students to be successful in a more demanding and changing workplace.
- (6) Emphasize parental involvement and provide consistent counseling, advising, and parent conferencing so that parents and students can make responsible decisions regarding course taking and can track the students' academic progress and success.
- (7) Be held accountable for meeting measurable student achievement results.
- (8) Encourage the use of different and innovative teaching methods.

- 1 (9) Establish joint institutional responsibility and accountability for
2 support of students and their success.
- 3 (10) Effectively utilize existing funding sources for high school,
4 community college, and vocational programs, and actively pursue new
5 funding from other sources.
- 6 (11) Develop methods for early identification of potential participating
7 students in the middle grades and through high school.
- 8 (12) Reduce the percentage of students needing remedial courses upon their
9 initial entry from high school into a college or university.
- 10 (c) Programs developed under this Part that target students who are at risk of
11 dropping out of high school before attaining a high school diploma shall:
- 12 (1) Provide these students with the opportunity to graduate from high
13 school possessing the core academic skills needed for postsecondary
14 education and high-skilled employment.
- 15 (2) Enable students to complete a technical or academic program in a field
16 that is in high demand and has high wages.
- 17 (3) Set and achieve goals that significantly reduce dropout rates and raise
18 high school and community college retention, certification, and degree
19 completion rates.
- 20 (4) Enable students who complete these programs to pass employer
21 exams, if applicable.
- 22 (d) Cooperative innovative high school programs that offer accelerated learning
23 programs shall:
- 24 (1) Provide a flexible, customized program of instruction for students who
25 would benefit from accelerated, higher level coursework or early
26 graduation from high school.
- 27 (2) Enable students to obtain a high school diploma in less than four years
28 and begin or complete an associate degree program or to master a
29 certificate or vocational program.
- 30 (3) Offer a college preparatory academic core and in-depth studies in a
31 career or technical field that will lead to advanced programs or
32 employment opportunities in engineering, health sciences, or teaching.
- 33 (e) Cooperative innovative high school programs may include the creation of a
34 school within a school, a technical high school, or a high school or technical center
35 located on the campus of a community college.
- 36 (f) Students are eligible to attend these programs as early as ninth grade.
- 37 **"§ 115C-238.51. Application process.**
- 38 (a) A local board of education and a local board of trustees of a community
39 college shall jointly apply to establish a cooperative innovative high school program
40 under this Part.
- 41 (b) The application shall contain at least the following information:
- 42 (1) A description of a program that implements the purposes in G.S.
43 115C-238.50.

- (2) A statement of how the program relates to the Economic Vision Plan adopted for the economic development region in which the program is to be located.
- (3) The facilities to be used by the program and the manner in which administrative services of the program are to be provided.
- (4) A description of student academic and vocational achievement goals and the method of demonstrating that students have attained the skills and knowledge specified for those goals.
- (5) A description of how the program will be operated, including budgeting, curriculum, transportation, and operating procedures.
- (6) The process to be followed by the program to ensure parental involvement.
- (7) The process by which students will be selected for and admitted to the program.
- (8) A description of the funds that will be used and a proposed budget for the program. This description shall identify how the average daily membership (ADM) and full-time equivalent (FTE) students are counted.
- (9) The qualifications required for individuals employed in the program.
- (10) The number of students to be served.
- (11) A description of how the program's effectiveness in meeting the purposes in G.S. 115C-238.50 will be measured.

(c) The application shall be submitted to the State Board of Education and the State Board of Community Colleges by November 1 of each year. The State Board of Education and the State Board of Community Colleges shall appoint a joint advisory committee to review the applications and to recommend to the State Boards those programs that meet the requirements of this Part and that achieve the purposes set out in G.S. 115C-238.50.

(d) The State Board of Education and the State Board of Community Colleges shall approve two cooperative innovative high school programs in each of the State's economic development regions. The State Boards may approve programs recommended by the joint advisory committee or may approve other programs that were not recommended. The State Boards shall approve all applications by March 15. No application shall be approved unless the State Boards find that the application meets the requirements set out in this Part and that granting the application would achieve the purposes set out in G.S. 115C-238.50. Priority shall be given to applications that are most likely to further State education policies, to address the economic development needs of the economic development regions in which they are located, and to strengthen the educational program offered in the local school administrative units in which they are located.

"§ 115C-238.52. Participation by other education partners.

(a) Any or all of the following education partners may participate in the development of a cooperative innovative program under this Part that is targeted to high school students who would benefit from accelerated academic instruction:

- 1 (1) A constituent institution of The University of North Carolina.
2 (2) A private college or university located in North Carolina.
3 (3) A private business or organization.
4 (4) The county board of commissioners in the county in which the
5 program is located.
6 (b) Any or all of the education partners listed in subsection (a) of this section that
7 participate shall:
8 (1) Jointly apply with the local board of education and local board of
9 trustees of the community college to establish a cooperative innovative
10 program under this Part.
11 (2) Shall be identified in the application.
12 (3) Shall sign the written agreement under G.S. 115C-238.53(b).

13 **"§ 115C-238.53. Program operation.**

- 14 (a) A program approved by the State shall be accountable to the local board of
15 education.
16 (b) A program approved under this Part shall operate under the terms of a written
17 agreement signed by the local board of education, local board of trustees, State Board of
18 Education, and State Board of Community Colleges. The agreement shall incorporate
19 the information provided in the application, as modified during the approval process,
20 and any terms and conditions imposed on the program by the State Board of Education
21 and the State Board of Community Colleges. The agreement may be for a term of no
22 longer than five school years.
23 (c) A program may be operated in a facility owned or leased by the local board
24 of education, the local board of trustees of the community college, or the education
25 partner, if any.
26 (d) A program approved under this Part shall provide instruction each school
27 year for at least 180 days during nine calendar months, shall comply with laws and
28 policies relating to the education of students with disabilities, and shall comply with
29 Article 27 of this Chapter.
30 (e) A program approved under this Part may use State, federal, and local funds
31 allocated to the local school administrative unit, to the State Board of Community
32 Colleges, and to the community college to implement the program. If there is an
33 education partner and if it is a public body, the program may use State, federal, and
34 local funds allocated to that body.
35 (f) Except as provided in this Part and pursuant to the terms of the agreement, a
36 program is exempt from laws and rules applicable to a local board of education, a local
37 school administrative unit, a community college, or a local board of trustees of a
38 community college.

39 **"§ 115C-238.54. Funds for programs.**

- 40 (a) The Department of Public Instruction shall assign a school code for each
41 program that is approved under this Part. All positions and other State and federal
42 allotments that are generated for this program shall be assigned to that school code.
43 Notwithstanding G.S. 115C-105.25, once funds are assigned to that school code, the

1 local board of education may use these funds for the program and may transfer these
2 funds between funding allotment categories.

3 (b) The local board of trustees of a community college may allocate State and
4 federal funds for a program that is approved under this Part.

5 (c) An education partner under G.S. 115C-238.52 that is a public body may
6 allocate State, federal, and local funds for a program that is approved under this Part.

7 (d) If not an education partner under G.S. 115C-238.52, a county board of
8 commissioners in a county where a program is located may nevertheless appropriate
9 funds to a program approved under this Part.

10 (e) The local board of education and the local board of trustees of the community
11 college are strongly encouraged to seek funds from sources other than State, federal,
12 and local appropriations. They are strongly encouraged to seek funds the Education
13 Cabinet identifies or obtains under G.S. 116C-4.

14 **"§ 115C-238.55. Evaluation of programs.**

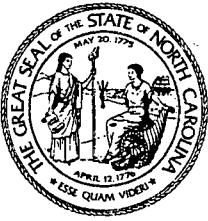
15 The State Board of Education and the State Board of Community Colleges shall
16 evaluate the success of students in programs approved under this Part. Success shall be
17 measured by high school retention rates, high school completion rates, high school
18 dropout rates, certification and associate degree completion, admission to four-year
19 institutions, postgraduation employment in career or study-related fields, and employer
20 satisfaction of employees who participated in and graduated from the programs.
21 Beginning October 15, 2005, and annually thereafter, the Boards shall jointly report to
22 the Joint Legislative Education Oversight Committee on the evaluation of these
23 programs. If, by October 15, 2006, the Boards determine any or all of these programs
24 have been successful, they shall jointly develop a prototype plan for similar programs
25 that could be expanded across the State. This plan shall be included in their report to the
26 Joint Legislative Education Oversight Committee that is due by October 15, 2007.

27 **"§§ 115C-238.56 through 115C-238.59: Reserved for future codification purposes."**

28 **SECTION 3.** Local school administrative units and the State Board of
29 Education shall identify, strengthen, and adopt policies and procedures that encourage
30 students to remain in high school rather than to drop out and that encourage all students
31 to pursue a rigorous academic course of study. As part of this process, the State Board
32 and the local school administrative units are encouraged to eliminate or revise any
33 policies or procedures that discourage some students from completing high school or
34 that discourage any student from pursuing a rigorous academic course of study. No
35 later than March 1, 2004, local school administrative units shall report to the State
36 Board of Education the policies they have identified, strengthened, adopted, and
37 eliminated under this section. No later than April 15, 2004, the State Board shall report
38 to the Joint Legislative Education Oversight Committee on these policies as well as on
39 the policies the Board has identified, strengthened, adopted, and eliminated under this
40 section.

41 **SECTION 4.** Nothing in this act shall be construed to obligate the General
42 Assembly to make appropriations to implement this act.

43 **SECTION 5.** This act is effective when it becomes law.



SENATE BILL 656: Innovative Education Initiatives Act

BILL ANALYSIS

Committee: House Education
Date: June 3, 2003
Version: S656-CSRH-39[v.2]

Introduced by: Senator Dalton
Summary by: Robin Johnson*
Committee Counsel

SUMMARY: *Senate Bill 656 would (i) direct the Education Cabinet to set as a priority cooperative efforts between secondary schools and institutions of higher education; (ii) authorize boards of trustees of community colleges and local boards of education to jointly establish cooperative innovative programs in high schools and community colleges to serve high school students who are at risk of dropping out of school before attaining a high school diploma, or to serve high school students who would benefit from accelerated academic instruction; and (iii) direct local boards and the State Board of Education to review and strengthen their policies that encourage students to remain in high school rather than drop out.*

The act would be effective when it becomes law.

PCS CHANGES: The PCS deletes the establishment of the Governor's First in America Innovative Education Initiatives Account and substitutes a directive to the Education Cabinet to set as a priority cooperative efforts between secondary schools and institutions of higher education. The PCS also adds a requirement that the application for a cooperative innovative high school program must include a description of how ADM and FTE students will be counted, and removes the limitation on a maximum of two programs per economic development region.

BILL ANALYSIS:

Section 1 would direct the Education Cabinet to set as a priority cooperative efforts between secondary schools and institutions of higher education in order to reduce high school dropout rates, increase high school and college graduation rates, decrease the need for remediation in institutions of higher education, and raise certificate, associate and bachelor degree completion rates. The Cabinet would (i) identify and support cooperative innovative efforts that meet a variety of listed purposes that are designed to advance the State's education system, (ii) identify federal, State, and local funds that may be used to support these initiatives, (iii) actively pursue private funds that may be used for this purpose, and (iv) report annually to the Joint Legislative Education Oversight Committee.

The Education Cabinet includes the Governor, the State Superintendent of Public Instruction, the chair of the State Board of Education, the President of the North Carolina Community College System, the President of The University of North Carolina, and the President of the North Carolina Independent Colleges and Universities.

Section 2 authorizes the boards of trustees of community colleges and local boards of education to jointly establish cooperative innovative programs in high schools and community colleges. Students would be eligible to attend these programs as early as ninth grade. The programs may include the creation of a school within a school, a technical high school, or a high school or technical center located on a community college campus.

SENATE BILL 656

Page 2

- Purpose – for local school systems and community colleges to work together to develop programs to expand students' opportunities for educational success through high-quality instructional programming.
- Target – (i) high school students who are at risk of dropping out of school before attaining a high school diploma, or (ii) high school students who would benefit from accelerated academic instruction.
- Requirements – academic rigor; flexibility; shared use of resources, personnel, and facilities; innovative teaching methods; workforce or college preparation; parent involvement; joint institutional responsibility and accountability for support of students and their success; early identification of participating students; effective utilization of existing funding sources and pursuit of new funding from other sources; and reduction of percentage of students needing remedial courses in college. There are additional requirements specified for programs that target students who are at risk of dropping out of high school and for programs that offer accelerated learning.
- Application – A local board of education and a local board of trustees of a community college would jointly apply to establish a cooperative innovative high school program. The application would contain a description of the program and how it relates to the Economic Vision Plan adopted for the economic development region in which the program is to be located as well as other specified information such as facility, academic and vocational goals, budgeting, transportation, and the selection process by which students will be selected and admitted to the program.
- Application timeline – The joint application would be submitted to the State Board of Education and the State Board of Community Colleges by November 1 of each year. The State Boards would appoint a joint advisory committee to review the applications and recommend to the State Boards those programs that meet the requirements set out in this legislation. The State Boards would be directed to approve two cooperative innovative high school programs in each of the State's economic development regions. The State Boards would approve all applications by March 15.
- Participation by other education partners – Other education partners, such as colleges and universities, private businesses, and county boards of commissioners, would be encouraged to participate in the development of programs for accelerated academic instruction. However, any of these partners would jointly apply with the local board of education and the local board of trustees of the community college, would be identified in the application, and would sign the written agreement.
- Program operation – A program approved by the State would (i) be accountable to the local board of education, (ii) operate under the terms of a signed written agreement for a term of no more than five school years, (iii) be operated in a facility owned or leased by any of the partners, (iv) provide instruction each school year for at least 180 days over nine months, (v) comply with laws and policies relating to education of students with disabilities and the discipline statutes, (vi) use State, federal, and local funds allocated to any of the partners, and (vii) be exempt from laws and rules applicable to a local board of education, a local school administrative unit, a community college, or a local board of trustees of a community college.
- Funds for programs – The Department of Public Instruction would assign a school code for each approved program. All positions and other State and federal allotments that are generated for this program would be assigned to that school code. Once the funds are assigned, the local board could

SENATE BILL 656

Page 3

transfer these funds between funding allotment categories. Local boards of trustees and education partners could allocate funds. The local boards would be strongly encouraged to seek funds from other sources, and especially from funds identified by the Education Cabinet.

- Evaluation of programs – The State Board of Education and the State Board of Community Colleges would evaluate the success of students according to specified criteria. Beginning October 15, 2005, and annually thereafter, the Boards would jointly report to the Joint Legislative Education Oversight Committee on the evaluation of these programs. The Boards would also jointly develop a prototype plan for successful programs that could be expanded across the State.
- Policies and procedures – Local school administrative units and the State Board of Education would identify, strengthen, and adopt policies and procedures that encourage students to remain in high school and that encourage all students to pursue a rigorous academic course of study. No later than March 1, 2004, local school administrative units would report to the State Board of Education the policies they have identified, strengthened, adopted, and eliminated. The State Board would in turn report to the Joint Legislative Education Oversight Committee.

The act would be effective when it becomes law.

S656-SMRH-005: Shirley Iorio, Committee Staff, prepared this summary.

Robin Johnson (Research)

From: Robin Johnson (Research)
Sent: Friday, May 30, 2003 10:42 AM
To: Jim Newlin (Fiscal Research)
Subject: ignore previous summary



S656-SMRH-005.do

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GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2003

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SENATE BILL 656
Education/Higher Education Committee Substitute Adopted 4/16/03
Third Edition Engrossed 4/17/03

Short Title: Innovative Educ. Initiatives Act.

(Public)

Sponsors:

Referred to:

April 1, 2003

A BILL TO BE ENTITLED
AN ACT TO ESTABLISH THE INNOVATIVE EDUCATION INITIATIVES ACT.

The General Assembly of North Carolina enacts:

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

"Article 32D.

"Governor's First in America Innovative Education Initiatives Account.

"§ 115C-472.10. Governor's First in America Innovative Education Initiatives Account.

(a) There is established a restricted reserve in the General Fund to be known as the Governor's First in America Innovative Education Initiatives Account that shall be financed by grants, gifts, or other forms of voluntary donations. The General Assembly strongly endorses the Governor's goal of making North Carolina's system of education first in America by 2010. With that being the goal, the Account shall be used to finance innovative education initiatives as authorized by this Article.

(b) The State Treasurer shall hold the Account separate and apart from all other moneys, funds, and accounts. Investment earnings credited to the assets of the Account shall become part of the Account. Any balance remaining in the Account at the end of any fiscal year shall be carried forward in the Account for the next succeeding fiscal year. The Education Cabinet shall authorize payments from the Account.

"§ 115C-472.11. Program Expenditures

(a) Expenditures from the Account shall be authorized by the Education Cabinet, which includes the Governor, the State Superintendent of Public Instruction, the Chair of the State Board of Education, the President of the North Carolina Community College System, the President of The University of North Carolina, and the President of the North Carolina Independent Colleges and Universities. The office of the Governor may provide the Education Cabinet with staff support and meeting facilities using expenditures from the Account.

(b) The Education Cabinet shall meet at least once each year and may hold special meetings at the call of the Chair or a majority of the members.

(c) The Education Cabinet shall receive the per diem allowed for other members of boards and commissions of the State as fixed in the Biennial Appropriations Act, and, in addition, the Education Cabinet shall receive subsistence and travel expenses as fixed by statute for those purposes. Travel and subsistence expenses shall be allowed while going to or from any place of meeting or when on official business. Per diem payments shall include necessary time spent in traveling to and from their places of residence to any meeting place or while traveling on official business. Per diem, subsistence, and travel expenses of the Education Cabinet shall be paid from the Account.

"§ 115C-472.12. Expenditure of funds from the Governor's First in America Innovative Education Initiatives Account.

(a) Expenditures from the Account shall be used for the benefit of the State's system of education, with a primary focus on public schools, in order to become first in America by the year 2010. The Education Cabinet may authorize expenditures from the Account for the following purposes:

- (1) To support cooperative innovative high school programs developed under Part 9 of Article 16 of Chapter 115C of the General Statutes.
- (2) To improve high school completion rates and reduce high school dropout rates.
- (3) To support efforts to close the achievement gap.
- (4) To establish or support redesigned middle schools or high schools.
- (5) To provide flexible, customized programs of learning for high school students who would benefit from accelerated, higher level coursework or early graduation.
- (6) To establish a statewide network of alternative learning programs.
- (7) To establish a virtual high school.
- (8) To develop or support other innovative education initiatives designed to advance the State's system of education.
- (9) To enter into contracts for any administrative duties related to the Account. Funds for contracts shall come from the Account.

(b) Nothing shall be construed to prevent the Education Cabinet from receiving grants, gifts, or other donations and from using these grants, gifts, or other donations for any lawful purpose that the donor designates. However, the Education Cabinet shall not impose any financial burden or any obligation on the State or any of its subdivisions.

(c) The Education Cabinet shall maintain and update a list of expenditures made under this Article. The list shall identify the purpose and beneficiaries of each expenditure. The Education Cabinet shall furnish annually a copy of the list to the members of the Education Cabinet, the Joint Legislative Education Oversight Committee, and the Joint Legislative Commission on Governmental Operations.

"§§ 115C-472.13 through 115C-472.19. Reserved for future codification purposes."

SECTION 2. Article 16 of Chapter 115C of the General Statutes is amended by adding the following new Part to read:

"Part 9. Cooperative Innovative High School Programs.

1 "§ 115C-238.50. Purpose.

2 (a) The purpose of this Part is to authorize boards of trustees of community
3 colleges and local boards of education to jointly establish cooperative innovative
4 programs in high schools and community colleges that will expand students'
5 opportunities for educational success through high-quality instructional programming.
6 These cooperative innovative high school programs shall target:

7 (1) High school students who are at risk of dropping out of school before
8 attaining a high school diploma; or

9 (2) High school students who would benefit from accelerated academic
10 instruction.

11 (b) All the cooperative innovative high school programs established under this
12 Part shall:

13 (1) Prepare students adequately for future learning in the workforce or in
14 an institution of higher education.

15 (2) Expand students' educational opportunities within the public school
16 system.

17 (3) Be centered on the core academic standards represented by the college
18 preparatory or tech prep program of study as defined by the State
19 Board of Education.

20 (4) Encourage the cooperative or shared use of resources, personnel, and
21 facilities between public schools and community colleges.

22 (5) Integrate and emphasize both academic and technical skills necessary
23 for students to be successful in a more demanding and changing
24 workplace.

25 (6) Emphasize parental involvement and provide consistent counseling,
26 advising, and parent conferencing so that parents and students can
27 make responsible decisions regarding course taking and can track the
28 students' academic progress and success.

29 (7) Be held accountable for meeting measurable student achievement
30 results.

31 (8) Encourage the use of different and innovative teaching methods.

32 (9) Establish joint institutional responsibility and accountability for
33 support of students and their success.

34 (10) Effectively utilize existing funding sources for high school,
35 community college, and vocational programs, and actively pursue new
36 funding from other sources.

37 (11) Develop methods for early identification of potential participating
38 students in the middle grades and through high school.

39 (12) Reduce the percentage of students needing remedial courses upon their
40 initial entry from high school into a college or university.

41 (c) Programs developed under this Part that target students who are at risk of
42 dropping out of high school before attaining a high school diploma shall:

- (1) Provide these students with the opportunity to graduate from high school possessing the core academic skills needed for postsecondary education and high-skilled employment.
 - (2) Enable students to complete a technical or academic program in a field that is in high demand and has high wages.
 - (3) Set and achieve goals that significantly reduce dropout rates and raise high school and community college retention, certification, and degree completion rates.
 - (4) Enable students who complete these programs to pass employer exams, if applicable.
 - (d) Cooperative innovative high school programs that offer accelerated learning programs shall:
 - (1) Provide a flexible, customized program of instruction for students who would benefit from accelerated, higher level coursework or early graduation from high school.
 - (2) Enable students to obtain a high school diploma in less than four years and begin or complete an associate degree program or to master a certificate or vocational program.
 - (3) Offer a college preparatory academic core and in-depth studies in a career or technical field that will lead to advanced programs or employment opportunities in engineering, health sciences, or teaching.
 - (e) Cooperative innovative high school programs may include the creation of a school within a school, a technical high school, or a high school or technical center located on the campus of a community college.
 - (f) Students are eligible to attend these programs as early as ninth grade.
- "§ 115C-238.51. Application process.**
- (a) A local board of education and a local board of trustees of a community college shall jointly apply to establish a cooperative innovative high school program under this Part.
 - (b) The application shall contain at least the following information:
 - (1) A description of a program that implements the purposes in G.S. 115C-238.50.
 - (2) A statement of how the program relates to the Economic Vision Plan adopted for the economic development region in which the program is to be located.
 - (3) The facilities to be used by the program and the manner in which administrative services of the program are to be provided.
 - (4) A description of student academic and vocational achievement goals and the method of demonstrating that students have attained the skills and knowledge specified for those goals.
 - (5) A description of how the program will be operated, including budgeting, curriculum, transportation, and operating procedures.
 - (6) The process to be followed by the program to ensure parental involvement.

- (7) The process by which students will be selected for and admitted to the program.
- (8) A description of the funds that will be used and a proposed budget for the program.
- (9) The qualifications required for individuals employed in the program.
- (10) The number of students to be served.
- (11) A description of how the program's effectiveness in meeting the purposes in G.S. 115C-238.50 will be measured.

(c) The application shall be submitted to the State Board of Education and the State Board of Community Colleges by November 1 of each year. The State Board of Education and the State Board of Community Colleges shall appoint a joint advisory committee to review the applications and to recommend to the State Boards those programs that meet the requirements of this Part and that achieve the purposes set out in G.S. 115C-238.50.

(d) The State Board of Education and the State Board of Community Colleges may approve no more than two cooperative innovative high school programs in each of the State's economic development regions. The State Boards may approve programs recommended by the joint advisory committee or may approve other programs that were not recommended. The State Boards shall approve all applications by March 15. No application shall be approved unless the State Boards find that the application meets the requirements set out in this Part and that granting the application would achieve the purposes set out in G.S. 115C-238.50. Priority shall be given to applications that are most likely to further State education policies, to address the economic development needs of the economic development regions in which they are located, and to strengthen the educational program offered in the local school administrative units in which they are located.

"§ 115C-238.52. Participation by other education partners.

(a) Any or all of the following education partners may participate in the development of a cooperative innovative program under this Part that is targeted to high school students who would benefit from accelerated academic instruction:

- (1) A constituent institution of The University of North Carolina.
- (2) A private college or university located in North Carolina.
- (3) A private business or organization.
- (4) The county board of commissioners in the county in which the program is located.

(b) Any or all of the education partners listed in subsection (a) of this section that participate shall:

- (1) Jointly apply with the local board of education and local board of trustees of the community college to establish a cooperative innovative program under this Part.
- (2) Shall be identified in the application.
- (3) Shall sign the written agreement under G.S. 115C-238.53(b).

"§ 115C-238.53. Program operation.

1 (a) A program approved by the State shall be accountable to the local board of
2 education.

3 (b) A program approved under this Part shall operate under the terms of a written
4 agreement signed by the local board of education, local board of trustees, State Board of
5 Education, and State Board of Community Colleges. The agreement shall incorporate
6 the information provided in the application, as modified during the approval process,
7 and any terms and conditions imposed on the program by the State Board of Education
8 and the State Board of Community Colleges. The agreement may be for a term of no
9 longer than five school years.

10 (c) A program may be operated in a facility owned or leased by the local board
11 of education, the local board of trustees of the community college, or the education
12 partner, if any.

13 (d) A program approved under this Part shall provide instruction each school
14 year for at least 180 days during nine calendar months, shall comply with laws and
15 policies relating to the education of students with disabilities, and shall comply with
16 Article 27 of this Chapter.

17 (e) A program approved under this Part may use State, federal, and local funds
18 allocated to the local school administrative unit, to the State Board of Community
19 Colleges, and to the community college to implement the program. If there is an
20 education partner and if it is a public body, the program may use State, federal, and
21 local funds allocated to that body.

22 (f) Except as provided in this Part and pursuant to the terms of the agreement, a
23 program is exempt from laws and rules applicable to a local board of education, a local
24 school administrative unit, a community college, or a local board of trustees of a
25 community college.

26 **"§ 115C-238.54. Funds for programs.**

27 (a) The Department of Public Instruction shall assign a school code for each
28 program that is approved under this Part. All positions and other State and federal
29 allotments that are generated for this program shall be assigned to that school code.
30 Notwithstanding G.S. 115C-105.25, once funds are assigned to that school code, the
31 local board of education may use these funds for the program and may transfer these
32 funds between funding allotment categories.

33 (b) The local board of trustees of a community college may allocate State and
34 federal funds for a program that is approved under this Part.

35 (c) An education partner under G.S. 115C-238.52 that is a public body may
36 allocate State, federal, and local funds for a program that is approved under this Part.

37 (d) If not an education partner under G.S. 115C-238.52, a county board of
38 commissioners in a county where a program is located may nevertheless appropriate
39 funds to a program approved under this Part.

40 (e) The local board of education and the local board of trustees of the community
41 college are strongly encouraged to seek funds from sources other than State, federal,
42 and local appropriations. They are strongly encouraged to seek funds from the
43 Governor's First in America Innovative Education Initiatives Account established under
44 Article 32D of this Chapter.

1 **"§ 115C-238.55. Evaluation of programs.**

2 The State Board of Education and the State Board of Community Colleges shall
3 evaluate the success of students in programs approved under this Part. Success shall be
4 measured by high school retention rates, high school completion rates, high school
5 dropout rates, certification and associate degree completion, admission to four-year
6 institutions, postgraduation employment in career or study-related fields, and employer
7 satisfaction of employees who participated in and graduated from the programs.
8 Beginning October 15, 2005, and annually thereafter, the Boards shall jointly report to
9 the Joint Legislative Education Oversight Committee on the evaluation of these
10 programs. If, by October 15, 2006, the Boards determine any or all of these programs
11 have been successful, they shall jointly develop a prototype plan for similar programs
12 that could be expanded across the State. This plan shall be included in their report to the
13 Joint Legislative Education Oversight Committee that is due by October 15, 2007.

14 **"§§ 115C-238.56 through 115C-238.59: Reserved for future codification purposes."**

15 **SECTION 3.** Local school administrative units and the State Board of
16 Education shall identify, strengthen, and adopt policies and procedures that encourage
17 students to remain in high school rather than to drop out and that encourage all students
18 to pursue a rigorous academic course of study. As part of this process, the State Board
19 and the local school administrative units are encouraged to eliminate or revise any
20 policies or procedures that discourage some students from completing high school or
21 that discourage any student from pursuing a rigorous academic course of study. No
22 later than March 1, 2004, local school administrative units shall report to the State
23 Board of Education the policies they have identified, strengthened, adopted, and
24 eliminated under this section. No later than April 15, 2004, the State Board shall report
25 to the Joint Legislative Education Oversight Committee on these policies as well as on
26 the policies the Board has identified, strengthened, adopted, and eliminated under this
27 section.

28 **SECTION 4.** Nothing in this act shall be construed to obligate the General
29 Assembly to make appropriations to implement this act.

30 **SECTION 5.** This act is effective when it becomes law.

VISITOR REGISTRATION SHEET

Education

Name of Committee

6/5/03

Date

VISITORS: PLEASE SIGN BELOW AND RETURN TO COMMITTEE ASSISTANT

<u>NAME</u>	<u>FIRM OR AGENCY</u>
Gene Caposky	NCSISA
John Harrison	Under Cover Lobbyist
John Harrison	UCPAPA
John Harrison	EGHS
William Dorell	McILH
Kenneth Whitehurst	NC Comm. Conf. System Ofc.
Katherine Joyce	NCA SA
John Joyce	SBE
Ed Regan	NCACC
Leanne Miller	NCDBA
Jim Barnwell	VISITOR
Pat Mays	NKTC
Vicente Herring	DJSDP-CPSV
Lataja Fore	DSSDP-CPSV
John Rosta	NKFC
John Rosta	Public School Forum of NC
John Rosta	nc State Shaver
Manuel Singletary	Intern-Rep. Seffus
Mr. M. G.	John Locke Foundation
Jonathan Jones	John Locke Foundation
Fran Cockman	NC State Watch
Michael House	NCAE
Jessica Drury	covenant w/ NC's children
Blaine Jernigan	National Heritage Center School
Tasha Clay	YATO
Betty Grinnell	NCSDA
Jim Ricks	NASH

VISITOR REGISTRATION SHEET

Education

Name of Committee

6-5-02

Date _____

VISITORS: PLEASE SIGN BELOW AND RETURN TO COMMITTEE ASSISTANT

NAME

FIRM OR AGENCY

Amadee Reeder

Intern/Rep Goodwin

John O'Hale

Governing Office

Kisten Crossen

OS BM

James C. Lee

NCCB

Paula J. Hobl.

Covenant with NE's Children

John Stevens

Amisino

Wenzel

1512

House Pages

1. Name: Jennifer Carpenter
County: Wake
Sponsor: Jim Black
2. Name: Adam Edgerton
County: Johnston
Sponsor: Leo Daugherty
3. Name: Elizabeth Beavers
County: Rockingham
Sponsor: Wayne Sexton
4. Name:
County:
Sponsor:
5. Name:
County:
Sponsor:

Sgt-At-Arms

1. Name: Matt Myers
2. Name: Jackson Stanil
3. Name: Charles Grady
4. Name: Martha Parrish

HOUSE EDUCATION COMMITTEE MINUTES

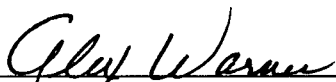
June 10, 2003

The House Education Committee met on Tuesday, June 10, 2003, 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. Steve Wood was called on to explain *Senate Bill 994, SCHOOL SUSPENSION FOR SALE OF ALCOHOL/DRUG*. Rep. Bonner made a motion for adoption of the proposed committee substitute and it passed. After explanation of the bill, Rep. Wood asked for a favorable report to the House proposed committee substitute, unfavorable to Senate committee substitute bill and it passed.

Rep. Verla Insko was called on to explain *Senate Bill 583, TOBACCO FREE SCHOOLS*. The House proposed committee substitute was adopted after discussion. Rep. Bernard Allen made a motion for a favorable report as to the House committee substitute, unfavorable to Senate committee substitute and it passed.

Meeting adjourned.



Rep. Alex Warner, Co-chair

Rep. Bonner, Co-chair

Rep. Mark Hilton, Co-chair

Rep. Steve Wood, Co-chair



Ann Stancil, Committee clerk

6/10

2003 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES

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

By Representatives Bonner, Hilton, Warner, Wood (Chairs) for the Committee on
EDUCATION.

☒ Committee Substitute for
S.B. 994 A BILL TO BE ENTITLED AN ACT TO ENABLE BOARDS OF EDUCATION
TO SUSPEND FROM SCHOOL STUDENTS WHO GIVE AWAY, SELL, OR USE
ALCOHOLIC BEVERAGES, PRESCRIPTION DRUGS, OR CONTROLLED
SUBSTANCES ON SCHOOL PROPERTY.

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

03/19/03

6/10 jaw-cs

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2003

S

D

SENATE BILL 994

Education/Higher Education Committee Substitute Adopted 4/30/03
PROPOSED HOUSE COMMITTEE SUBSTITUTE S994-CSRH-43 [v.2]

6/2/2003 6:59:28 PM

Short Title: School Suspension for Sale of Alcohol/Drug.

(Public)

Sponsors:

Referred to:

April 3, 2003

A BILL TO BE ENTITLED

AN ACT TO ENABLE SUPERINTENDENTS TO REMOVE TO AN
ALTERNATIVE EDUCATIONAL SETTING OR TO SUSPEND FROM SCHOOL
STUDENTS FOR CONDUCT RELATED TO CONTROLLED SUBSTANCES,
ALCOHOLIC BEVERAGES, OR PRESCRIPTION DRUGS.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 115C-391 reads as rewritten:

"§ 115C-391. Corporal punishment, suspension, or expulsion of pupils.

...

(d3) A local board of education or superintendent 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. The local board upon recommendation by the superintendent may modify either suspension requirement on a case-by-case basis that includes, but is not limited to, the procedures established for the discipline of students with disabilities and may also provide, or contract for the provision of, educational services to any student suspended under this subsection in an alternative school setting or in another setting that provides educational and other services. For purposes of this subsection and ~~subsection (d1)~~ subsections (d1), (d4), and (d6) of this section, the term "educational property" has the same definition as in G.S. 14-269.2(a)(1).

1 ...

2 (d6) The superintendent may, upon recommendation of the principal, remove to an
3 alternative educational setting any student who (i) knowingly offers, distributes,
4 delivers, sells, gives away, possesses with intent to offer, distribute, deliver, sell, or give
5 away, or uses any controlled substance as defined in G.S. 90-87(5), or (ii) knowingly
6 offers, distributes, delivers, sells, gives away, or possesses with intent to offer,
7 distribute, deliver, sell, or give away, any alcoholic beverage as defined in G.S.
8 18B-101(4) or any prescription drug as defined in G.S. 90-85.3(s), on educational
9 property or at a school-sponsored curricular or extracurricular activity off educational
10 property. If no appropriate alternative educational setting is available, the
11 superintendent may, upon recommendation of the principal, suspend this student for up
12 to 365 days.

13 (e) A decision of a superintendent under subsection (c), (d1), (d2), (d3), ~~or~~
14 ~~(d4)(d4), or (d6)~~ of this section may be appealed to the local board of education. A
15 decision of the local board upon this appeal or of the local board under subsection (d) or
16 (d1) of this section is final and, except as provided in this subsection, is subject to
17 judicial review in accordance with Article 4 of Chapter 150B of the General Statutes. A
18 person seeking judicial review shall file a petition in the superior court of the county
19 where the local board made its decision.

20 ..."

21 **SECTION 2.** G.S. 115C-45(c)(1) reads as rewritten:

22 "(c) Appeals to Board of Education and to Superior Court. – An appeal shall lie to
23 the local board of education from any final administrative decision in the following
24 matters:

25 (1) The discipline of a student under G.S. 115C-391(c), (d), (d1), (d2),
26 (d3), ~~or (d4);(d4), or (d6);~~

27 ..."

28 **SECTION 3.** This act becomes effective December 1, 2003, and applies to
29 acts committed on or after that date.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2003

S

D

SENATE BILL 994

Education/Higher Education Committee Substitute Adopted 4/30/03
PROPOSED HOUSE COMMITTEE SUBSTITUTE S994-PCS65314-RH-43

Short Title: School Suspension for Sale of Alcohol/Drug.

(Public)

Sponsors:

Referred to:

April 3, 2003

A BILL TO BE ENTITLED

AN ACT TO ENABLE SUPERINTENDENTS TO REMOVE TO AN
ALTERNATIVE EDUCATIONAL SETTING OR TO SUSPEND FROM SCHOOL
STUDENTS FOR CONDUCT RELATED TO CONTROLLED SUBSTANCES,
ALCOHOLIC BEVERAGES, OR PRESCRIPTION DRUGS.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 115C-391 reads as rewritten:

"§ 115C-391. Corporal punishment, suspension, or expulsion of pupils.

...

(d3) A local board of education or superintendent 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. The local board upon recommendation by the superintendent may modify either suspension requirement on a case-by-case basis that includes, but is not limited to, the procedures established for the discipline of students with disabilities and may also provide, or contract for the provision of, educational services to any student suspended under this subsection in an alternative school setting or in another setting that provides educational and other services. For purposes of this subsection and ~~subsection (d1)~~ subsections (d1), (d4), and (d6) of this section, the term "educational property" has the same definition as in G.S. 14-269.2(a)(1).

1 ...
2 (d6) The superintendent may, upon recommendation of the principal, remove to an
3 alternative educational setting any student who (i) knowingly offers, distributes,
4 delivers, sells, gives away, possesses with intent to offer, distribute, deliver, sell, or give
5 away, or uses any controlled substance as defined in G.S. 90-87(5), or (ii) knowingly
6 offers, distributes, delivers, sells, gives away, or possesses with intent to offer,
7 distribute, deliver, sell, or give away, any alcoholic beverage as defined in G.S.
8 18B-101(4) or any prescription drug as defined in G.S. 90-85.3(s), on educational
9 property or at a school-sponsored curricular or extracurricular activity off educational
10 property. If no appropriate alternative educational setting is available, the
11 superintendent may, upon recommendation of the principal, suspend this student for up
12 to 365 days.

13 (e) A decision of a superintendent under subsection (c), (d1), (d2), (d3), or
14 ~~(d4)~~(d4), or (d6) of this section may be appealed to the local board of education. A
15 decision of the local board upon this appeal or of the local board under subsection (d) or
16 (d1) of this section is final and, except as provided in this subsection, is subject to
17 judicial review in accordance with Article 4 of Chapter 150B of the General Statutes. A
18 person seeking judicial review shall file a petition in the superior court of the county
19 where the local board made its decision.

20 ..."

21 SECTION 2. G.S. 115C-45(c)(1) reads as rewritten:

22 "(c) Appeals to Board of Education and to Superior Court. – An appeal shall lie to
23 the local board of education from any final administrative decision in the following
24 matters:

25 (1) The discipline of a student under G.S. 115C-391(c), (d), (d1), (d2),
26 (d3), ~~or (d4)~~;(d4), or (d6);

27 ..."

28 SECTION 3. This act becomes effective December 1, 2003, and applies to
29 acts committed on or after that date.

6/11 - Jan 03

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2003

S

2

SENATE BILL 994

Education/Higher Education Committee Substitute Adopted 4/30/03

Short Title: School Suspension for Sale of Alcohol/Drug.

(Public)

Sponsors:

Referred to:

April 3, 2003

A BILL TO BE ENTITLED

AN ACT TO ENABLE LOCAL BOARDS OF EDUCATION TO SUSPEND FROM
SCHOOL THOSE STUDENTS WHO GIVE AWAY, SELL, OR USE
ALCOHOLIC BEVERAGES, PRESCRIPTION DRUGS, OR CONTROLLED
SUBSTANCES ON SCHOOL PROPERTY.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 115C-391 reads as rewritten:

"§ 115C-391. Corporal punishment, suspension, or expulsion of pupils.

...

(d3) A local board of education or superintendent 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. The local board upon recommendation by the superintendent may modify either suspension requirement on a case-by-case basis that includes, but is not limited to, the procedures established for the discipline of students with disabilities and may also provide, or contract for the provision of, educational services to any student suspended under this subsection in an alternative school setting or in another setting that provides educational and other services. For purposes of this subsection and ~~subsection (d1)~~ subsections (d1), (d4), and (d6) of this section, the term "educational property" has the same definition as in G.S. 14-269.2(a)(1).

...

(d6) A local board of education or superintendent may suspend for up to 365 days any student who knowingly offers, distributes, delivers, sells, gives away, possesses with intent to offer, distribute, deliver, sell, or give away, or uses any alcoholic beverage as defined in G.S. 18B-101(4) or any controlled substance as defined in G.S. 90-87(5) on educational property or at a school-sponsored curricular or extracurricular activity off educational property. A local board of education or superintendent also may suspend for up to 365 days any student who knowingly offers, distributes, delivers, sells, gives away, possesses with intent to offer, distribute, deliver, sell, or give away, or uses without authorization any prescription drug as defined in G.S. 90-85.3(s) on educational property or at a school-sponsored curricular or extracurricular activity off educational property. The local board of education or the superintendent may provide, or contract for the provision of, educational services to a student suspended under this subsection in an alternative school setting or other setting that provides educational and other services.

(e) A decision of a superintendent under subsection (c), (d1), (d2), (d3), ~~or (d4)~~(d4), or (d6) 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.

..."

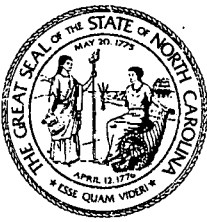
SECTION 2. G.S. 115C-45(c)(1) reads as rewritten:

"(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), (d3), ~~or (d4)~~;(d4), or (d6);

..."

SECTION 3. This act becomes effective December 1, 2003, and applies to acts committed on or after that date.



6/11 - f.c.s

SENATE BILL 994: School Suspension for Sale of Alcohol/Drugs.

BILL ANALYSIS

Committee: House Education
Date: May 20, 2003
Version: Second Edition

Introduced by: Senator Garrou
Summary by: Robin Johnson*
Committee Counsel

SUMMARY: *This bill would allow local boards of education to suspend from school for up to 365 days any student who uses, gives away, sells, or possesses with the intent to give away or sell alcoholic beverages, prescription drugs, or controlled substances on educational property.*

The bill would take effect December 1, 2003, and apply to acts committed on or after that date.

CURRENT LAW: G.S. 115C-391 (attached) covers school discipline and provides for when students can be expelled or suspended. A student may be suspended for no more than 10 days (short-term suspension) or for 10 or more days but no longer than the current school year (long-term suspension). Local board or school policies generally specify the types of conduct that can lead to these short-term and long-term suspensions.

In addition, a local board of education can expel (i.e., permanently remove) any student aged 14 or over whose behavior indicates that the student's continued presence at school is a clear threat to the safety of other students and teachers. The statute also specifies certain conduct that can lead to a long-term suspension of up to 365 days: (i) bringing or possessing specific weapons on educational property, (ii) physically assaulting school personnel; (iii) physically assaulting and seriously injuring another student; and (iv) communicating threats and making false reports about explosions, bombs and other activities capable of causing injury to persons and property.

BILL ANALYSIS: This bill would add a new subsection (d6) to G.S. 115C-391, which would add to the list of specified conduct that can result in the suspension of the student for up to 365 day. A local board of education or a superintendent would be authorized to suspend for up to 365 days any student who knowingly offers, distributes, delivers, sells, gives away, possesses with the intent to offer, distribute, deliver, sell or give away, or uses any alcoholic beverage or controlled substance on educational property or at a school sponsored curricular or extracurricular activity off educational property. A local board of education or a superintendent also would be authorized to suspend for up to 365 days any student who knowingly offers, distributes, delivers, sells, gives away, possesses with the intent to offer, distribute, deliver, sell or give away, or uses without authorization any prescription drug on educational property or at a school sponsored curricular or extracurricular activity off educational property. The local board or superintendent would be authorized to provide educational services in an alternative setting to any student suspended under this new subsection.

- Educational property is defined as "any school building or bus, school campus, grounds, recreational area, athletic field, or other property owned, used, or operated by any board of education or school board of trustees, or directors for the administration of any school."
- Alcoholic beverage is defined as "any beverage containing at least one-half of one percent (0.5%) alcohol by volume, including malt beverages, unfortified wine, fortified wine, spirituous liquor, and mixed beverages."

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- Prescription drug is defined as "any drug that under federal law is required, prior to being dispensed or delivered to be labeled with the following statement: Caution: Federal law prohibits dispensing without prescription."
- Controlled substance is defined as any "drug, substance, or immediate precursor included in Schedules I through VI" of Article 5 of Chapter 90, the North Carolina Controlled Substances Act. The Commission for Mental Health, Developmental Disabilities and Substance Abuse Services makes determinations as to the controlled substances listed in Schedules I through IV.

If a superintendent makes the suspension decision under this new subsection, the decision may be appealed to the local board of education.

S994-SMRH-003: Drupti Chauhan, Committee Counsel, substantially contributed to this summary.

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Page 3

§ 115C-391. Corporal punishment, suspension, or expulsion of pupils.

(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 for students 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.

(b) The principal of a school, or his delegate, shall have authority to suspend for a period of 10 days or less any student who willfully violates policies of conduct established by the local board of education: Provided, that a student suspended pursuant to this subsection shall be provided an opportunity to take any quarterly, semester or grading period examinations missed during the suspension period.

(c) The principal of a school, with the prior approval of the superintendent, shall have the authority to suspend for periods of times in excess of 10 school days but not exceeding the time remaining in the school year, any pupil who willfully violates the policies of conduct established

SENATE BILL 994

Page 4

by the local board of education. The pupil or his parents may appeal the decision of the principal to the local board of education.

(d) Notwithstanding G.S. 115C-378, a local board of education may, upon recommendation of the principal and superintendent, expel any student 14 years of age or older whose behavior indicates that the student's continued presence in school constitutes a clear threat to the safety of other students or employees. The local board of education's decision to expel a student under this section shall be based on clear and convincing evidence. Prior to ordering the expulsion of a student pursuant to this subsection, the local board of education shall consider whether there is an alternative program offered by the local school administrative unit that may provide education services for the student who is subject to expulsion. At any time after the first July 1 that is at least six months after the board's decision to expel a student under this subsection, a student may request the local board of education to reconsider that decision. If the student demonstrates to the satisfaction of the local board of education that the student's presence in school no longer constitutes a threat to the safety of other students or employees, the board shall readmit the student to a school in that local school administrative unit on a date the board considers appropriate.

(d1) A local board of education or superintendent shall suspend for 365 calendar days any student who:

- (1) Brings onto educational property or to a school-sponsored curricular or extracurricular activity off educational property, or
- (2) Possesses on educational property or at a school-sponsored curricular or extracurricular activity off educational property,

a weapon, as defined in G.S. 14-269.2(b), 14-269.2(b1), 14-269.2(g), and 14-269.2(h). The local board of education upon recommendation by the superintendent may modify this suspension requirement on a case-by-case basis that includes, but is not limited to, the procedures established for the discipline of students with disabilities and may also provide, or contract for the provision of, educational services to any student suspended pursuant to this subsection in an alternative school setting or in another setting that provides educational and other services.

- (d2) (1) The superintendent shall, upon recommendation of the principal, remove to an alternative educational setting, as provided in subdivision (4) of this subsection, any student who is at least 13 and who physically assaults and seriously injures a teacher or other school personnel. If no appropriate alternative educational setting is available, then the superintendent shall, upon recommendation of the principal, suspend for no less than 300 days but no more than 365 days any student who is at least 13 and who physically assaults and seriously injures a teacher or other school personnel.
- (2) The superintendent may, upon recommendation of the principal, remove to an alternative educational setting any student who is at least 13 and who does one of the following:
- a. Physically assaults a teacher or other adult who is not a student.
 - b. Physically assaults another student if the assault is witnessed by school personnel.
 - c. Physically assaults and seriously injures another student.

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Page 5

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

- (3) For purposes of this subsection, the conduct leading to suspension or removal to an alternative educational setting must occur on school property or at a school-sponsored or school-related activity on or off school property. This subsection shall not apply when the student who is subject to suspension or removal was acting in self-defense. If a teacher is assaulted or injured and as a result a student is suspended or removed to an alternative educational setting under this subsection, then the student shall not be returned to that teacher's classroom unless the teacher consents. If a student is suspended under this subsection, the board may assign the student to an alternative educational setting upon the expiration of the period of suspension.
- (4) If the superintendent removes the student to an alternative educational setting, as provided in subdivision (1) of this subsection, and the conduct leading to the removal occurred on or before the ninetieth school day, the board shall remove the student to that setting for the remainder of the current school year and the first 90 school days in the following school year. If the superintendent chooses to remove the student to an alternative educational setting, as provided in subdivision (1) of this subsection, and the conduct leading to the removal occurred after the ninetieth school day, the board shall remove the student to that setting for the remainder of the current school year and for the entire subsequent school year. Notwithstanding these requirements, the superintendent may authorize a shorter or longer length of time a student must remain in an alternative educational setting if the superintendent finds this would be more appropriate based upon the recommendations of the principals of the alternative school and the school to which the student will return.

(d3) A local board of education or superintendent 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. The local board upon recommendation by the superintendent may modify either suspension requirement on a case-by-case basis that includes, but is not limited to, the procedures established for the discipline of students with disabilities and may also provide, or contract for the provision of, educational services to any student suspended under this subsection in an alternative school setting or in another setting that provides educational and other services. For purposes of this subsection and subsection (d1) of this section, the term "educational property" has the same definition as in G.S. 14-269.2(a)(1).

SENATE BILL 994

Page 6

(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.

(d5) 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.

(e) A decision of a superintendent under subsection (c), (d1), (d2), (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.

(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

SENATE BILL 994

Page 7

this information under G.S. 115C-402. The State Board shall develop guidelines to assist local boards in this process.

(g) Notwithstanding the provisions of this section, the policies and procedures for the discipline of students with disabilities shall be consistent with federal laws and regulations.

(h) Notwithstanding any other law, no officer or employee of the State Board of Education or of a local board of education shall be civilly liable for using reasonable force, including corporal punishment, in conformity with State law, State or local rules, or State or local policies regarding the control, discipline, suspension, and expulsion of students. Furthermore, the burden of proof is on the claimant to show that the amount of force used was not reasonable.

6/10

**2003 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

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

By Representatives **Bonner, Hilton, Warner, Wood** (Chairs) for the Committee on
EDUCATION.

☒ Committee Substitute for
S.B. 583 A BILL TO BE ENTITLED AN ACT TO PROTECT CHILDREN IN THE
PUBLIC SCHOOLS FROM EXPOSURE TO TOBACCO BY REQUIRING LOCAL
BOARDS OF EDUCATION TO ADOPT WRITTEN POLICIES PROHIBITING THE USE
OF TOBACCO PRODUCTS IN PUBLIC BUILDINGS.

*^
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.
- ☐ 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)

03/19/03

6/10

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2003

S

D

SENATE BILL 583*
Education/Higher Education Committee Substitute Adopted 4/23/03
Third Edition Engrossed 4/29/03
PROPOSED HOUSE COMMITTEE SUBSTITUTE S583-CSRJ-30 [v.1]

6/4/2003 6:06:47 PM

Short Title: Tobacco-Free Schools.

(Public)

Sponsors:

Referred to:

March 31, 2003

1 A BILL TO BE ENTITLED
2 AN ACT TO PROTECT CHILDREN IN THE PUBLIC SCHOOLS FROM
3 EXPOSURE TO TOBACCO BY REQUIRING LOCAL BOARDS OF
4 EDUCATION TO ADOPT WRITTEN POLICIES PROHIBITING THE USE OF
5 TOBACCO PRODUCTS IN PUBLIC SCHOOL BUILDINGS.

6 The General Assembly of North Carolina enacts:

7 SECTION 1. Chapter 115C of the General Statutes is amended by adding
8 the following new Article to read:

9 "Article 29A.

10 "Policy Prohibiting Use of Tobacco Products.

11 "**§ 115C-407. Policy prohibiting tobacco use in school buildings.**

12 Local boards of education shall adopt and enforce a written policy prohibiting the
13 use by any person of tobacco products in public school buildings. The policy shall
14 include at least the following:

- 15 (1) Enforcement of federal requirements under the Pro-Children Act of
16 1994, 20 U.S.C. § 6083, prohibiting smoking within any school
17 building used to provide routine or regular kindergarten, elementary,
18 or secondary education or library services to children.
19 (2) Adequate notice to students and school personnel of the policy.
20 (3) Posting of signs prohibiting the use of tobacco products by any person.
21 (4) Requirements that school personnel enforce the policy.

22 Nothing in this section or G.S. 143-595 through G.S. 143-601, or any other section
23 prohibits a local board of education from adopting and enforcing a more restrictive
24 policy on the use of tobacco in school buildings, in school facilities, on school
25 campuses, or at school related or sponsored events, and in or on other school property."

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

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2003

S

D

SENATE BILL 583*

Education/Higher Education Committee Substitute Adopted 4/23/03

Third Edition Engrossed 4/29/03

PROPOSED HOUSE COMMITTEE SUBSTITUTE S583-PCS35318-RJ-30

Short Title: Tobacco-Free Schools.

(Public)

Sponsors:

Referred to:

March 31, 2003

A BILL TO BE ENTITLED

AN ACT TO PROTECT CHILDREN IN THE PUBLIC SCHOOLS FROM
EXPOSURE TO TOBACCO BY REQUIRING LOCAL BOARDS OF
EDUCATION TO ADOPT WRITTEN POLICIES PROHIBITING THE USE OF
TOBACCO PRODUCTS IN PUBLIC SCHOOL BUILDINGS.

The General Assembly of North Carolina enacts:

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

"Article 29A.

"Policy Prohibiting Use of Tobacco Products.

"§ 115C-407. Policy prohibiting tobacco use in school buildings.

Local boards of education shall adopt and enforce a written policy prohibiting the
use by any person of tobacco products in public school buildings. The policy shall
include at least the following:

- (1) Enforcement of federal requirements under the Pro-Children Act of
1994, 20 U.S.C. § 6083, prohibiting smoking within any school
building used to provide routine or regular kindergarten, elementary,
or secondary education or library services to children.
- (2) Adequate notice to students and school personnel of the policy.
- (3) Posting of signs prohibiting the use of tobacco products by any person.
- (4) Requirements that school personnel enforce the policy.

Nothing in this section, G.S. 143-595 through G.S. 143-601, or any other section
prohibits a local board of education from adopting and enforcing a more restrictive
policy on the use of tobacco in school buildings, in school facilities, on school
campuses, or at school-related or school-sponsored events, and in or on other school
property."

1

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

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2003

S

3

SENATE BILL 583*

Education/Higher Education Committee Substitute Adopted 4/23/03
Third Edition Engrossed 4/29/03

Short Title: Tobacco-Free Schools.

(Public)

Sponsors:

Referred to:

March 31, 2003

A BILL TO BE ENTITLED

AN ACT TO PROTECT CHILDREN IN THE PUBLIC SCHOOLS FROM
EXPOSURE TO TOBACCO BY REQUIRING LOCAL BOARDS OF
EDUCATION TO ADOPT WRITTEN POLICIES PROHIBITING THE USE OF
TOBACCO PRODUCTS IN PUBLIC SCHOOL BUILDINGS.

The General Assembly of North Carolina enacts:

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

"Article 29A.

"Policy Prohibiting Use of Tobacco Products.

"§ 115C-407. Policy prohibiting tobacco use in school buildings.

Local boards of education shall adopt and enforce a written policy prohibiting the
use by any person of tobacco products in public school buildings. The policy shall
include at least the following:

- (1) Enforcement of federal requirements under the Pro-Children Act of
1994, 20 U.S.C. § 6083, prohibiting smoking within any school
building used to provide routine or regular kindergarten, elementary,
or secondary education or library services to children.
- (2) Adequate notice to students and school personnel of the policy.
- (3) Posting of signs prohibiting the use of tobacco products by any person.
- (4) Requirements that school personnel enforce the policy.

Nothing in this section or G.S. 143-595 through G.S. 143-601 prohibits a local board
of education from enforcing a more restrictive policy on the use of tobacco in school
buildings, in school facilities, on school campuses, or at school related or sponsored
events, and in or on other school property."

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



SENATE BILL 583: Tobacco-Free Schools.

BILL ANALYSIS

Committee: House Education
Date: June 4, 2003
Version: PCS for Third Edition
S583-CSRJ-30[v.1]

Introduced by: Sen. Purcell
Summary by: Sara Kamprath
Committee Analyst

SUMMARY: *The proposed committee substitute for Senate Bill 583 directs local boards of education to adopt and enforce written policies prohibiting a person from using tobacco products in public school buildings.*

At a minimum, the policy shall include: (1) enforcement of federal requirements in the Pro-Children Act of 1994, (2) adequate notice for students and personnel about the policy, (3) the posting of signs prohibiting the use of tobacco products, and (4) requirements that the school personnel shall enforce the policy.

Nothing in the bill prohibits a local board from adopting and enforcing a more restrictive policy on tobacco use in school buildings and school facilities, on a school campus, at school related events, or on other school property.

The bill is effective when it becomes law.

BACKGROUND:

The Pro-Children Act of 1994 requires that persons who provide certain federally funded children's services prohibit smoking in indoor facilities. The services include the provision on a routine or regular basis of kindergarten, elementary or secondary education so the law applies to almost all public elementary and secondary education facilities. The law allows for the assessment of civil penalties for non-compliance. The civil penalties may not exceed \$1,000 for each day of violations, or exceed the amount of applicable federal funds received for the fiscal year.

S583-SRJ-002

VISITOR REGISTRATION SHEET

House Education

Name of Committee

6/10/03

Date

VISITORS: PLEASE SIGN BELOW AND RETURN TO COMMITTEE ASSISTANT

<u>NAME</u>	<u>FIRM OR AGENCY</u>
Amy DeBoson	NC Statewatch
Sarah Cox	ALA - NC
Amy Ward	UNC - ENTER
Annie Porten	UNC - ENTER
Jim D. MARTIN	NC DHHS - Tobacco Prev. & Control Branch
POPALAWO	NC Justice Center
Larina Chapman	PPHS intern
Cynthia Giles	YAI O
Tasha Clay	YAI O
Jenny McArthur	NC-Div. of Public Health
Chris Hoke	NC-Div. of Public Health
Kristen Guillory	Office of the Governor
John Hicks	NASW
Takias Nesbit	Office of Lt. Governor
Kindelle Morton	Office of Lt. Governor
John O'Hale	Gov's Office
Hal Miller	NEAECT
Sam Hickman	Job Ready Internship
James Hunt	Job Ready Internship
Molly Ryan	NCSBA
Tom Ryan	ARMC
Annie Gao	DJDP
Jacqueline Myers	DJDP - CPSI
Mary Ann Singletary	Intern - Rep. Jeffus
Katherine Joyce	NCA SA
Cameron Wells	DPI
Rebecca Johnson	DPI
Deanne Winters	NC SBA

VISITOR REGISTRATION SHEET

House Education

Name of Committee

6/10/03

Date _____

VISITORS: PLEASE SIGN BELOW AND RETURN TO COMMITTEE ASSISTANT

[illegible]

House Education Committee

June 12, 2003

Minutes

The House Education Committee met on Thursday, June 12, 2003 at 11:00 a.m. in Room 643 of the Legislative Office Building. Chairman Steve Wood called the meeting to order and introduced the Pages assigned to serve the House Education Committee at this meeting (Attachment I). The attendance sheet indicates members present (Attachment II). The Visitor Registration sheet is also attached (Attachment III).

Chairman Wood recognized Senator Jeanne Lucas to explain Senate Bill 952; "A BILL TO BE ENTITLED AN ACT TO MAKE NEW CHALLENGE GRANTS AVAILABLE FROM THE DISTINGUISHED PROFESSORS ENDOWMENT TRUST FUND FOR CERTAIN CONSTITUENT INSTITUTIONS" (Attachment IV). A Bill Analysis for Senate Bill 952 is attached (Attachment V). Senator Lucas stated the Board of Governors' recommendation for this bill would require Focus Growth Institutions and Special Needs Institutions needs only to match the funds from the Distinguished Professors Endowment Trust with a one-to-one match, which makes it easier for Focus Growth Institutions to assume these grants.

Chairman Wood recognized Mr. J. B. Milliken, Vice-President of the University of North Carolina, to give a briefing and respond to questions.

Chairman Wood opened the Floor for discussion.

Representative Womble moved for a Favorable Report for Senate Committee Substitute for Senate Bill 952.

Motion passed.

Chairman Wood recognized Senator Steve Metcalf to explain Senate Bill 698; "A BILL TO BE ENTITLED AN ACT TO ADD THREE ADVISORY MEMBERS TO THE STATE BOARD OF EDUCATION" (Attachment VI). A Bill Analysis for Senate Bill 698 is attached (Attachment VII). Chairman Bonner moved to amend the bill on pg. 1, line 5 by deleting the word "two" and substituting the word "three". Chairman Wood stated this was merely a Technical Amendment. A corrected bill is attached (Attachment VIII). Motion passed. Senator Metcalf stated there are currently four advisory members on the State Board of Education; two students and two teachers. This bill would add three additional members; a Superintendent, the State Principal of the Year, and a local board of education member.

Chairman Wood opened the Floor for discussion.

Representative Ross moved for a Favorable Report for Senate Committee Substitute for Senate Bill 698.

Motion passed.

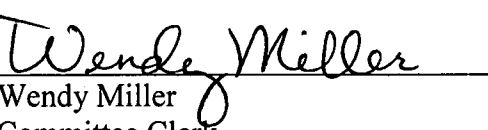
Chairman Wood stated this possibly could be the last meeting of the Session. On behalf of all the Chairs, Chairman Wood presented the members with a Certificate of Congratulations (Attachment IX) and thanked them for their service.

Meeting was adjourned.

Notes for Agenda Items for the House Education Meeting held on June 12, 2003 are also attached (Attachment X).



Representative Steve Wood
Chairman



Wendy Miller
Committee Clerk

House Pages

1. Name: Dan Mercer
County: Wake
Sponsor: Young
2. Name: Henry Neeze
County: Wake
Sponsor: Munford
3. Name: Clarke Munford
County: Wake
Sponsor: Munford
4. Name: Andrew Bitchler
County: Wake
Sponsor: Church
5. Name: Rachel Care
County: Forsyth
Sponsor: Mike Decker

Sgt-At-Arms

1. Name: _____
2. Name: _____
3. Name: _____
4. Name: _____

June 12, 2003

**2003 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

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

By Representatives **Bonner, Hilton, Warner and Wood** (Chairs) for the Committee on
EDUCATION.

☒ Committee Substitute for

S.B. 952 A BILL TO BE ENTITLED AN ACT TO MAKE NEW CHALLENGE GRANTS
AVAILABLE FROM THE DISTINGUISHED PROFESSORS ENDOWMENT TRUST
FUND FOR CERTAIN CONSTITUENT INSTITUTIONS.

☒ 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)

03/19/03

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2003

S

2

SENATE BILL 952
Education/Higher Education Committee Substitute Adopted 4/23/03

Short Title: Amend Distinguish Prof. Endowment Trust Fund. (Public)

Sponsors:

Referred to:

April 3, 2003

A BILL TO BE ENTITLED
AN ACT TO MAKE NEW CHALLENGE GRANTS AVAILABLE FROM THE
DISTINGUISHED PROFESSORS ENDOWMENT TRUST FUND FOR CERTAIN
CONSTITUENT INSTITUTIONS.

The General Assembly of North Carolina enacts:

SECTION 1. Part 4A of Chapter 116 of the General Statutes is amended by
adding a new section to read:

"§ 116-41.13.1 Distinguished Professors Endowment Trust Fund; definitions.

The following definitions apply in this Part:

(1) "Focused growth institution" means Elizabeth City State University, Fayetteville State University, North Carolina Agricultural and Technical University, North Carolina Central University, The University of North Carolina at Pembroke, Western Carolina University, and Winston-Salem State University.

(2) "Special needs institution" means the North Carolina School of the Arts and The University of North Carolina at Asheville."

SECTION 2. G.S. 116-41.15 reads as rewritten:

"§ 116-41.15. Distinguished Professors Endowment Trust Fund; definitions; allocation; administration.

(a) For constituent institutions other than focused growth institutions and special needs institutions, The the amount appropriated to the trust shall be allocated by the Board as follows:

(1) On the basis of one three hundred thirty-four thousand dollar (\$334,000) challenge grant for each six hundred sixty-six thousand dollars (\$666,000) raised from private sources; or

(2) On the basis of one hundred sixty-seven thousand dollar (\$167,000) challenge grant for each three hundred thirty-three thousand dollars (\$333,000) raised from private sources.

1 If an institution chooses to pursue the use of the allocated challenge grant funds
2 described in either subdivision (1) or subdivision (2) of this ~~section~~subsection, the
3 funds shall be matched on a two-to-one basis.

4 (b) For focused growth institutions and special needs institutions, the amount
5 appropriated to the trust shall be allocated by the Board as follows:

6 (1) On the basis of one five hundred thousand dollar (\$500,000) challenge
7 grant for each five hundred thousand dollars (\$500,000) raised from
8 private sources; or

9 (2) On the basis of one two hundred fifty thousand dollar (\$250,000)
10 challenge grant for each two hundred fifty thousand dollars (\$250,000)
11 raised from private sources. If an institution chooses to pursue the use
12 of the allocated challenge grant funds described in either subdivision
13 (1) or subdivision (2) of this subsection, the funds shall be matched on
14 a one-to-one basis.

15 (c) Matching funds shall come from contributions made after July 1, 1985, and
16 pledged for the purposes specified by G.S. 116-41.14. Each participating constituent
17 institution's board of trustees shall establish its own Distinguished Professors
18 Endowment Trust Fund, and shall maintain it pursuant to the provision of G.S. 116-36
19 to function as a depository for private contributions and for the State matching funds for
20 the challenge grants. The State matching funds shall be transferred to the constituent
21 institution's Endowment Fund upon notification that the institution has received and
22 deposited the appropriate amount required by this section in its own Distinguished
23 Professors Endowment Trust Fund. Only the net income from that account shall be
24 expended in support of the distinguished professorship thereby created."

25 **SECTION 3. G.S.116-41.16 reads as rewritten:**

26 **"§ 116-41.16. Distinguished Professors Endowment Trust Fund; contribution**
27 **commitments.**

28 (a) For constituent institutions other than focused growth institutions and special
29 needs institutions, Contributions-contributions may also be eligible for matching if there
30 is:

31 (1) A commitment to make a donation of at least six hundred sixty-six
32 thousand dollars (\$666,000), as prescribed by G.S. 143-31.4, and an
33 initial payment of one hundred eleven thousand dollars (\$111,000) to
34 receive a grant described in G.S. 116-41.15(a)(1); or

35 (2) A commitment to make a donation of at least three hundred
36 thirty-three thousand dollars (\$333,000), as prescribed by G.S.
37 143-31.4, and an initial payment of fifty-five thousand five hundred
38 dollars (\$55,500) to receive a grant described in G.S. 116-41.15(a)(2);
39 and if the initial payment is accompanied by a written pledge to
40 provide the balance within five years after the date of the initial
41 payment. Each payment on the balance shall be no less than the
42 amount of the initial payment and shall be made on or before the
43 anniversary date of the initial payment. Pledged contributions may not
44 be matched prior to the actual collection of the total funds. Once the

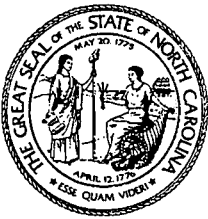
1 income from the institution's Distinguished Professors Endowment
2 Trust Fund can be effectively used pursuant to G.S. 116-41.17, the
3 institution shall proceed to implement plans for establishing an
4 endowed chair.

5 (b) For focused growth institutions and special needs institutions, contributions
6 may also be eligible for matching if there is:

7 (1) A commitment to make a donation of at least five hundred thousand
8 dollars (\$500,000), as prescribed by G.S. 143-31.4, and an initial
9 payment of eighty-three thousand three hundred dollars (\$83,300) to
10 receive a grant described in G.S. 116-41.15(b)(1); or

11 (2) A commitment to make a donation of at least two hundred fifty
12 thousand dollars (\$250,000), as prescribed by G.S. 143-31.4, and an
13 initial payment of forty-one thousand six hundred dollars (\$41,600) to
14 receive a grant described in G.S. 116-41.15(b)(2); and if the initial
15 payment is accompanied by a written pledge to provide the balance
16 within five years after the date of the initial payment. Each payment on
17 the balance shall be no less than the amount of the initial payment.
18 Pledged contributions may not be matched prior to the actual
19 collection of the total funds. Once the income from the institution's
20 Distinguished Professors Endowment Trust Fund can be effectively
21 used pursuant to G.S. 116-41.17, the institution shall proceed to
22 implement plans for establishing an endowed chair."

23 **SECTION 4.** This act becomes effective July 1, 2003.



BILL ANALYSIS

SENATE BILL 952: Amend Distinguish Prof. Endowment Trust Fund

Committee: House Education Committee
Date: June 10, 2003
Version: 2nd Edition

Introduced by: Sen. Lucas
Summary by: Drupti Chauhan*
Committee Co-Counsel

SUMMARY: *Senate Bill 952 would require that the focused growth institutions and special needs institutions only need to match the funds from the Distinguished Professors Endowment Trust Fund with a one-to-one match. These funds are used to create endowed chairs at an institution. The focused growth institutions are: Elizabeth City State University, Fayetteville State University, North Carolina Agricultural and Technical University, North Carolina Central University, The University of North Carolina at Pembroke, Western Carolina University, and Winston-Salem State University. The special needs institutions are the North Carolina School of the Arts and The University of North Carolina at Asheville.*

For the focused growth institutions and the special needs institutions, the Board of Governors is directed to appropriate 1 \$500,000 challenge grant for each \$500,000 raised from private sources and 1 \$250,000 challenge grant for each \$250,000 raised from private sources. Contributions are also eligible for matching if there is a commitment for at least a \$500,000 donation and an initial payment of \$83,300. Contributions are also eligible for matching if there is a commitment for at least a \$250,000 donation and an initial payment of \$41,600. The initial payment must be accompanied by a written pledge to provide the balance within 5 years after the initial payment. Each payment on the balance shall not be less than the initial payment. Pledged contributions may not be matched before the total funds are collected.

The bill becomes effective July 1, 2003.

According to Fiscal Research, two million dollars have been appropriated in the base budget for the trust fund and the bill is in both the House and Senate versions of the budget as a special provision.

Sara Kamprath, Committee Analyst, contributed significantly to this summary.

S952-SMRQ-002

June 12, 2003

**2003 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

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

By Representatives Bonner, Hilton, Warner and Wood (Chairs) for the Committee on
EDUCATION.

☒ Committee Substitute for
S.B. 698 A BILL TO BE ENTITLED AN ACT TO ADD THREE ADVISORY 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 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)

03/19/03

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2003

S

2

SENATE BILL 698
Education/Higher Education Committee Substitute Adopted 4/30/03

Short Title: Advisory Members on State Board of Education.

(Public)

Sponsors:

Referred to:

April 2, 2003

A BILL TO BE ENTITLED

AN ACT TO ADD THREE ADVISORY MEMBERS 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

1 the advisory member to the State Board for the remainder of the unexpired term. The
2 State Principal of the Year advisor to the State Board shall receive per diem and
3 necessary travel and subsistence expenses in accordance with the provisions of G.S.
4 138-5.

5 (a5) Local Board of Education Advisor. – The current Raleigh Dingman Award
6 winner shall serve as an advisor to the State Board of Education. The local board of
7 education advisor shall serve for a term of one year. The local board of education
8 advisor shall participate in State Board deliberations and committee meetings in an
9 advisory capacity only. The State Board may, in its discretion, exclude the local board
10 of education advisor from executive sessions.

11 In the event that the Raleigh Dingman Award winner ceases to be a local board of
12 education member or notifies the State Board of Education that he or she is unable to
13 fulfill his or her duties as a local board of education advisor member, the position of
14 local board of education member shall be deemed vacant. In the event that a vacancy
15 occurs in the position for whatever reason, the President of the North Carolina School
16 Boards Association shall serve as the advisory member to the State Board for the
17 remainder of the unexpired term. The local board of education advisor to the State
18 Board shall receive per diem and necessary travel and subsistence expenses in
19 accordance with the provisions of G.S. 138-5."

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



VII

SENATE BILL 698: Advisory Members on State Board of Education.

BILL ANALYSIS

Committee: House Education
Date: June 12, 2003
Version: Second Edition

Introduced by: Sen. Metcalf
Summary by: Sara Kamprath
Committee Analyst

SUMMARY: *Senate Bill 698 would change the representation of the advisory members on the State Board of Education. It would add a superintendent, the State Principal of the Year, and a local board of education member (current Raleigh Dingman Award winner) to the Board for a total of seven advisory members. The bill is effective when it becomes law.*

CURRENT LAW: There currently are four advisory members on the State Board of Education (Board) – two high school students enrolled in the public schools and two teachers. Each year the Governor appoints a high school junior who is enrolled in the public schools to serve a two-year term as a student advisory member to the Board. These terms begin on June 15 and expire two years later on June 14. For any given year, a high school junior and senior are on the Board.

Also, the current State Teacher of the Year shall serve for two years beginning at the commencement of the teacher's term as State Teacher of the Year. For any given year, the current State Teacher of the Year and the previous year's State Teacher of the Year serve as advisory members. The teachers' terms typically begin in May.

BILL ANALYSIS: The Governor shall appoint a superintendent for a one-year term as an advisory member to the State Board of Education. The State Board may exclude the superintendent advisor from executive sessions. If the superintendent advisor ceases to be a superintendent then the position will be deemed vacant and the Governor shall appoint another superintendent for the remainder of the unexpired term. The superintendent advisory member shall receive per diem, travel and subsistence.

The State Principal of the Year shall serve ex officio as an advisory member to the State Board. The Department of Public Instruction designates the State Principal of the Year for a one-year term. The State Board may exclude the State Principal of the Year advisor from executive sessions. If there is a vacancy in the State Principal of the Year position, then the person who was runner-up for the position will fill the unexpired term. The State Principal of the Year shall receive per diem, travel and subsistence.

The local board of education member who is the current Raleigh Dingman Award winner shall serve a one-year term as an advisory member to the State Board. The State Board may exclude the local board of education advisor from executive sessions. If there is a vacancy in the local board of education member position, then the President of the North Carolina School Boards Association shall serve the remainder of the unexpired term. The local board of education member shall receive per diem, travel and subsistence.

S698-SMRJ-002

§ 115C-11. Organization and internal procedures of Board.

.....

(a1) Student advisors – The Governor is hereby authorized to appoint two high school students who are enrolled in the public schools of North Carolina as advisors to the State Board of Education. The student advisors shall participate in State Board deliberations in an advisory capacity only. The State Board may, in its discretion, exclude the student advisors 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.

Student advisors shall receive per diem and necessary travel and subsistence expenses in accordance with the provisions of G.S. 138-5.

(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. The State Teachers 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 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 to the State Board shall receive per diem and necessary travel and subsistence expenses in accordance with the provisions of G.S. 138-5.

.....

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2003

S

3

SENATE BILL 698
Education/Higher Education Committee Substitute Adopted 4/30/03
House Committee Substitute Favorable 6/16/03

Short Title: Advisory Members on State Board of Education.

(Public)

Sponsors:

Referred to:

April 2, 2003

A BILL TO BE ENTITLED

AN ACT TO ADD THREE ADVISORY MEMBERS TO THE STATE BOARD OF
EDUCATION.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 115C-11 is amended by adding three new subsections to
read:

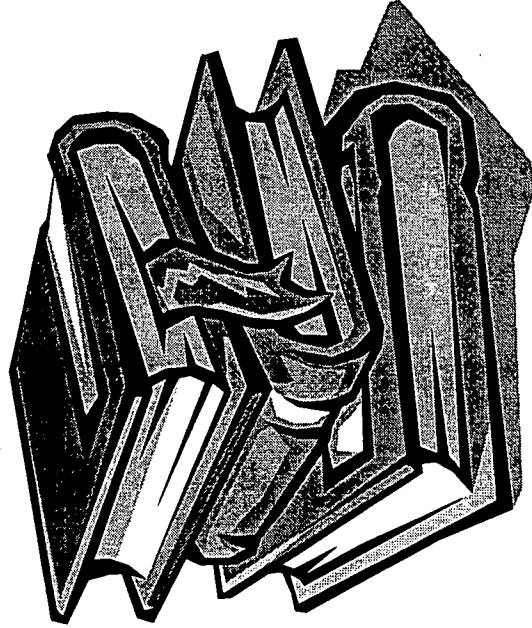
"(a3) Superintendent Advisor. – The Governor shall appoint a superintendent of a
local school administrative unit as an advisor to the State Board of Education. The
superintendent advisor shall serve for a term of one year. The superintendent advisor
shall participate in State Board deliberations and 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.

Congratulations on a "JOB WELL DONE"
in the

EDUCATION COMMITTEE



"It is an object of vast magnitude that systems of education should be adopted and pursued which may not only diffuse a knowledge of the sciences but may implant in the minds of the American youth the principles of virtue and of liberty and inspire them with just and liberal ideas of government and with an inviolable attachment to their own country." —

Noah Webster

Donald Bonner
Chairman Bonner

Mark Hilton
Chairman Hilton

Chad Warner
Chairman Warner

Chairman Wood

X

House Education
Notes for Agenda Items
June 12, 2003
Rep. Wood, Chair

S 698 – Advisory Members on State Board of Education

Sen. Metcalf

Sara is handling bill

Technical amendment is needed

S 952 – Amend Distinguish Prof. Endowment Trust Fund

Sen. Lucas

Drupti is handling the bill

NOTE: IF THERE ARE ANY AMENDMENTS, 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.

VISITOR REGISTRATION SHEET

HOUSE COMMITTEE ON EDUCATION

Name of Committee

6/12/03
DateVISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME

FIRM OR AGENCY AND ADDRESS

Amy Ivey	Governor's office
Amy Dobson	NC Statewatch
Mark Benson	Capital Group
John R. A.	NCFPC
Ed Regan	N.C.A.G.C.
Mark Gremay	University System
Hal Miller	NCACCT
Rob Lamm	HRIS
Mary Leah Simpson	Intern - Rep. Jeffus
Jan H. H.	NCPC.

VISITOR REGISTRATION SHEET

HOUSE COMMITTEE ON EDUCATION

Name of Committee

6/12/03
Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME

FIRM OR AGENCY AND ADDRESS

<i>Deanna Gfro</i>	<i>NCCS</i>
<i>Shirley Harmon</i>	<i>WCPB</i>
<i>Harry Denny</i>	<i>VIT</i>
<i>Ray Hume</i>	<i>NEPAP</i>
<i>Gene Causey</i>	<i>Vulnerable citizen</i>
<i>Bob Bixton</i>	<i>" "</i>
<i>Y R M M</i>	<i>UNC</i>
<i>Katherine Joyce</i>	<i>NCAAA</i>
<i>Glenn Norris</i>	<i>Public School Forum</i>
<i>Jim Byr</i>	<i>TRC</i>
<i>James Rangel</i>	<i>NCAAA</i>
<i>Leanne Rinner</i>	<i>NCSA</i>

**2003 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 Representatives **Bowie & McAllister** (Chairs) for the EDUCATION Subcommittee on
Universities.

☐ Committee Substitute for

H.B. 51

A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT A
MEMBER OF THE MILITARY WHO ATTENDS A CONSTITUENT INSTITUTION OR A
COMMUNITY COLLEGE SHALL BE CHARGED ONLY THE IN-STATE TUITION RATE.

REPORTED TO THE STANDING COMMITTEE ON **EDUCATION**

RECOMMENDED ACTION:

- ☐ With a favorable recommendation.
- ☐ With a favorable recommendation and recommend that the bill be re-referred to the Committee on
- ☐ With a favorable recommendation, as amended.
- ☐ With a favorable recommendation, as amended, and recommend that the bill be re-referred to the Committee on
- ☐ With an unfavorable recommendation.
- ☒ With a favorable recommendation as to proposed committee substitute bill, ☒ which changes the title, unfavorable as to original bill, with recommendation that the proposed committee substitute be re-referred to Appropriations.
- ☐ 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 _____ for the Standing Committee on _____.

s/ _____

- ☐ With a favorable report.
- ☐ With a favorable report, as amended.
- ☐ 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 referred to the Committee on _____ .)

03/26/03

**2003 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 Representatives **Bowie & McAllister** (Chairs) for the EDUCATION Subcommittee on
Universities.

☐ Committee Substitute for

H.B. 150

A BILL TO BE ENTITLED AN ACT TO PROVIDE ALTERNATE
CRITERIA FOR AWARDING LEGISLATIVE TUITION GRANTS TO STUDENTS ATTENDING
ACCREDITED INSTITUTIONS OF HIGHER EDUCATION.

REPORTED TO THE STANDING COMMITTEE ON **EDUCATION**

RECOMMENDED ACTION:

☐ With a favorable recommendation.

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

☐ With a favorable recommendation, as amended.

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

☐ With an unfavorable recommendation.

☒ With a favorable recommendation as to proposed committee substitute bill, ☒ which changes the title,
unfavorable as to original bill, with recommendation that the proposed committee substitute be re-
referred to Appropriations.

☐ 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 _____ for the Standing Committee on _____

s/ _____

☐ With a favorable report.

☐ With a favorable report, as amended.

☐ 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 referred to the Committee on _____ .)

03/26/03

4/16

2003 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 Representatives **Bowie & McAllister** (Chairs) for the Permanent Subcommittee on Universities of
the Standing Committee on EDUCATION.

☐ Committee Substitute for

H.B. 506

A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT THE
STUDENT MEMBER OF THE BOARD OF GOVERNORS OF THE UNIVERSITY OF NORTH
CAROLINA SHALL HAVE THE SAME RIGHT TO VOTE AS ALL OTHER MEMBERS.

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
EDUCATION.

☐ 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 _____ for the Standing Committee on _____

s/ _____

☐ With a favorable report.

☐ With a favorable report, as amended.

☐ 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 referred to the Committee on _____ .)

03/19/03

5/28 yawcs

**2003 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 Representatives **Bowie & McAllister** (Chairs) for the Education Subcommittee on **Universities**.

☐ Committee Substitute for

S.B. 706

A BILL TO BE ENTITLED AN ACT TO ALLOW UNC-
WILMINGTON TO ADD BLEACHERS TO AN EXISTING ATHLETIC STADIUM WITHOUT
HAVING TO CONSTRUCT ADDITIONAL PLUMBING FACILITIES.

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 Bonner, Hilton, Warner & Wood for the Standing Committee on **EDUCATION**.

s/ _____

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

03/26/03

Warner
4/24

2003 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) Bowie and McAllister, Chairs for the Permanent Subcommittee on
Universities of the Standing Committee on Education.

☐ Committee Substitute for

H.B. 825

A BILL TO BE ENTITLED AN ACT TO REQUIRE ANY
PRIVATE OR PUBLIC INSTITUTION THAT OFFERS A POSTSECONDARY DEGREE
TO PROVIDE MENINGOCOCCAL AND HEPATITIS B IMMUNIZATION
INFORMATION TO NEWLY ENROLLED STUDENTS IF THE INSTITUTION HAS A
RESIDENTIAL CAMPUS

REPORTED TO THE STANDING COMMITTEE ON ~~EDUCATION~~

RECOMMENDED ACTION:

☐ With a favorable recommendation.

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

☐ With a favorable recommendation, as amended.

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

☐ With an unfavorable recommendation.

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

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

☐ Without prejudice.

☐ Other recommended action: _____.

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

Representatives Bonner, Hilton, Warner & Wood for the Standing Committee on
EDUCATION.

s/

Donald Bonner

Stewart

☐

With a favorable report.

☐

With a favorable report, as amended.

☒

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 referred to the Committee
on _____.)

03/06/03.

4/23

2003 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) **Bowie and McAllister, Chairs** for the Permanent
Subcommittee on **Universities** of the Standing Committee on **Education**.

- ☐ Committee Substitute for
H.B. 928 A BILL TO BE ENTITLED AN ACT TO AUTHORIZE
APPALACHIAN STATE UNIVERSITY TO REGULATE PARKING ON
CERTAIN STREETS.

REPORTED TO THE STANDING COMMITTEE ON **EDUCATION**

RECOMMENDED ACTION:

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

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

Representatives Bonner, Hilton, Warner & Wood for the Standing Committee on
EDUCATION.

s/ Donald G. Bonner
Mark Hilton

- ☒ With a favorable report.
- ☐ With a favorable report, as amended.
- ☐ 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
referred to the Committee on).

**2003 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 Representatives McAllister & Bowie (Chair) for the EDUCATION/ Subcommittee on Universities.

- ☐ Committee Substitute for
H.B. 975 A BILL TO BE ENTITLED AN ACT TO EXEMPT THE
UNIVERSITY OF NORTH CAROLINA FROM CERTAIN REQUIREMENTS REGARDING
TERM AND CONVENIENCE CONTRACTS.

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 Bonner, Hilton, Warner & Wood for the Standing Committee on EDUCATION.

- ☐ With a favorable report.
- ☐ With a favorable report, as amended.
- ☒ 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 referred to the Committee on _____)

s/ Rep. Alex Warner
Ky. Still

03/26/03

4/24

**2003 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) **Bowie and McAllister, Chairs** for the Permanent
Subcommittee on **Universities** of the Standing Committee on **Education**.

☐ Committee Substitute for

H.B. 1016

A BILL TO BE ENTITLED AN ACT TO ADD
PARTICULAR UNIVERSITY FACILITIES AS NONSMOKING AREAS.

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.

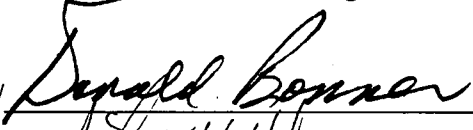
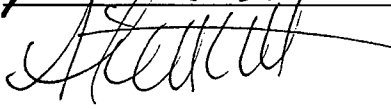
☐ With a favorable recommendation as to proposed House committee substitute bill, ☐
which changes the title, unfavorable as to Senate committee substitute bill.

☐ Without prejudice.

☐ Other recommended action: _____.

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

Representatives Bonner, Hilton, Warner & Wood for the Standing Committee on
EDUCATION.

s/ 


☐ With a favorable report.

☐ With a favorable report, as amended.

☒ 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
referred to the Committee on).

03/06/03

4/23

2003 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) Bowie and McAllister, Chairs for the Permanent
Subcommittee on Universities of the Standing Committee on Education.

- ☐ Committee Substitute for
H.B. 1070 A BILL TO BE ENTITLED AN ACT TO INCREASE
THE EXPENDITURE BENCHMARK FOR A SPECIAL RESPONSIBILITY
CONSTITUENT INSTITUTION FOR CERTAIN PURCHASING CONTRACTS.

REPORTED TO THE STANDING COMMITTEE ON EDUCATION

RECOMMENDED ACTION:

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

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

Representatives Bonner, Hilton, Warner & Wood for the Standing Committee on
EDUCATION.

s/

Donald G. Bonner
Mark Hilton

- ☒ With a favorable report.
- ☐ With a favorable report, as amended.
- ☐ 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
referred to the Committee on .)

*4/28 - fav -
re-ref - Appropriations*

Ann Stancil (Rep. Warner)

From: Sharon Gaudette (Rep. Bowie)
Sent: Tuesday, April 29, 2003 1:57 PM
To: Phyllis Cameron (Rep. Bonner); Anne Soles (Rep. Hilton); Ann Stancil (Rep. Warner); Wendy Miller (Rep. Steve Wood)
Subject: FYI - HB 1071 Reporting Out.doc

**2003 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 **Bowie & McAllister** () for the EDUCATION Subcommittee on Universities.

Committee Substitute for

1071 TO CLARIFY EMPLOYEE FLEXIBLE COMPENSATION PLANS OF THE UNIVERSITY OF NORTH CAROLINA.

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 Bonner, Hilton, Warner & Wood for the Standing Committee on EDUCATION.

s/ _____

With a favorable report and re-referred to Appropriations.

With a favorable report, as amended.

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 referred to the Committee on .)

03/26/03

4/29/2003

REFERRAL FORM

**NORTH CAROLINA HOUSE OF REPRESENTATIVES
ASSIGNMENT OF BILLS TO SUBCOMMITTEE**

COMMITTEE: **EDUCATION**

Chairs: **Representatives Bonner, Hilton, Warner, Wood**

DATE: **6/11/03**

Bill Number (Indicate **H** or **S**): **S 359**

Short Title: **LEA's Authority to Operate Charter School**

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:

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

Short Title:

Assigned to Subcommittee on:

Re-Assigned to Subcommittee on:

6/15 - ne-roger
Pre-Sch.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2003

S

2

SENATE BILL 359
Education/Higher Education Committee Substitute Adopted 4/17/03

Short Title: LEA's Authority to Operate Charter School.

(Local)

Sponsors:

Referred to:

March 11, 2003

1 A BILL TO BE ENTITLED
2 AN ACT AUTHORIZING THE FORSYTH COUNTY BOARD OF EDUCATION TO
3 APPLY FOR AND BE GRANTED A CHARTER TO OPERATE A CHARTER
4 SCHOOL.

5 The General Assembly of North Carolina enacts:

6 SECTION 1. G.S. 115C-238.29B(a) reads as rewritten:

7 "(a) Any person, group of persons, or nonprofit ~~corporation~~ corporation, including
8 a local board of education, seeking to establish a charter school may apply to establish a
9 charter school. If the applicant seeks to convert a public school to a charter school, the
10 application shall include a statement signed by a majority of the teachers and
11 instructional support personnel currently employed at the school indicating that they
12 favor the conversion and evidence that a significant number of parents of children
13 enrolled in the school favor conversion."

14 SECTION 2. G.S. 115C-238.29E reads as rewritten:

15 "§ 115C-238.29E. Charter school operation.

16 (a) A charter school that is approved by the State shall be a public school within
17 the local school administrative unit in which it is located. It shall be accountable to the
18 local board of education if it applied for and received preliminary approval from that
19 local board for purposes of ensuring compliance with applicable laws and the provisions
20 of its ~~charter~~ charter or if the local board of education was the applicant for the charter.
21 All other charter schools shall be accountable to the State Board for ensuring
22 compliance with applicable laws and the provisions of their charters, except that any of
23 these charter schools may agree to be accountable to the local board of the school
24 administrative unit in which the charter school is located rather than to the State Board.

25 (b) A charter school shall be operated by a private nonprofit corporation that
26 shall have received federal tax-exempt status no later than 24 months following final
27 approval of the ~~application~~ application unless a local board of education applied for and
28 was granted a charter for the conversion of an existing public school or for the creation

1 of a new charter school. In such a case, a charter school shall be operated by the local
2 board of education or by a board of directors appointed by the local board of education.

3 (c) A charter school shall operate under the written charter signed by the entity to
4 which it is accountable under subsection (a) of this section and the applicant. A charter
5 school is not required to enter into any other contract. The charter shall incorporate the
6 information provided in the application, as modified during the charter approval
7 process, and any terms and conditions imposed on the charter school by the State Board
8 of Education. No other terms may be imposed on the charter school as a condition for
9 receipt of local funds.

10 (d) The board of directors of the charter school shall decide matters related to the
11 operation of the school, including budgeting, curriculum, and operating procedures.

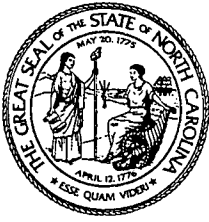
12 (e) A charter school's specific location shall not be prescribed or limited by a
13 local board or other authority except a zoning ~~authority~~ authority unless the local board
14 of education applied for and was granted the charter for the conversion of a public
15 school or the creation of a new charter school. The school may lease space from a local
16 board of education or as is otherwise lawful in the local school administrative unit in
17 which the charter school is located. If a charter school leases space from a sectarian
18 organization, the charter school classes and students shall be physically separated from
19 any parochial students, and there shall be no religious artifacts, symbols, iconography,
20 or materials on display in the charter school's entrance, classrooms, or hallways.
21 Furthermore, if a charter school leases space from a sectarian organization, the charter
22 school shall not use the name of that organization in the name of the charter school.

23 At the request of the charter school, the local board of education of the local school
24 administrative unit in which the charter school will be located shall lease any available
25 building or land to the charter school unless the board demonstrates that the lease is not
26 economically or practically feasible or that the local board does not have adequate
27 classroom space to meet its enrollment needs. Notwithstanding any other law, a local
28 board of education may provide a school facility to a charter school free of charge;
29 however, the charter school is responsible for the maintenance of and insurance for the
30 school facility.

31 (f) Except as provided in this Part and pursuant to the provisions of its charter, a
32 charter school is exempt from statutes and rules applicable to a local board of education
33 or local school administrative unit."

34 **SECTION 3.** This act applies only to the Winston-Salem/Forsyth School
35 System.

36 **SECTION 4.** This act is effective when it becomes law.



SENATE BILL 359: LEA's Authority to Operate Charter School.

BILL ANALYSIS

Committee: House Education
Date: June 5, 2003
Version: Second Edition

Introduced by: Sen. Garrou
Summary by: Shirley Iorio
Committee Staff

SUMMARY: *The bill would authorize the Winston-Salem/Forsyth board of education to apply for and be granted a charter to establish and operate a charter school or to convert an existing public school to a charter school. The bill would take effect when it becomes law.*

CURRENT LAW: Charter schools are public schools. Currently, any person, group of persons, or nonprofit corporation may apply for a charter to establish a charter school or to convert an existing public school to a charter school. Application for preliminary approval is made to the local board of education of the local school administrative unit where the school will be located, the board of trustees of a UNC constituent institution, or the State Board of Education. If the charter is granted, the charter school is accountable to the entity that grants preliminary approval. (In the majority of cases, this is the State Board of Education.)

If the charter is granted, the charter school must be operated by a private nonprofit corporation that receives tax-exempt status within 24 months of final approval of the charter. In order to convert an existing public school to a charter school, the application must include a statement signed by the majority of the teachers and instructional support personnel currently employed at the school who are in favor of the conversion. In addition, evidence must be included that a significant number of parents of children enrolled at the school favor the conversion.

Charter schools are exempt from most laws and regulations applicable to traditional public schools. Charter schools must provide 180 days of instruction; traditional schools must have 180 days and 1000 hours of instruction. Teachers in traditional schools must be certified or working towards certification; in charter schools, at least 75% of teachers in grades K-5 and at least 50% of teachers in grades 6-12 must hold certificates. Charter schools are not subject to class size reduction requirements, the standard course of study, the State salary schedules for teachers and principals, or the laws governing career status for teachers (aka "tenure"). Charter schools receive the State's average per pupil funding for each student, including funds for children with special needs, and local per pupil funding, but these schools are not required to spend the funds for the specific purposes for which they are allocated.

BILL ANALYSIS: The bill would authorize the Winston-Salem/Forsyth board of education to apply to establish a charter school or to convert an existing public school to a charter school. (If the application is to convert an existing school, the board must still have a signed statement from a majority of teachers and instructional support personnel currently employed at the school who are in favor of the conversion. And there must be evidence that a significant number of parents of children enrolled at the school support the conversion.) This charter school would be accountable to the local board of education. It would be operated by the local board of education or by a board of directors appointed by that board.

The bill would apply only to the Winston-Salem/Forsyth School System.

**NORTH CAROLINA HOUSE OF REPRESENTATIVES
ASSIGNMENT OF BILLS TO SUBCOMMITTEE****COMMITTEE: EDUCATION****Chairs: Representatives Bonner, Hilton, Warner, Woods****DATE: June 3, 2003**

Bill Number (Indicate H or S): S886**Short Title: SUN SAFETY FOR SCHOOL CHILDREN****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:**

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2003

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SENATE BILL 886

Education/Higher Education Committee Substitute Adopted 4/24/03

Third Edition Engrossed 4/28/03

PROPOSED HOUSE COMMITTEE SUBSTITUTE S886-CSRJ-21 [v.5]

5/20/2003 10:48:59 AM

Short Title: Sun Safety for School Children.

(Public)

Sponsors:

Referred to:

April 3, 2003

A BILL TO BE ENTITLED

AN ACT TO AMEND THE DUTIES OF LOCAL BOARDS OF EDUCATION TO ENCOURAGE THE ADOPTION OF POLICIES TO ENCOURAGE THE OUTDOOR USE OF ARTICLES OF SUN-PROTECTIVE CLOTHING AND TO ALLOW PUPILS TO USE SUNSCREEN DURING THE SCHOOL DAY WITH PARENTAL PERMISSION.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 115C-47 is amended by adding a new subdivision to read:

"(44) To Encourage the Adoption of Sun Safety Policies. – Local boards of education may adopt policies that establish sun safety as a priority and highlight the importance of skin cancer prevention. At a minimum, the policies should:

a. Encourage students to wear protective clothing, hats, and UVA/UVB protective sunglasses to prevent excessive sun exposure.

b. Allow use of broad-spectrum UVA/UVB sunscreen with an SPF of 15 or greater at school or for after-school activities. The policy may include asking parents to encouraging parents to include sunscreen in required school-supply kits. A written statement from a parent giving blanket permission for up to one year for students to be able to use sunscreen at school or after-school activities is required instead of a physician's note or prescription. Nothing in this subsection requires school personnel to assist students in applying sunscreen.

Local boards of education shall make copies of the policies available to students and parents or guardians."

1

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

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2003

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SENATE BILL 886
Education/Higher Education Committee Substitute Adopted 4/24/03
Third Edition Engrossed 4/28/03

Short Title: Sun Safety for School Children.

(Public)

Sponsors:

Referred to:

April 3, 2003

1 A BILL TO BE ENTITLED
2 AN ACT TO ENCOURAGE LOCAL BOARDS OF EDUCATION TO ADOPT
3 POLICIES TO ALLOW FOR THE OUTDOOR USE DURING THE SCHOOL
4 DAY OF ARTICLES OF SUN-PROTECTIVE CLOTHING AND TO ALLOW
5 PUPILS TO USE SUNSCREEN DURING THE SCHOOL DAY WITHOUT A
6 PHYSICIAN'S NOTE OR PRESCRIPTION.

7 The General Assembly of North Carolina enacts:

8 SECTION 1. Chapter 115C is amended by adding a new Article to read:

9 "Article 29A.

10 "Sun Protection Policy to Prevent Skin Cancer.

11 "§ 115C-407.1. Sun protection policy.

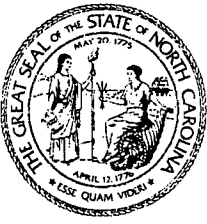
12 (a) Local boards of education may adopt policies that establish sun safety as a
13 priority and highlight the importance of skin cancer prevention. At a minimum, the
14 policies should:

15 (1) Encourage students to wear protective clothing, hats, and UVA/UVB
16 protective sunglasses to prevent excessive sun exposure.

17 (2) Allow use of broad-spectrum UVA/UVB sunscreen with an SPF of 15
18 or greater at school or for after-school activities without a physician's
19 note or prescription. The policy may range from encouraging parents
20 to include sunscreen in required school-supply kits to using permission
21 slips for students to be able to apply sunscreen at school. For the
22 purposes of this subsection, sunscreen is not an over-the-counter
23 medication. Nothing in this subsection requires school personnel to
24 assist students in applying sunscreen.

25 (b) Local boards of education shall publish any policies adopted under this
26 section and make the published policies available to students and parents or guardians."

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



SENATE BILL 886: Sun Safety for School Children

BILL ANALYSIS

Committee: House Education
Date: May 13, 2003
Version: Third Edition

Introduced by: Senators Carpenter, Dannelly,
Purcell
Summary by: Sara Kamprath*
Committee Staff

SUMMARY: *Senate Bill 886 would encourage local boards of education to adopt policies that establish sun safety as a priority and highlight the importance of skin cancer prevention. The policies, at a minimum, must:*

- (1) Encourage students to wear protective clothing, hats, and sunglasses; and*
- (2) Allow students to use sunscreen at school or for after school activities without a physician's note or prescription.*

Senate Bill 886 would require local boards to publish any policies adopted under this act and make them available to students, parents or guardians.

The act would become effective when it becomes law.

**Shirley Iorio contributed significantly to this summary.*

S886-SMRJ-004

Compliments of:
Sen. Bob Carpenter
50th N.C. Senate District
29 Admiral Drive
Franklin, NC 28734

Sun Safety in School Children

Burden of Skin Cancer:

- Skin cancer is the most common type of cancer in the United States with over 1 million cases diagnosis each year.
- Skin cancer kills almost 10,000 American each year.
- Since the 1970's our number of new cases for the most deadly form of skin cancer, melanoma, have increase 150% . The death rates from melanoma have also increased by 44% in the same period. 30 yrs

Sun Exposure and Children:

- Ultraviolet radiation exposure during childhood plays an important role in the development of skin cancer.
- Sun exposure and it bad health effects add up over our lifetime! More than half of lifetime exposure to the sun occurs before a child's eighteenth birthday.
- Just one serious sunburn can increase a child's risk of developing melanoma by two fold.
- Studies have shown that protecting children from the sun reduces their risk of developing skin cancer. These studies concluded that protecting children from the sun needs to start at an early age.
- The best way to protect children from skin cancer is to have them avoid excessive sun expose. Avoid outdoor activities during peak UV radiation times or have children play in the shade.
- Using sun protective clothing such as broad brimmed hats, sunglasses, and clothing that cover as much of the body as possible provides excellent sun protection.
- Sunscreens should be used to support a sun safety behaviors and should not be used as the primary mode of protecting children from too much sun.

Children spend a significant portion of their day at school. Some of that time is spent engaging in outdoor activities. Schools are in an ideal position to model and teach sun safety behaviors, and therefore play an important role in skin cancer prevention.

**NORTH CAROLINA HOUSE OF REPRESENTATIVES
ASSIGNMENT OF BILLS TO SUBCOMMITTEE**

COMMITTEE: **EDUCATION**

Chairs: **Representative Bonner, Hilton, Warner, Wood**

DATE: **4-24-03**

Bill Number (Indicate **H** or **S**): **H 873**

Short Title: **Health Education Courses/Accurate Info.**

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:

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REFERRAL FORM

**NORTH CAROLINA HOUSE OF REPRESENTATIVES
ASSIGNMENT OF BILLS TO SUBCOMMITTEE**

COMMITTEE: **EDUCATION**

Chairs: **Representatives Bonner, Hilton, Warner, Wood**

DATE: **6/24/03**

Bill Number (Indicate **H** or **S**): **S 701**

Short Title: **Job Sharing for School Personnel**

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**):

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REFERRAL FORM

**NORTH CAROLINA HOUSE OF REPRESENTATIVES
ASSIGNMENT OF BILLS TO SUBCOMMITTEE**

COMMITTEE: **EDUCATION**

Chairs: **Representatives Bonner, Hilton, Warner, Wood**

DATE: **Thursday, April 24, 2003**

Bill Number (Indicate H or S): H 1166.

Short Title: Local Flex. Regarding Job Sharing in Schools

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

Re-Assigned to Subcommittee on:

Bill Number (Indicate H or S):

Short Title:

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**NORTH CAROLINA HOUSE OF REPRESENTATIVES
ASSIGNMENT OF BILLS TO SUBCOMMITTEE****COMMITTEE: EDUCATION****Chairs: Representative Bonner, Hilton, Warner, Wood****DATE: 4-24-03**

Bill Number (Indicate H or S): HB1195**Short Title: CAMPUS INITIATED TUITION & FEE INCREASE****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:**

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NORTH CAROLINA HOUSE OF REPRESENTATIVES
ASSIGNMENT OF BILLS TO SUBCOMMITTEE

COMMITTEE: EDUCATION

Chairs: Representatives Bonner, Hilton, warner, Wood

DATE: Tuesday, April 22, 2003

Bill Number (Indicate H or S): H 1168

Short Title: Revise Funding Formula for LEP Students

Assigned to Subcommittee on: Education, 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):

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REFERRAL FORM

**NORTH CAROLINA HOUSE OF REPRESENTATIVES
ASSIGNMENT OF BILLS TO SUBCOMMITTEE**

COMMITTEE: **EDUCATION**

CHAIRMAN: **Representatives Bonner, Hilton, Warner, Wood**

DATE: **4/15/03**

Bill Number (Indicate **H** or **S**): **H 51**

Short Title: **UNC TUITION/MILITARY STUDENTS**

Assigned to Subcommittee on: **UNIVERSITIES**

Re-Assigned to Subcommittee on:

Bill Number (Indicate **H** or **S**): **H 150**

Short Title: **AMEND LEGISLATION TUITION**

Assigned to Subcommittee on: **UNIVERSITIES**

Re-Assigned to Subcommittee on:

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

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NORTH CAROLINA HOUSE OF REPRESENTATIVES
ASSIGNMENT OF BILLS TO SUBCOMMITTEE

COMMITTEE: EDUCATION

Chair: Representatives BONNER, HILTON, WARNER, WOOD

DATE: 4/15/03

Bill Number (Indicate H or S): H 506

Short Title: UNC/BOG STUDENT MEMBER VOTE

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:

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Assigned to Subcommittee on:

Re-Assigned to Subcommittee on:

Ann Stancil (Rep. Warner)

From: Shirley Iorio (Research)
Sent: Tuesday, April 01, 2003 6:20 PM
To: Ann Stancil (Rep. Warner)
Subject: Bills referred to subcommittees

Ann,

Please do this immediately. These are the bills that the chairs want referred to the subcommittees. Thanks.

Education Subcommittee on Pre-School, Elementary and Secondary Education

H 38	Tenured Teachers Retain Tenure	Rep. Adams
H 601	Encourage Early College Attendance	Rep. Glazier
H 801	Alternatives to School Competency Test	Rep. Warner
H 802	Purchasing Flexibility for Schools	Rep. Glazier

Education Subcommittee on Universities

H 567	Increase Out-of-State Tuition/UNC System	Rep. Allred
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*Shirley L. Iorio, PhD
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NC General Assembly, Research Division
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300 N. Salisbury Street
Raleigh, NC 27603-5925
Phone: 919-733-2578 FAX: 919-715-5460
shirleyi@ncleg.net*

REFERRAL FORM

**NORTH CAROLINA HOUSE OF REPRESENTATIVES
ASSIGNMENT OF BILLS TO SUBCOMMITTEE**

COMMITTEE: **EDUCATION**

Chairs: **Representative Bonner, Hilton, Warner and Wood**

DATE: **April 2, 2003**

Bill Number (Indicate H or S): **H 38**

Short Title: **Tenured Teachers Retain Tenure**

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

Re-Assigned to Subcommittee on:

Bill Number (Indicate H or S): **H 601**

Short Title: **Encourage Early College Attendance**

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

Re-Assigned to Subcommittee on:

Bill Number (Indicate H or S): **H 801**

Short Title: **Alternatives to School Competency Test**

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

Re-Assigned to Subcommittee on:

Bill Number (Indicate H or S): **H 802**

Short Title: **Purchasing Flexibility for Schools**

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):

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Re-Assigned to Subcommittee on:

Bill Number (Indicate H or S):

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Assigned to Subcommittee on:

Re-Assigned to Subcommittee on:

REFERRAL FORM

**NORTH CAROLINA HOUSE OF REPRESENTATIVES
ASSIGNMENT OF BILLS TO SUBCOMMITTEE**

COMMITTEE: **EDUCATION**

Chairs: **Representative Bonner, Hilton, Warner and Wood**

DATE: **April 2, 2003**

Bill Number (Indicate H or S): **H 567**

Short Title: **Increase Out-of-State Tuition/UNC System**

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):

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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:

Bills to be Referred to Subcommittees

Education Subcommittee on Pre-School, Elementary and Secondary Education

Representative Dockham, Co-Chair

Representative Warren, Co-Chair

Representative Bell, Vice-Chair

Representative Goforth, Vice-Chair

Representative Gulley, Vice-Chair

HB 31 Remove Cap on Charter Schools (report back to full committee)

Rep. Allred

HB 32 Remove cap on Charter Schools (report back to full committee)

Rep. Gorman

HB 318 Children with Disabilities/Federal Law.-AB (report to the floor)

Reps. Bell, Preston, Warren

Education Subcommittee on Community Colleges

Representative McLawhorn, Co-Chair

Representative Sexton, Co-Chair

Representative Bordsen, Vice-Chair

Representative Rayfield, Vice-Chair

HB 223 Voc. Rehab Students in Comm. Coll./Funds.-AB (report to the floor)

Rep. Johnson

HB 234 Comm. Coll. Financial Aid Process Clarified.-AB (report to the floor)

Rep. Tolson

Education Subcommittee on Universities

Representative Bowie, Co-Chair

Representative McAllister, Co-Chair

Representative Holmes, Vice-Chair

Representative Rapp, Vice-Chair

HB 51 UNC Tuition/Military Students (refer to Appropriations)

Reps. Dickson, Glazier, Lucas, McAllister

HB 150 Amend Legislative Tuition Grants (report back to full committee)

Reps. Owens, Jr., Stam

**NORTH CAROLINA HOUSE OF REPRESENTATIVES
ASSIGNMENT OF BILLS TO SUBCOMMITTEE****COMMITTEE: EDUCATION****CHAIRMAN: Representative REPS. BONNER , HILTON, WARNER, WOOD****DATE: THURSDAY, MARCH 13, 2003**

Bill Number (Indicate **H** or **S**): H223

Short Title: VOC. REHAB. STUDENTS IN COMM. COLL./FUNDS-AB

Assigned to Subcommittee on: **COMMUNITY COLLEGES**

Re-Assigned to Subcommittee on:

Bill Number (Indicate **H** or **S**): H 234

Short Title: COMM. COLL. FINANCIAL AID PROCESS CLARIFIED-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:

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

Short Title:

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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:

**NORTH CAROLINA HOUSE OF REPRESENTATIVES
ASSIGNMENT OF BILLS TO SUBCOMMITTEE****COMMITTEE:** EDUCATION**CHAIRMAN:** Representative Bonner, Hilton, Warner, Wood**DATE:** 3/13/03

Bill Number (Indicate H or S): H 31**Short Title:** REMOVE CAP ON CHARTER SCHOOLS**Assigned to Subcommittee on:** Pre-School, Elementary and Secondary Education**Re-Assigned to Subcommittee on:**

Bill Number (Indicate H or S): H 32**Short Title:** REMOVE CAP ON CHARTER SCHOOLS**Assigned to Subcommittee on:** Pre-School, Elementary and Secondary Education**Re-Assigned to Subcommittee on:**

Bill Number (Indicate H or S): H 318**Short Title:** CHILDREN WITH DISABILITIES/FEDERAL LAW-AB**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:**

**NORTH CAROLINA HOUSE OF REPRESENTATIVES
ASSIGNMENT OF BILLS TO SUBCOMMITTEE****COMMITTEE: EDUCATION****CHAIRMAN: Representatives Bonner, Hilton, Warner, Wood****DATE: March 13, 2003**

Bill Number (Indicate **H** or **S**): H 51

Short Title: UNC TUITION/MILITARY STUDENTS

Assigned to Subcommittee on: UNIVERSITIES

Re-Assigned to Subcommittee on:

Bill Number (Indicate **H** or **S**): H 150

Short Title: AMEND LEGISLATION TUITION

Assigned to Subcommittee on: UNIVERSITIES

Re-Assigned to Subcommittee on:

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

Short Title:

Assigned to Subcommittee on: S

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

Chair: Representatives Bonner, Hilton, Warner, Wood

DATE: March 20

Bill Number (Indicate H or S): H 60
 Short Title: SCHOOL CALENDAR FLEX./IREDELL & CATAWBA
 Assigned to Subcommittee on: Pre-School, Elementary, and Secondary Education
 Re-Assigned to Subcommittee on:

Bill Number (Indicate H or S): H 102
 Short Title: SCHOOL CALENDAR FLEXIBILITY/ALAMANCE. CO
 Assigned to Subcommittee on: Pre-School, Elementary, and Secondary Education
 Re-Assigned to Subcommittee on:

Bill Number (Indicate H or S): H 194
 Short Title: CALENDAR FLEX./CLEVELAND CO. SCHOOL SYSTEMS
 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:

NORTH CAROLINA HOUSE OF REPRESENTATIVES
ASSIGNMENT OF BILLS TO SUBCOMMITTEE

COMMITTEE: EDUCATION

Chair: Representatives Bonner, Hilton, Warner, Wood

DATE: March 20, 2003

Bill Number (Indicate H or S): H 506

Short Title: UNC/BOG STUDENT MEMBER VOTE

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:

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:

HOUSE EDUCATION COMMITTEE MEETING

MAY 25, 2004

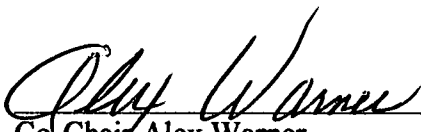
The House Education Committee met on Tuesday, May 25, 2004, at 11:00 AM in Room 643, in the Legislative Office Building. The members present are indicated on the Attendance Sheet. Rep. Alex Warner, Co-Chair, presided over the meeting.

Guests included and introduced were Russian exchange students with Cumberland County Schools. Rhonda Murphy was the teacher/sponsor from Cumberland County. Each student was given a certificate and North Carolina pin. Rep. Coats made a motion to make the students honorary members of the Education Committee. Rep. Wood seconded the motion.

Rep. Jean Preston was called upon to explain **HB 1455, A BILL TO BE ENTITLED AN ACT TO IMPLEMENT THE RECOMMENDATION OF THE HOUSE INTERIM COMMITTEE ON PROVIDING AN APPROPRIATE EDUCATION FOR STUDENTS ON LONG-TERM SUSPENSION TO DIRECT THE STATE BOARD OF EDUCATION TO DEVELOP AND RECOMMEND A FUNDING FORMULA FOR ALTERNATIVE LEARNING PROGRAMS AND ALTERNATIVE SCHOOLS.** After some discussion, Rep. Ross moved for a favorable report and it passed.

Rep. Jean Preston was called on again to explain **HB 1456, A BILL TO BE ENTITLED AN ACT TO IMPLEMENT THE RECOMMENDATION OF THE HOUSE INTERIM COMMITTEE ON PROVIDING AN APPROPRIATE EDUCATION FOR STUDENTS ON LONG-TERM SUSPENSION TO DIRECT THE STATE BOARD OF EDUCATION TO DETERMINE A SPECIFIC PERCENTAGE OF AT-RISK FUNDS FOR SERVICES TO STUDENTS WHO ARE SUSPENDED FROM SCHOOL FOR MORE THAN TEN DAYS.** During much discussion, Rep. Glazier offered an amendment, which passed and Rep. Womble moved for a favorable report as to committee substitute, unfavorable to original bill. The motion passed.

The meeting adjourned.


Co-Chair Alex Warner


Committee Clerk Ann Stancil

**2003 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

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

By Representatives Bonner, Hilton, Warner & Wood (Chairs) for the Committee on
Education.

☐ Committee Substitute for

H.B. 1455 A BILL TO BE ENTITLED AN ACT TO IMPLEMENT THE
RECOMMENDATION OF THE HOUSE INTERIM COMMITTEE ON PROVIDING AN
APPROPRIATE EDUCATION FOR STUDENTS ON LONG-TERM SUSPENSION TO
DIRECT THE STATE BOARD OF EDUCATION TO DEVELOP AND RECOMMEND A
FUNDING FORMULA FOR ALTERNATIVE LEARNING PROGRAMS AND
ALTERNATIVE 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 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)

03/19/03

5-25-04
jav. rpt

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2003

H

1

HOUSE BILL 1455

Short Title: SBE Study ALP Funding.

(Public)

Sponsors: Representatives Preston, Warner (Primary Sponsors); Bell, Blackwood, Bonner, Fisher, Parmon, Sauls, Warren, Womble, Glazier, Gorman, and Insko.

Referred to: Education.

May 17, 2004

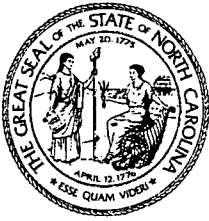
A BILL TO BE ENTITLED

AN ACT TO IMPLEMENT THE RECOMMENDATION OF THE HOUSE INTERIM COMMITTEE ON PROVIDING AN APPROPRIATE EDUCATION FOR STUDENTS ON LONG-TERM SUSPENSION TO DIRECT THE STATE BOARD OF EDUCATION TO DEVELOP AND RECOMMEND A FUNDING FORMULA FOR ALTERNATIVE LEARNING PROGRAMS AND ALTERNATIVE SCHOOLS.

The General Assembly of North Carolina enacts:

SECTION 1. The State Board of Education shall develop and recommend a formula for allotting funds to alternative learning programs and alternative schools based on the number of students (i) suspended from school for more than 10 days or expelled from school and (ii) assigned to an alternative learning program or alternative school. The Board should consider as a basis for this formula existing funding formulas used for children with disabilities, academically or intellectually gifted children, and students with limited English proficiency. The State Board of Education shall recommend this formula to the Joint Legislative Education Oversight Committee by December 15, 2004.

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



HOUSE BILL 1455: SBE Study ALP Funding

BILL ANALYSIS

Committee: House Education
Date: May 25, 2004
Version: First Edition

Introduced by: Reps. Preston and Warner
Summary by: Drupti Chauhan
Committee Counsel

SUMMARY: *This bill would implement a recommendation of the House Interim Committee on Providing An Appropriate Education For Students on Long-Term Suspension to direct the State Board of Education to develop and recommend a funding formula for alternative learning programs and alternative schools.*

BILL ANALYSIS: The bill requires the State Board of Education (SBE) to develop and recommend a formula for allotting funds to alternative learning programs and alternative schools based on the number of students that are:

- (1) suspended from school for more than 10 days or expelled from school and
- (2) assigned to an alternative learning program and or alternative school

The SBE is directed to consider existing funding formulas used for children with disabilities, academically or intellectually gifted children, and students with limited English proficiency and use those formulas as a basis for developing the funding formula. The SBE is required to recommend the formula to the Joint Legislative Education Oversight Committee by December 15, 2004.

BACKGROUND: This bill is a recommendation from the House Interim Committee on Providing An Appropriate Education for Students on Long-Term Suspension. Currently, approximately \$180 million dollars is allotted for at-risk students and LEAs may use these at-risk funds for alternative learning programs required by G.S. 115C-47(32a).

EFFECTIVE DATE: The act is effective when it becomes law.

H1455-SMRQ-001

Ann

**2003 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

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

By Representatives Bonner, Hilton, Warner & Wood (Chairs) for the Committee on
Education.

☐ Committee Substitute for
H.B. 1456 A BILL TO BE ENTITLED AN ACT TO IMPLEMENT THE
RECOMMENDATION OF THE HOUSE INTERIM COMMITTEE ON PROVIDING AN
APPROPRIATE EDUCATION FOR STUDENTS ON LONG-TERM SUSPENSION TO
DIRECT THE STATE BOARD OF EDUCATION TO DETERMINE A SPECIFIED
PERCENTAGE OF AT-RISK FUNDS FOR SERVICES TO STUDENTS WHO ARE
SUSPENDED FROM SCHOOL FOR MORE THAN TEN DAYS.

- ☐ 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)

03/19/03

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2003

H

1

HOUSE BILL 1456

Short Title: SBE Study Use of At-Risk Funds.

(Public)

Sponsors: Representatives Preston, Warner (Primary Sponsors); Bell, Blackwood, Bonner, Fisher, Parmon, Sauls, Warren, Womble, B. Allen, Insko, Lucas, and McLawhorn.

Referred to: Education.

May 17, 2004

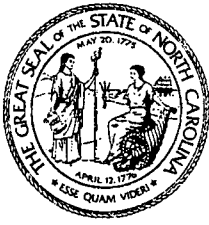
A BILL TO BE ENTITLED

AN ACT TO IMPLEMENT THE RECOMMENDATION OF THE HOUSE INTERIM COMMITTEE ON PROVIDING AN APPROPRIATE EDUCATION FOR STUDENTS ON LONG-TERM SUSPENSION TO DIRECT THE STATE BOARD OF EDUCATION TO DETERMINE A SPECIFIED PERCENTAGE OF AT-RISK FUNDS FOR SERVICES TO STUDENTS WHO ARE SUSPENDED FROM SCHOOL FOR MORE THAN TEN DAYS.

The General Assembly of North Carolina enacts:

SECTION 1. The State Board of Education shall establish and recommend a specified percentage of the Alternative Schools/At Risk Student allotment to be designated for services to be provided to students who have been suspended from school for more than 10 days. The State Board of Education shall report its recommendation to the Joint Legislative Education Oversight Committee by December 15, 2004.

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



HOUSE BILL 1456: SBE Study Use of At-Risk Funds.

BILL ANALYSIS

Committee: House Education
Date: May 25, 2004
Version: First Edition

Introduced by: Reps. Preston and Warner
Summary by: Sara Kamprath
Committee Analyst

SUMMARY: *House Bill 1456 directs the State Board of Education (SBE) to recommend a specified percentage of the Alternative Schools/At-Risk Student allotment to be used to provide services for students who have been suspended from school for more than 10 days. The SBE shall report by December 15, 2004 to the Joint Legislative Education Oversight Committee on its recommendation.*

The bill is a recommendation of the House Interim Committee on Providing an Appropriate Education for Students on Long-Term Suspension. The bill is effective when it becomes law.

BACKGROUND: One purpose of the Alternative Schools/At-Risk Student allotment is to provide funding to identify students who are at-risk of dropping out and to provide special instructional programs for them. This allotment can also be used to fund summer school instruction and transportation, remediation, alcohol and drug prevention, early intervention, safe schools, and preschool screening. Funds can't be transferred out of this category for any purpose but can be transferred in.

The Alternative Schools/At-Risk Student allotment for FY 2003-04 was over \$178.5 million.

H1456-SMRJ-001

VISITOR REGISTRATION SHEET

Name of Committee

5/25/04
Date

VISITORS: PLEASE SIGN BELOW AND RETURN TO COMMITTEE ASSISTANT

<u>NAME</u>	<u>FIRM OR AGENCY</u>
Bor Sault	NECCO
Linda Syng	SBE/DPI
Ann McArthur	Public School Int.
BRENDAN MAGINNIS	Governor's Ofc.
Lydia Prude	WAYNE GOODWIN BMM.
KEVIN LEONARD	DPI
Joe Dike	WCSR
John McInnis	Gov Office
Elizabeth Self	Intern, Rep. Ross
HOLLON SKINNER	Intern, Rep Culpepper
Richy Weldon	Intern, Rep Alexander
Hal Miller	DIRECT
Lisa Bateman	DJJD
Mary Gurgan	Intern, NC Bar
Michelle Frazier	NC Bar Ass'n
Robert A. Stewart	C. SE - Catawba Co.
Michael Houser	NCAE
EDDIE DAVIS	NKAR
Yvonne Perry	NCS PA
Anne Bander	OSBM
Gene Rausky	NC SBA
Susan Harrison	WCPSS
James Harrison	SOS
Ku-Ang Lee	CTA
Tom M. Ward	NECCO

House Education Committee

June 8, 2004

Minutes

The House Education Committee met on Tuesday, June 8, 2004 at 11:00 a.m. in Room 643 of the Legislative Office Building. Chairman Steve Wood called the meeting to order and introduced the Pages and Sergeant-at-Arms assigned to serve the House Education Committee at this meeting (Attachment I). Representative Wood also recognized and honored the members of D-Day. Representative Fisher was welcomed to the House Education Committee. The attendance sheet indicates members present (Attachment II). The Visitor Registration sheet is also attached (Attachment III).

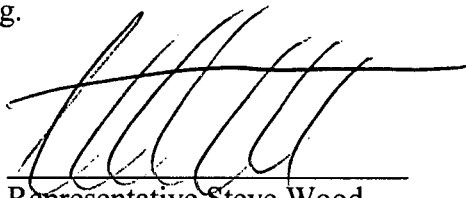
Representative Alex Warner was recognized to explain House Joint Resolution 1540, A JOINT RESOLUTION AUTHORIZING THE 2003 GENERAL ASSEMBLY, REGULAR SESSION 2004, TO CONSIDER A BILL TO BE ENTITLED AN ACT TO LIMIT OUT-OF-STATE UNDERGRADUATE ENROLLMENT AT EACH CONSTITUENT INSTITUTION EXCEPT THE NORTH CAROLINA SCHOOL OF THE ARTS TO EIGHTEEN PERCENT OF THE ENTERING FRESHMAN CLASS AT THE INSTITUTION AND TO APPROPRIATE FUNDS TO ASSIST IN IMPLEMENTING THE ACT. (Attachment IV). A Bill Analysis for House Joint Resolution 1540 is attached (Attachment V).

Chairman Wood opened the floor for discussion.

After much discussion and debate, including comments from Mr. Mark Fleming of the University System, Representative Hilton made a motion for a Favorable Report for House Joint Resolution 1540. The motion passed.

Committee Report for HJR 1540 attached (Attachment VI).

Meeting adjourned. House Bills 1457, 1459 and 1460 to be continued at next meeting.



Representative Steve Wood
Chairman



Wendy Miller
Committee Clerk

2003 COMMITTEE REPORT HOUSE OF REPRESENTATIVES

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

By Representatives **Bonner, Hilton, Warner and Wood** (Chairs) for the Committee on **EDUCATION**.

☒ Committee Substitute for

H.J.R. 1540 A JOINT RESOLUTION AUTHORIZING THE 2003 GENERAL ASSEMBLY, REGULAR SESSION 2004, TO CONSIDER A BILL TO BE ENTITLED AN ACT TO LIMIT OUT-OF-STATE UNDERGRADUATE ENROLLMENT AT EACH CONSTITUENT INSTITUTION EXCEPT THE NORTH CAROLINA SCHOOL OF THE ARTS TO EIGHTEEN PERCENT OF THE ENTERING FRESHMAN CLASS AT THE INSTITUTION AND TO APPROPRIATE FUNDS TO ASSIST IN IMPLEMENTING THE ACT.

☒ 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)

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2003**

H

1

HOUSE JOINT RESOLUTION 1540

Sponsors: Representatives Warner; Church, Hilton, Lucas, McAllister, Parmon, Sauls, Stiller, Tolson, Wainwright, and Warren.

Referred to: Education.

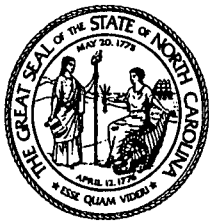
May 20, 2004

1 A JOINT RESOLUTION AUTHORIZING THE 2003 GENERAL ASSEMBLY,
2 REGULAR SESSION 2004, TO CONSIDER A BILL TO BE ENTITLED AN ACT
3 TO LIMIT OUT-OF-STATE UNDERGRADUATE ENROLLMENT AT EACH
4 CONSTITUENT INSTITUTION EXCEPT THE NORTH CAROLINA SCHOOL
5 OF THE ARTS TO EIGHTEEN PERCENT OF THE ENTERING FRESHMAN
6 CLASS AT THE INSTITUTION AND TO APPROPRIATE FUNDS TO ASSIST
7 IN IMPLEMENTING THE ACT.

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

9 **SECTION 1.** The 2003 General Assembly, Regular Session 2004, may
10 consider "A BILL TO BE ENTITLED AN ACT TO LIMIT OUT-OF-STATE
11 UNDERGRADUATE ENROLLMENT AT EACH CONSTITUENT INSTITUTION
12 EXCEPT THE NORTH CAROLINA SCHOOL OF THE ARTS TO EIGHTEEN
13 PERCENT OF THE ENTERING FRESHMAN CLASS AT THE INSTITUTION AND
14 TO APPROPRIATE FUNDS TO ASSIST IN IMPLEMENTING THE ACT."

15 **SECTION 2.** This resolution is effective upon ratification.



BILL ANALYSIS

HOUSE JOINT RESOLUTION 1540: Enabling Resolution/Limit Out-of-State Undergraduate Enrollment/UNC Constituent Institutions

Committee: House Education
Date: June 1, 2004
Version: First Edition

Introduced by: Rep. Warner
Summary by: Shirley Iorio, Ph D
Committee Analyst

SUMMARY: *This joint resolution would authorize the 2003 General Assembly, Regular Session 2004, to consider a bill to be entitled AN ACT TO LIMIT OUT-OF-STATE UNDERGRADUATE ENROLLMENT AT EACH CONSTITUENT INSTITUTION EXCEPT THE NORTH CAROLINA SCHOOL OF THE ARTS TO EIGHTEEN PERCENT OF THE ENTERING FRESHMAN CLASS AT THE INSTITUTION AND TO APPROPRIATE FUNDS TO ASSIST IN IMPLEMENTING THE ACT.*

The resolution would be effective upon ratification.

CURRENT LAW: Resolution 2003-31 (the adjournment resolution) allows a joint resolution authorizing the introduction of a bill if the joint resolution passed during the 2004 Regular Session by a two-thirds majority of the members of the House of Representatives present and voting and by a two-thirds majority of the members of the Senate present and voting.

G.S. 116-11(8) authorizes the UNC Board of Governors (BOG) to set enrollment levels of the constituent institutions.

UNC Board of Governors policy states that each constituent institution, except the North Carolina School of the Arts, shall limit the proportion of out-of-state students in the entering freshman class to not more than eighteen percent (18%). Beginning with the fall of 1994, any constituent institution, except the North Carolina School of the Arts, that exceeds the 18% out-of-state freshman enrollment limitation for two consecutive fiscal years shall have its State operating budget reduced.

BILL ANALYSIS: This joint resolution, if passed by a 2/3 vote of each chamber's members present and voting, would authorize the introduction of a bill that would codify the current BOG policy.

HJR1540-SMSF-001

VISITOR REGISTRATION SHEET

edu.

6-8-04

Name of Committee

Date

VISITORS: PLEASE SIGN BELOW AND RETURN TO COMMITTEE ASSISTANT

<u>NAME</u>	<u>FIRM OR AGENCY</u>
Hal Miller	NCACCT
V. McLean	The McLean Co
Jim Blackburn	Association of County Commissioners
KEVIN HUTCHINSON	GOVERNOR'S OFFICE
Katie Myers	DJDDP
Rich Webb	NCGA Intern
Elizabeth Self	Intern
Elizabeth Gruninger	OSBM
Vicki Gail	Raleigh News + Observer
Gedoff Coltrane	Ed Policy Office - Office of the Governor
Ann McArthur	Governor's Ofc.
Michael Houser	NCAE
Alex Wilson	Edmiston & Webb
Deanne Winice	NGSBA
Jo Ann Norris	Public School Forum of NC
Katherine Joyce	NCAAA
Marquetric Peebles	DPI
John Ayers	SBE / DPI
Joanne Stevens	NCASN / NCATIA
William Powell	NCICU
Gene Causby	NC SFSA
John Smith	NCAPH
Susan Farrow	WCPSS
Joe Ann Cole	CTA
Mark Drees	PENC
Kevin Fitzgerald	UNC CHAPEL HILL
John Payne	Edmiston & Webb

VISITOR REGISTRATION SHEET

House Education
Name of Committee

6/8/04
Date

VISITORS: PLEASE SIGN BELOW AND RETURN TO COMMITTEE ASSISTANT

<u>NAME</u>	<u>FIRM OR AGENCY</u>
Eric Stam	Rep Paul Stam LA
Hollon Skinner	rep Culpepper - intern
John Cymus	N C Hange
Jim Speed	Louis Hange
Rikki Banks	House eleven
Ann Ansley	Intern
Agnes H. Chavis	Robeson County
Charles A. Stevens	CRSP
Gerdine C. Stevens	CRSP
Theresa J. Hales	CRSP
ROMAS L. HALES	Cumberland PSP
Ada B. Barker	"
LIMWOOD Haith	"
Dawn C. Brewer	Robeson Co. Ret. Teachers
Furman	" " " "
Mildred Braxton	Cumberland Ret. Sch. Personnel
Ruthie J. Rhodie	CRSP
Bessie B. Hayes	CRSP
marian H. Jones	CRSP
Lucille M. Malone	CRSP
Edna Mathis	CRSP
Joyce B. Maynor	RRSP
Berniece Lowry	RRSP
Carlene Schlear	RRSP
Mary Sue McHirt	RRSP
Shirley H. Stockton	Robeson Co. Retired School Personnel
Guth Dial Woods	" " " " "

VISITOR REGISTRATION SHEET

House Education

Name of Committee

6/8/04

Date _____

VISITORS: PLEASE SIGN BELOW AND RETURN TO COMMITTEE ASSISTANT

NAME

FIRM OR AGENCY

Yvonne Pay

NKSPA

Shirley Bloant

RRSP

Fary Stephens

RRSP

Brian Ferri

Planned Parenthood Health Sys, Inc - Asheville

Paula Newman

OPC Area Prgrm (Ch-Hill) / Alpha Kappa Alpha Sorority
Alpha Kappa Alpha Sorority Inc.

Christie B. Walton

Alpha Kappa Alpha Society, Inc.

Paul Hodges

Thur. 11

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Luke Cansky

Phyllis Cameron is responsible for the
June 15, 2004 minutes.

HOUSE EDUCATION COMMITTEE MEETING

June 22, 2004

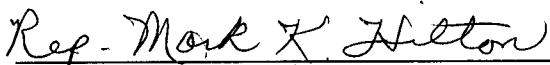
The House Education Committee met on Tuesday, June 22, in Room 643, in the Legislative Office Building. The members present are indicated on the Attendance Sheet. Rep. Mark Hilton, Co-Chair, presided.

Rep. Wayne Goodwin was call upon to explain **HB 1786, AN ACT TO ESTABLISH THE COACHING AND ASSISTANT COACHING SCHOLARSHIP FUND AND TO APPROPRIATE FUNDS TO IMPLEMENT THIS ACT.** After quite a bit of discussion, Rep. Rick Glaizer made the motion to convert a new Proposed Committee Substitute referred to the LRC to study issues as discussed. A favorable report to a new Proposed Committee Substitute, unfavorable to original bill and recommend re-referred to Rules, Calendar, and Operations of the House.

Rep. Martha Alexander was call upon to explain SB 444, AN ACT TO ENSURE THAT EDUCATIONAL MATERIALS ARE PROVIDED SO THAT SCHOOLS PROVIDE INFORMATION TO PARENTS AND GUARDIANS CONCERNING MENINGOCCAL MENINGITIS AND INFLUENZA AND THEIR VACCINES.

After very little discussion Rep. Bernard Allen made a motion for a favorable report as to the House Committee Substitute Bill, which changes the title, unfavorable as to the original bill.

Meeting adjourned

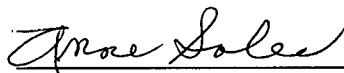


Rep. Mark K. Hilton, Presiding, Co-Chairman

Rep. Donald Bonner, Co-Chair

Rep. Alex Warner, Co-Chair

Rep. Steve Wood, Co-Chair



Anne Soles, Committee Clerk

**2003 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

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

By Representative **Bonner, Hilton, Warner & Wood** (Chairs) for the Committee on
EDUCATION.

☐ Committee Substitute for

H.B. 1786 A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE COACHING AND
ASSISTANT COACHING SCHOLARSHIP FUND AND TO APPROPRIATE FUNDS TO
IMPLEMENT THIS ACT

☐ 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 *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)

03/19/03

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2003

H

D

HOUSE BILL 1786

PROPOSED COMMITTEE SUBSTITUTE H1786-CSRJ-39 [v.3]

6/21/2004 9:27:27 PM

Short Title: Coaching Scholarship Fund.

(Public)

Sponsors:

Referred to:

May 31, 2004

A BILL TO BE ENTITLED

AN ACT TO ESTABLISH THE COACHING SCHOLARSHIP FUND AND TO
APPROPRIATE FUNDS TO IMPLEMENT THIS ACT.

Whereas, athletic coaches play an important role in the lives of North
Carolina's students; and

Whereas, coaches impart the values of sportsmanship, leadership, and
teamwork to the student athletes they train; and

Whereas, coaches provide at-risk children with positive activities during
critical after-school hours and are necessary in leading the fight against a growing
national epidemic of obesity; and

Whereas, teachers who coach have the highest level of interest and
involvement in the lives of their students; and

Whereas, coaches help to facilitate interscholastic athletic competition, which
is the most visible means by which the public interacts with students; Now, therefore,
The General Assembly of North Carolina enacts:

SECTION 1. Article 23 of Chapter 116 of the General Statutes is amended
by adding a new section to read:

"§ 116-209.36. Coaching Scholarship Fund.

(a) There is established the Coaching Scholarship Fund. The purpose of the Fund is to provide scholarship loans of three thousand dollars (\$3,000) per year to students who are admitted to one of the four designated teacher preparation programs among the constituent institutions of The University of North Carolina and show a strong desire to teach and coach in the public schools of the State. Recipients should be exposed to a wide range of sports activities while in college. These activities should be geared to instilling a strong motivation not only to remain in the coaching profession but to provide leadership in the schools where they coach. The Fund shall provide up to 25 scholarship loans per year. The Board of Governors of The University of North Carolina shall designate the four teacher preparation programs.

(b) Criteria for awarding the scholarship loans shall be developed by the North Carolina High School Athletic Association (Association) in consultation with the Board of Governors of The University of North Carolina and shall include all of the following:

- (1) An applicant shall be a junior enrolled in a teacher preparation program in one of the designated constituent institutions of The University of North Carolina.
- (2) All students shall enter into a legal agreement and promissory note with the State Education Assistance Authority to accept employment as a teacher and as a coach or assistant coach in a public school in North Carolina in exchange for receiving any funds.
- (3) An applicant shall be a resident of North Carolina. For purposes of this section, residency shall be determined by the same standard as residency for tuition purposes pursuant to G.S. 116-143.1.
- (4) Any additional criteria that the Association considers necessary, including all of the following:
 - a. Consideration of applicants from diverse backgrounds to receive scholarships pursuant to this section.
 - b. Consideration of the academic qualifications and academic coursework of the individuals applying to receive funds.
 - c. Consideration of the commitment an individual applying to receive funds demonstrates to the profession of coaching.

(c) The Association shall: (i) prepare a clear written explanation of the Coaching Scholarship Fund and the information regarding the availability and criteria for awarding the scholarships, and (ii) provide that information to the appropriate counselors and advisors in each local school system and the designated teacher preparation programs and charge those counselors and advisors to inform students about the scholarships and to encourage them to apply for the scholarships.

(d) The Association shall award the scholarship loans.

(e) The State Education Assistance Authority (Authority) shall administer the Fund and shall ensure that the loan amounts are limited to three thousand dollars (\$3,000) each.

(f) The Authority shall ensure that the following loan cancellations and repayment schedules apply to all funds distributed pursuant to this section:

- (1) The individual who graduates with a bachelors degree from one of the four designated teacher preparation programs and who is employed as a teacher and as a school coach or assistant coach in a public school in North Carolina shall have that amount of the loan cancelled that is based on the amount of time employed and the number of academic years funds were received. One full year of employment shall cancel one academic year's loan.
- (2) The individual who graduates with a bachelors degree from one of the four designated teacher preparation programs and who is not employed as a teacher and as a school coach or assistant coach in a public school in North Carolina for any or all of the equivalent of the number of

1 years funds were received shall repay the loan to the Authority
2 according to a schedule prescribed in the promissory note, plus ten
3 percent (10%) annual interest.

4 (3) The individual who does not graduate with a bachelors degree from
5 one of the four designated teacher preparation programs shall repay the
6 loan according to a schedule prescribed by the Authority, not to exceed
7 fifteen percent (15%) annual interest. In establishing a schedule and
8 interest rate, the Authority shall take into consideration the reasons the
9 individual did not graduate with a bachelors degree.

10 The Authority shall ensure that all repayments, including accrued interest, shall be
11 placed in the Fund.

12 The Authority may forgive or reduce any loan repayment if the Authority considers
13 that extenuating circumstances exist that would make repayment impossible.

14 (g) The State Education Assistance Authority, in consultation with the Board of
15 Governors of The University of North Carolina, shall adopt rules to implement this
16 section.

17 (h) The North Carolina High School Athletic Association and the State Education
18 Assistance Authority shall report to the Joint Legislative Education Oversight
19 Committee by March 1 each year regarding the Fund and scholarships awarded from the
20 Fund."

21 **SECTION 2.** There is appropriated from the General Fund to the State
22 Education Assistance Authority the sum of one hundred dollars (\$100,000) for the
23 2004-2005 fiscal year to implement this act. The State Education Assistance Authority
24 may use up to twenty-five thousand dollars (\$25,000) for costs associated with
25 administering the program.

26 **SECTION 3.** This act becomes effective July 1, 2004.



HOUSE BILL 1786: Coaching Scholarship Fund.

BILL ANALYSIS

Committee: House Education
Date: June 22, 2004
Version: PCS For First Edition - H1786-
CSRJ-39[v.3]

Introduced by: Rep. Goodwin
Summary by: Sara Kamprath
Committee Analyst

SUMMARY: *The Proposed Committee Substitute for House Bill 1786 creates a Coaching Scholarship Fund and includes an appropriation for the scholarships awarded from the Fund. The bill also includes a report to the Joint Legislative Education Oversight Committee on the activities of the Fund. The bill becomes effective on July 1, 2004.*

Differences between this PCS (H1786-CSRJ-39[v.2]) and the PCS from last meeting

This PCS:

1. Shortens the name of the scholarship to "Coaching Scholarship Fund".
2. Makes the North Carolina High School Athletic Association, in consultation with the UNC Board of Governors, responsible for developing the criteria for awarding the scholarships. The Association also will award the scholarships. Previously, the State Education Assistance Authority handled this function.
3. Makes the State Education Assistance Authority responsible only for administering the Fund.
4. Limits the scholarships to juniors in teacher education programs at 4 teacher preparation programs at UNC constituent institutions as designated by the UNC Board of Governors. Previously, an applicant only had to be enrolled in an "accredited bachelors degree program" in any NC institution of higher education.
5. Reduces the amount of the scholarship from \$6,500 to \$3,000 per year.
6. Requires the recipient of the scholarship to be employed as a teacher and as a coach or assistant coach in a NC public school. Previously, the recipient only had to accept employment as a coach or assistant coach in exchange for receiving the scholarship.
7. Reduces the amount of the appropriation from \$162,500 to \$100,000. The State Education Assistance Authority may use up to \$25,000 to administer the program.

BILL ANALYSIS:

The PCS for House Bill 1786 would create a Coaching Scholarship Fund (Fund) to provide up to 25 scholarship loans in the amount of \$3,000 per year to students enrolled in selected UNC teacher preparation programs. A scholarship recipient must be enrolled in one of the four teacher preparation programs designated by the UNC Board of Governors.

The North Carolina High School Athletic Association (Association) shall develop the criteria for awarding the scholarships and select recipients. Applicants shall agree to accept employment as a teacher and as a coach or assistant coach in a N.C. public school. The Association is also responsible for

HOUSE BILL 1786

Page 2

providing information about the Coaching Scholarship Fund to high school counselors and university advisors.

The State Education Assistance Authority (Authority) shall administer the Fund. The PCS also includes provisions relating to loan cancellations and repayment schedules. One full year of employment shall cancel the loan for a single academic year. The Authority can forgive or reduce any loan repayment if it finds that extenuating circumstances make repayment impossible.

The Authority, in consultation with the UNC Board of Governors, shall adopt rules to implement the bill.

The North Carolina High School Athletic Association and the State Education Assistance Authority shall make an annual report by March 1 to the Joint Legislative Education Oversight Committee on the Fund and the scholarships awarded from the Fund.

The PCS contains a \$100,000 appropriation to the State Education Assistance Authority for the 2004-05 fiscal year. The bill is effective July 1, 2004.

The PSC has a serial rereferral to the House Appropriations Committee.

BACKGROUND: The State Board of Education and the NC High School Athletic Association have a policy that the head coach of an interscholastic team shall be a bona fide member of the faculty. The policy allows for the employment of a non-faculty person in cases of emergency.

1786-SMRJ-002

**2003 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

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

By Representatives **Bonner, Hilton, Warner & Wood** (Chairs) for the Committee on
EDUCATION.

☐ Committee Substitute for

SB 444 A BILL TO BE ENTITLED AN ACT TO AUTHORIZE PILOT PROGRAMS ON
TEACHING PERSONNEL FINANCIAL LITERACY 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 the ^{House} 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)

03/19/03

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2003

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D

SENATE BILL 444

PROPOSED HOUSE COMMITTEE SUBSTITUTE S444-CSRH-66 [v.7]

6/15/2004 9:08:21 AM

Short Title: School Info/Meningitis and Flu.

(Public)

Sponsors:

Referred to:

March 17, 2003

A BILL TO BE ENTITLED

AN ACT TO ENSURE THAT EDUCATIONAL MATERIALS ARE PROVIDED SO THAT SCHOOLS PROVIDE INFORMATION TO PARENTS AND GUARDIANS CONCERNING MENINGOCOCCAL MENINGITIS AND INFLUENZA AND THEIR VACCINES.

The General Assembly of North Carolina enacts:

SECTION 1. This act shall be known as "Garrett's Law".

SECTION 2. G.S. 115C-47 is amended by adding a new subdivision to read:

"(44) To Ensure that Schools Provide Information Concerning Meningococcal Meningitis and Influenza and Their Vaccines. – Local boards of education shall ensure that schools provide parents and guardians with information about meningococcal meningitis and influenza and their vaccines at the beginning of every school year. This information shall include the causes, symptoms, and how meningococcal meningitis and influenza are spread and the places where parents and guardians may obtain additional information and vaccinations for their children."

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

"(a) Health and Safety Standards. – A charter school shall meet the same health and safety requirements required of a local school administrative unit. The Department of Public Instruction shall ensure that charter schools provide parents and guardians with information about meningococcal meningitis and influenza and their vaccines at the beginning of every school year. This information shall include the causes, symptoms, and how meningococcal meningitis and influenza are spread and the places where parents and guardians may obtain additional information and vaccinations for their children."

SECTION 4. G.S. 115C-548 reads as rewritten:

"§ 115C-548. Attendance; health and safety regulations.

Each private church school or school of religious charter shall make, and maintain annual attendance and disease immunization records for each pupil enrolled and regularly attending classes. Attendance by a child at any school to which this Part relates and which complies with this Part shall satisfy the requirements of compulsory school attendance: ~~Provided, however, that such attendance so long as the school operates on a regular schedule, excluding reasonable holidays and vacations, during at least nine calendar months of the year. Each school shall be subject to reasonable fire, health and safety inspections by State, county and municipal authorities as required by law.~~

The Division of Non-Public Education, Department of Administration, shall ensure that materials are provided to these schools so that they can provide parents and guardians with information about meningococcal meningitis and influenza and their vaccines at the beginning of every school year. This information may be provided electronically or on the Division's webpage. This information shall include the causes, symptoms, and how meningococcal meningitis and influenza are spread and the places where parents and guardians may obtain additional information and vaccinations for their children."

SECTION 5. G.S. 115C-556 reads as rewritten:

"§ 115C-556. Attendance; health and safety regulations.

Each qualified nonpublic school shall make, and maintain annual attendance and disease immunization records for each pupil enrolled and regularly attending classes. Attendance by a child at any school to which this Part relates and which complies with this Part shall satisfy the requirements of compulsory school attendance: ~~Provided, however, that such attendance so long as the school operates on a regular schedule, excluding reasonable holidays and vacations, during at least nine calendar months of the year. Each school shall be subject to reasonable fire, health and safety inspections by State, county and municipal authorities as required by law.~~

The Division of Non-Public Education, Department of Administration, shall ensure that materials are provided to each qualified nonpublic school so that the school can provide parents and guardians with information about meningococcal meningitis and influenza and their vaccines at the beginning of every school year. This information may be provided electronically or on the Division's webpage. This information shall include the causes, symptoms, and how meningococcal meningitis and influenza are spread and the places where parents and guardians may obtain additional information and vaccinations for their children."

SECTION 6. G.S. 115C-565 reads as rewritten:

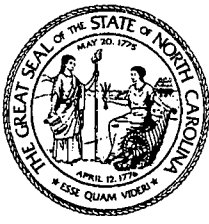
"§ 115C-565. Requirements exclusive.

No school which complies with this Part shall be subject to any other provision of law relating to education except requirements of law respecting immunization. The Division of Non-Public Education, Department of Administration, shall provide annually to home schools information about meningococcal meningitis and influenza and their vaccines. This information may be provided electronically or on the Division's webpage. The information shall include the causes, symptoms, and how meningococcal

1 meningitis and influenza are spread and the places where parents and guardians may
2 obtain additional information and vaccinations for their children."

3 **SECTION 7.** The Division of Public Health, Department of Health and
4 Human Services, shall make available sample educational materials that can be
5 provided to parents and guardians. The Division shall provide these materials to (i) local
6 school administrative units for public schools other than charter schools, (ii) the
7 Department of Public Instruction for charter schools, and (iii) the Division of
8 Non-Public Education, Department of Administration, for nonpublic schools including
9 home schools. These materials may be provided electronically.

10 **SECTION 8.** This act becomes effective July 1, 2004, beginning with the
11 2004-2005 school year.



SCHOOL INFO/MENINGITIS AND FLU: Senate Bill 444

BILL ANALYSIS

Committee: House Education
Date: June 15, 2004
Version: S444-CSRH-66[v7]

Introduced by: Hagan/PCS - Alexander
Summary by: Robin S. Johnson
Committee Counsel

SUMMARY: *The PCS for Senate Bill 444 would ensure that information concerning meningitis and influenza, and their vaccines, is available for schools to provide to parents and guardians. The act would become effective July 1, 2004, and apply beginning with the 2004-2005 school year.*

CURRENT LAW: Information concerning meningitis and influenza, and their vaccines, is available. However, there is no requirement that it be made available to schools so they can provide it to parents or guardians.

SECTION-BY-SECTION ANALYSIS:

Section 1 would provide that the act be known as "Garrett's Law."

Section 2 would direct local school boards to provide parents and guardians with information about meningitis and influenza, and their vaccines, at the beginning of every school year.

Section 3 would require the Department of Public Instruction to ensure that charter schools make this information available to parents and guardians at the beginning of every school year.

Sections 4, 5, and 6 would require the Division of Non-Public Education (Division), Department of Administration, to ensure that this information is available so that non-public schools, including home schools, can provide it to parents and guardians. The Division may provide the information electronically or on its webpage.

Section 7 would direct the Division of Public Health, Department of Health and Human Services (DHHS), to make available to local school administrative units, the Department of Public Instruction, and the Division sample educational materials that can be provided to parents and guardians. DHHS may provide this information electronically.

Section 8 would provide that the act becomes effective July 1, 2004, beginning with the 2004-2005 school year.

BACKGROUND: According to the Centers for Disease Control (CDC), meningitis is an infection of the fluid of a person's spinal cord and the fluid that surrounds the brain. Meningococcal meningitis is caused by bacteria, is contagious, and is considered more dangerous than viral meningitis. According to the National Meningitis Association, there are 2,000 to 3,000 annual cases in the United States and they are increasing among adolescents. Of these cases, almost one-third result in fatalities or severe disabilities such as limb amputations or organ damage.

Influenza, according to the CDC, is a contagious respiratory illness that can result in illness ranging from mild to severe and life-threatening complications. An estimated 10% to 20% of U.S. residents get the flu each year; an average of 114,000 people are hospitalized with complications from the flu; and 36,000 Americans die each year from these complications.

Vaccinations are available for both meningitis and influenza.

In 2003, the General Assembly directed each public or private educational institution that offers a postsecondary degree and that has a residential campus to provide vaccination information on meningococcal disease to each student.

S444-SMRH-001

VISITOR REGISTRATION SHEET

Education

6-22-04

Name of Committee

Date

VISITORS: PLEASE SIGN BELOW AND RETURN TO COMMITTEE ASSISTANT

<u>NAME</u>	<u>FIRM OR AGENCY</u>
<i>[Signature]</i>	Gov Office
Elizabeth Maffei	NCSEAA
David S. Lee	NCHSAA
Mark Farmer	UNC Wilmington
Elizabeth Self	Intern, Rep. Ross
Katie Mmer S	DJDDP
Bill Brooks	NCFPC
Dorrian Horsey	NCFPC
Paul Dye	NCFPC
Yvonne Perry	NCSPE
Geoff Coltrane	Ed Policy Office - Governor
Trisha Hardin	Policy Office GARRINGER
KEVIN HUTCHINSON	GOV OFFICE
Trey O'Quinn	OSBM
Elizabeth Grovenstein	OSBM
Hal Miller	DEACCT
SA M. [Signature]	Gov Office
Leanne Winnie	NCSAD
Pratt Fullbright	HUMANIT. WMS
Wendy [Signature]	PENC
Wendy [Signature]	VITE
Franklyn [Signature]	SBE/DPI
Glenn Verndon	NC REAL
Michelle Hall	NC REAL
Alex Wilson	Edmsten & Webb
Ashley H. Baxtry	Lt. Governor Perdue
Caroline [Signature]	NCEITA

VISITOR REGISTRATION SHEET

Education

Name of Committee

6-22-04

Date _____

VISITORS: PLEASE SIGN BELOW AND RETURN TO COMMITTEE ASSISTANT

NAME

FIRM OR AGENCY

Las Ruben	CYMC
Wm. McNeill	WCLCU
M. Fitz-Wynn	NCHC
Susan Harrison	WCPSS
Margaret Peck	DEPT
John McHenry	Gov. Office
Franklin	AKASA
Katherine Joyce	NC Justice Center / Covenant w/ NC Kids
Joseph Schmidt	NC EITA
Ed Myers	Bruce Pierce
Ed TURLINGTON	

HOUSE EDUCATION COMMITTEE MEETING


JUNE 23, 2004

The House Education Committee met on Wednesday, June 23, 2004, in Room 643, in the Legislative Office Building. The members present are indicated on the Attendance Sheet. Rep. Alex Warner, Co-Chair, presided over the meeting.

Rep. Bernard Allen was called upon to explain **HJR 1540, AUTHORIZING THE 2003 GENERAL ASSEMBLY, REGULAR SESSION 2004, TO CONSIDER A BILL TO BE ENTITLED AN ACT TO LIMIT OUT-OF-STATE UNDERGRADUATE ENROLLMENT AT EACH CONSTITUENT INSTITUTION EXCEPT THE NORTH CAROLINA SCHOOL OF THE ARTS TO EIGHTEEN PERCENT OF THE ENTERING FRESHMAN CLASS AT THE INSTITUTION AND TO APPROPRIATE FUNDS TO ASSIST IN IMPLEMENTING THE ACT.** Rep. Womble made a motion to pass the proposed committee substitute for this resolution. The motion passed. Rep. Lucas made a motion for a favorable report to the proposed committee substitute, unfavorable to the original bill. The motion passed.

Rep. Jean Preston was called upon to explain **HB 1457, A BILL TO BE ENTITLED AN ACT TO IMPLEMENT THE RECOMMENDATIONS OF THE HOUSE INTERIM COMMITTEE ON PROVIDING AN APPROPRIATE EDUCATION FOR STUDENTS ON LONG-TERM SUSPENSION TO ENCOURAGE THE IDENTIFICATION AND DEVELOPMENT OF A CONTINUUM OF COMMUNITY SOLUTIONS TO MEET THE EDUCATIONAL NEEDS OF STUDENTS WHO ARE SUSPENDED FOR MORE THAN TEN SCHOOL DAYS, AND TO REQUIRE EVERY LOCAL SCHOOL ADMINISTRATIVE UNIT TO OFFER AN ALTERNATIVE SETTING TO STUDENTS WHO ARE SUSPENDED FOR MORE THAN TEN SCHOOL DAYS.** Rep. Gorman made a motion to except the proposed committee substitute. The motion passed. Rep. Pate offered an amendment to the bill and Rep. Gorman made another motion to except the amendment and it passed. The bill passed with a favorable report to the committee substitute, unfavorable to the original bill.

The meeting adjourned.


Co-Chair Alex Warner


Committee Clerk Ann Stancil

6/23

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2003

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HOUSE JOINT RESOLUTION 1540
PROPOSED COMMITTEE SUBSTITUTE H1540-PCS60500-LB-107

Sponsors:

Referred to:

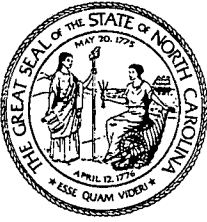
May 20, 2004

1 A JOINT RESOLUTION AUTHORIZING THE 2003 GENERAL ASSEMBLY,
2 REGULAR SESSION 2004, TO CONSIDER A BILL TO BE ENTITLED AN ACT
3 TO DIRECT THE BOARD OF GOVERNORS OF THE UNIVERSITY OF
4 NORTH CAROLINA TO REPORT TO THE JOINT LEGISLATIVE
5 EDUCATION OVERSIGHT COMMITTEE REGARDING THE ENROLLMENT
6 OF UNDERGRADUATE STUDENTS AT EACH CONSTITUENT INSTITUTION
7 AND THE PERCENTAGE OF THOSE WHO ARE OUT-OF-STATE STUDENTS.

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

9 **SECTION 1.** The 2003 General Assembly, Regular Session 2004, may
10 consider "A BILL TO BE ENTITLED AN ACT TO DIRECT THE BOARD OF
11 GOVERNORS OF THE UNIVERSITY OF NORTH CAROLINA TO REPORT TO
12 THE JOINT LEGISLATIVE EDUCATION OVERSIGHT COMMITTEE
13 REGARDING THE ENROLLMENT OF UNDERGRADUATE STUDENTS AT
14 EACH CONSTITUENT INSTITUTION AND THE PERCENTAGE OF THOSE WHO
15 ARE OUT-OF-STATE STUDENTS."

16 **SECTION 2.** This resolution is effective upon ratification.



BILL ANALYSIS

HOUSE JOINT RESOLUTION 1540: ENABLING RESOLUTION/UNC/OUT-OF- STATE STUDENTS

Committee: House Education
Date: June 23, 2004
Version: H1540-PCS60500-LB-107

Introduced by: Rep. Warner
Summary by: Shirley Iorio, Ph D
Committee Analyst

SUMMARY: *This joint resolution would authorize the 2003 General Assembly, Regular Session 2004, to consider a bill to be entitled AN ACT TO DIRECT THE BOARD OF GOVERNORS OF THE UNIVERSITY OF NORTH CAROLINA TO REPORT TO THE JOINT LEGISLATIVE EDUCATION OVERSIGHT COMMITTEE REGARDING THE ENROLLMENT OF UNDERGRADUATE STUDENTS AT EACH CONSTITUENT INSTITUTION AND THE PERCENTAGE OF THOSE WHO ARE OUT- OF- STATE STUDENTS.*

The resolution would be effective upon ratification.

CURRENT LAW: Resolution 2003-31 (the adjournment resolution) allows a joint resolution authorizing the introduction of a bill if the joint resolution passed during the 2004 Regular Session by a two-thirds majority of the members of the House of Representatives present and voting and by a two-thirds majority of the members of the Senate present and voting.

G.S. 116-11(8) authorizes the UNC Board of Governors (BOG) to set enrollment levels of the constituent institutions.

UNC Board of Governors policy states that each constituent institution, except the North Carolina School of the Arts, shall limit the proportion of out-of-state students in the entering freshman class to not more than eighteen percent (18%). Beginning with the fall of 1994, any constituent institution, except the North Carolina School of the Arts, that exceeds the 18% out-of-state freshman enrollment limitation for two consecutive fiscal years shall have its State operating budget reduced.

BILL ANALYSIS: This joint resolution, if passed by a 2/3 vote of each chamber's members present and voting, would authorize the introduction of a bill that would require the Board of Governors of The University of North Carolina to report to the Joint Legislative Education Oversight Committee by December 1 of each year the undergraduate student enrollment at each campus and the percentage of those who are out-of-state students.

**2003 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

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

By Representatives **Bonner, Hilton, Warner & Wood** (Chairs) for the Committee on **EDUCATION.**

☐ Committee Substitute for

H.B. 1457 A BILL TO BE ENTITLED AN ACT TO IMPLEMENT THE RECOMMENDATIONS OF THE HOUSE INTERIM COMMITTEE ON PROVIDING AN APPROPRIATE EDUCATION FOR STUDENTS ON LONG-TERM SUSPENSION TO ENCOURAGE THE IDENTIFICATION AND DEVELOPMENT OF A CONTINUUM OF COMMUNITY SOLUTIONS TO MEET THE EDUCATIONAL NEEDS OF STUDENTS WHO ARE SUSPENDED FOR MORE THAN TEN SCHOOL DAYS, AND TO REQUIRE EVERY LOCAL SCHOOL ADMINISTRATIVE UNIT TO OFFER AN ALTERNATIVE SETTING TO STUDENTS WHO ARE SUSPENDED FOR MORE THAN TEN SCHOOL DAYS.

☐ 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 ~~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)

03/19/03

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2003

H

1

HOUSE BILL 1457

Short Title: Community Solutions for Suspended Students.

(Public)

Sponsors: Representatives Preston, Warner (Primary Sponsors); Bell, Bonner, Fisher, Parmon, Sauls, Warren, Womble, B. Allen, Farmer-Butterfield, Gorman, Insko, Lucas, and Luebke.

Referred to: Education.

May 17, 2004

A BILL TO BE ENTITLED

AN ACT TO IMPLEMENT THE RECOMMENDATIONS OF THE HOUSE INTERIM COMMITTEE ON PROVIDING AN APPROPRIATE EDUCATION FOR STUDENTS ON LONG-TERM SUSPENSION TO ENCOURAGE THE IDENTIFICATION AND DEVELOPMENT OF A CONTINUUM OF COMMUNITY SOLUTIONS TO MEET THE EDUCATIONAL NEEDS OF STUDENTS WHO ARE SUSPENDED FOR MORE THAN TEN SCHOOL DAYS, AND TO REQUIRE EVERY LOCAL SCHOOL ADMINISTRATIVE UNIT TO OFFER AN ALTERNATIVE SETTING TO STUDENTS WHO ARE SUSPENDED FOR MORE THAN TEN SCHOOL DAYS.

The General Assembly of North Carolina enacts:

SECTION 1. Chapter 143B of the General Statutes is amended by adding a new section to read:

"§ 143B-549.1. Community solutions to meet the needs of students who are suspended from school for more than ten school days.

Each County Council shall assess the needs of juveniles who are suspended from school for more than 10 school days, identify community solutions for meeting their educational needs, and evaluate the adequacy of resources available to meet those needs. As part of this effort, the County Council shall identify a continuum of available and appropriate services, programs, and settings that can be offered to these juveniles and shall identify funding streams to provide those services, programs, and settings. The Council may examine the benefits of joint program development to meet the educational needs of these juveniles. The joint program may be developed between counties within the same judicial district or within a county among its agencies, local school administrative units, charter schools, and private organizations. The Council shall report its findings and any recommendations under this section to the local school

1 administrative unit located within the county. The initial report shall be no later than
2 December 30, 2004. The Council shall review and update this report every five years."

3 SECTION 2. G.S. 115C-47 is amended by adding the following new
4 subdivision to read:

5 "§ 115C-47. Powers and duties generally.

6 In addition to the powers and duties designated in G.S. 115C-36, local boards of
7 education shall have the power or duty:

8 ...
9 (44) To Establish a Continuum of Educational Services for Students Who
10 are Suspended for More than 10 School Days. – Each local board of
11 education is encouraged to direct school administrators, teachers,
12 students, and parents to meet with community stakeholders in order to
13 reach community solutions for meeting the needs of students who are
14 suspended for more than 10 days. In particular, the board shall direct
15 the superintendent or the superintendent's designee to attend regularly
16 scheduled meetings of the Juvenile Crime Prevention Council
17 established under G.S. 143B-544 and to participate in the work of the
18 Council under G.S. 143B-549.1. Based on the findings and
19 recommendations of the Council under G.S. 143B-549.1, the board
20 shall adopt a policy that establishes a continuum of available and
21 appropriate settings that can be offered to a student when the student is
22 suspended for more than 10 school days. The alternative settings may
23 be in a school within that local school administrative unit, in a school
24 within another local school administrative unit, in a charter school, or
25 in an outside setting. The outside settings may be under the control of
26 a State agency, local agency, or private organization."

27 SECTION 3. G.S. 115C-391 is amended by adding the following new
28 subsection to read:

29 "(i) Notwithstanding any other provision of law, at the time a student is
30 suspended for more than 10 school days, the student shall be offered the opportunity to
31 spend the days in an appropriate alternative setting as identified by the local board of
32 education under G.S. 115C-47(44)."

33 SECTION 4. Section 3 of this act becomes effective July 1, 2005, and
34 applies to schools beginning with the 2005-2006 school year. The remainder of this act
35 is effective when it becomes law.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2003

H

D

HOUSE BILL 1457

PROPOSED COMMITTEE SUBSTITUTE H1457-PCS70483-RQ-46

Short Title: Community Solutions for Suspended Students.

(Public)

Sponsors:

Referred to:

May 17, 2004

A BILL TO BE ENTITLED

AN ACT TO IMPLEMENT THE RECOMMENDATIONS OF THE HOUSE INTERIM COMMITTEE ON PROVIDING AN APPROPRIATE EDUCATION FOR STUDENTS ON LONG-TERM SUSPENSION TO ENCOURAGE THE IDENTIFICATION AND DEVELOPMENT OF A CONTINUUM OF COMMUNITY SOLUTIONS TO MEET THE EDUCATIONAL NEEDS OF STUDENTS WHO ARE SUSPENDED FOR MORE THAN TEN SCHOOL DAYS, TO ADD AN ALTERNATIVE SCHOOL OR ALTERNATIVE LEARNING PROGRAM ADMINISTRATOR TO THE COUNTY JUVENILE CRIME PREVENTION COUNCILS, AND TO REQUIRE LOCAL BOARDS OF EDUCATION TO ADOPT A POLICY ESTABLISHING A CONTINUUM OF EDUCATIONAL SERVICES FOR THESE STUDENTS.

The General Assembly of North Carolina enacts:

SECTION 1.1. Chapter 143B of the General Statutes is amended by adding a new section to read:

"§ 143B-549.1. Community solutions to meet the needs of students who are suspended from school for more than 10 school days.

Each County Council shall assess the needs of juveniles who are suspended from school for more than 10 school days, identify community solutions for meeting their educational needs, and evaluate the adequacy of resources available to meet those needs. As part of this effort, the County Council shall identify (i) a continuum of available and appropriate services, programs, and settings that can be offered to these juveniles; (ii) funding streams to provide those services, programs, and settings; and (iii) procedures to facilitate the delivery of those services, programs, and settings to those juveniles. The Council may examine the benefits of joint program development to meet the educational needs of these juveniles. The joint program may be developed between counties within the same judicial district or within a county among its agencies, local school administrative units, charter schools, and private organizations. The Council

1 shall report its findings and any recommendations under this section to the local school
2 administrative unit located within the county. The initial report shall be no later than
3 December 30, 2004. The Council shall review and update this report every five years."

4 **SECTION 1.2.** G.S. 143B-544(a) reads as rewritten:

5 "(a) As a prerequisite for a county receiving funding for juvenile court services
6 and delinquency prevention programs, the board of commissioners of a county shall
7 appoint a Juvenile Crime Prevention Council. Each County Council is a continuation of
8 the corresponding Council created under G.S. 147-33.61. The County Council shall
9 consist of not more than ~~26~~27 members and should include, if possible, the following:

10 (1) The local school superintendent, or that person's designee;

11 (1a) A principal or director of an alternative school or alternative learning
12 program, if one is located in the county;

13 (2) A chief of police in the county;

14 (3) The local sheriff, or that person's designee;

15 (4) The district attorney, or that person's designee;

16 (5) The chief court counselor, or that person's designee;

17 (6) The director of the area mental health, developmental disabilities, and
18 substance abuse authority, or that person's designee;

19 (7) The director of the county department of social services, or
20 consolidated human services agency, or that person's designee;

21 (8) The county manager, or that person's designee;

22 (9) A substance abuse professional;

23 (10) A member of the faith community;

24 (11) A county commissioner;

25 (12) Two persons under the age of 18 years, one of whom is a member of
26 the State Youth Council;

27 (13) A juvenile defense attorney;

28 (14) The chief district court judge, or a judge designated by the chief
29 district court judge;

30 (15) A member of the business community;

31 (16) The local health director, or that person's designee;

32 (17) A representative from the United Way or other nonprofit agency;

33 (18) A representative of a local parks and recreation program; and

34 (19) Up to seven members of the public to be appointed by the board of
35 commissioners of a county.

36 The board of commissioners of a county shall modify the County Council's
37 membership as necessary to ensure that the members reflect the racial and
38 socioeconomic diversity of the community and to minimize potential conflicts of
39 interest by members."

40 **SECTION 2.** G.S. 115C-47 is amended by adding the following new
41 subdivision to read:

42 "**§ 115C-47. Powers and duties generally.**

43 In addition to the powers and duties designated in G.S. 115C-36, local boards of
44 education shall have the power or duty:

1
2 (44) To Establish a Continuum of Educational Services for Students Who
3 Are Suspended for More Than 10 School Days. – Each local board of
4 education is encouraged to direct school administrators, teachers,
5 students, and parents to meet with community stakeholders in order to
6 reach community solutions for meeting the needs of students who are
7 suspended for more than 10 days. In particular, the board shall direct
8 the superintendent or the superintendent's designee and a principal or
9 director of an alternative school or alternative learning program, if one
10 is located in the county, to attend regularly scheduled meetings of the
11 Juvenile Crime Prevention Council established under G.S. 143B-544
12 and to participate in the work of the Council under G.S. 143B-549.1.
13 Based on the findings and recommendations of the Council under
14 G.S. 143B-549.1, the board shall adopt a policy that:

- 15 a. Establishes a continuum of available and appropriate
16 educational services that can be delivered in alternative
17 settings to a student when the student is suspended for more
18 than 10 school days. The alternative settings may be in a
19 school within that local school administrative unit, in a
20 school within another local school administrative unit, in a
21 charter school, or in an outside setting. The outside settings
22 may be under the control of a State agency, local agency, or
23 private organization.
24 b. Establishes a procedure to facilitate, if appropriate, the
25 delivery of services to a student in an alternative setting that
26 is located outside the local school administrative unit.
27 c. Identifies funding sources or financial assistance, or both,
28 that may be available to enable the delivery of these
29 services."

30 **SECTION 3.** G.S. 115C-391 is amended by adding the following new
31 subsection to read:

32 "(i) Notwithstanding any other law, at the time a student is suspended for more
33 than 10 school days, the student shall be provided an opportunity to be placed in an
34 alternative school or alternative learning program provided by the local school
35 administrative unit. If this alternative school or alternative learning program is not an
36 appropriate setting for the student or if the alternative school or alternative learning
37 program is at capacity, the local school administrative unit shall facilitate the delivery of
38 services to the student in an alternative setting located outside the local school
39 administrative unit in accordance with the policy adopted under G.S. 115C-47(44)."

40 **SECTION 4.** Section 3 of this act becomes effective July 1, 2005, and
41 applies to schools beginning with the 2005-2006 school year. The remainder of this act
42 is effective when it becomes law.

6/23

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2003

H

D

HOUSE BILL 1457
PROPOSED COMMITTEE SUBSTITUTE H1457-CSRQ-46 [v.6]

6/17/2004 3:06:37 PM

Short Title: Community Solutions for Suspended Students.

(Public)

Sponsors:

Referred to:

May 17, 2004

1 A BILL TO BE ENTITLED
2 AN ACT TO IMPLEMENT THE RECOMMENDATIONS OF THE HOUSE
3 INTERIM COMMITTEE ON PROVIDING AN APPROPRIATE EDUCATION
4 FOR STUDENTS ON LONG-TERM SUSPENSION TO ENCOURAGE THE
5 IDENTIFICATION AND DEVELOPMENT OF A CONTINUUM OF
6 COMMUNITY SOLUTIONS TO MEET THE EDUCATIONAL NEEDS OF
7 STUDENTS WHO ARE SUSPENDED FOR MORE THAN TEN SCHOOL DAYS,
8 AND TO REQUIRE LOCAL BOARDS OF EDUCATION TO ADOPT A POLICY
9 ESTABLISHING A CONTINUUM OF EDUCATIONAL SERVICES FOR THESE
10 STUDENTS.

11 The General Assembly of North Carolina enacts:

12 SECTION 1. Chapter 143B of the General Statutes is amended by adding a
13 new section to read:

14 "§ 143B-549.1. Community solutions to meet the needs of students who are
15 suspended from school for more than ten school days.

16 Each County Council shall assess the needs of juveniles who are suspended from
17 school for more than 10 school days, identify community solutions for meeting their
18 educational needs, and evaluate the adequacy of resources available to meet those
19 needs. As part of this effort, the County Council shall identify (i) a continuum of
20 available and appropriate services, programs, and settings that can be offered to these
21 juveniles; (ii) funding streams to provide those services, programs, and settings; and (iii)
22 procedures to facilitate the delivery of those services, programs and settings to those
23 juveniles. The Council may examine the benefits of joint program development to meet
24 the educational needs of these juveniles. The joint program may be developed between
25 counties within the same judicial district or within a county among its agencies, local
26 school administrative units, charter schools, and private organizations. The Council
27 shall report its findings and any recommendations under this section to the local school

administrative unit located within the county. The initial report shall be no later than December 30, 2004. The Council shall review and update this report every five years."

SECTION 2. G.S. 115C-47 is amended by adding the following new subdivision to read:

"§ 115C-47. Powers and duties generally.

In addition to the powers and duties designated in G.S. 115C-36, local boards of education shall have the power or duty:

...

(44) To Establish a Continuum of Educational Services for Students Who are Suspended for More than 10 School Days. – Each local board of education is encouraged to direct school administrators, teachers, students, and parents to meet with community stakeholders in order to reach community solutions for meeting the needs of students who are suspended for more than 10 days. In particular, the board shall direct the superintendent or the superintendent's designee to attend regularly scheduled meetings of the Juvenile Crime Prevention Council established under G.S. 143B-544 and to participate in the work of the Council under G.S. 143B-549.1. Based on the findings and recommendations of the Council under G.S. 143B-549.1, the board shall adopt a policy that:

(a). Establishes a continuum of available and appropriate educational services that can be delivered in alternative settings to a student when the student is suspended for more than 10 school days. The alternative settings may be in a school within that local school administrative unit, in a school within another local school administrative unit, in a charter school, or in an outside setting. The outside settings may be under the control of a State agency, local agency, or private organization.

(b). Establishes a procedure to facilitate, if appropriate, the delivery of services to a student in an alternative setting that is located outside the local school administrative unit.

(c). Identifies funding sources or financial assistance, or both, that may be available to enable the delivery of these services."

SECTION 3. G.S. 115C-391 is amended by adding the following new subsection to read:

"(i) Notwithstanding any other law, at the time a student is suspended for more than 10 school days, the student shall be provided an opportunity to be placed in an alternative school or alternative learning program provided by the local school administrative unit. If this alternative school or alternative learning program is not an appropriate setting for the student or if the alternative school or alternative learning program is at capacity, the local school administrative unit shall facilitate the delivery of

1 services to the student in an alternative setting located outside the local school
2 administrative unit in accordance with the policy adopted under G.S. 115C-47(44)."

3 **SECTION 4.** Section 3 of this act becomes effective July 1, 2005, and
4 applies to schools beginning with the 2005-2006 school year. The remainder of this act
5 is effective when it becomes law.



HOUSE BILL 1457:

Community Solutions For Suspended Students

BILL ANALYSIS

Committee: House Education
Date: June 22, 2004
Version: H1457-CSRQ-46 [v.6]

Introduced by: Reps. Preston and Warner
Summary by: Drupti Chauhan
Committee Counsel

SUMMARY: *The Proposed Committee Substitute would implement recommendations of the House Interim Committee on Providing An Appropriate Education For Students on Long-Term Suspension to encourage the identification and development of community solutions to meet the educational needs of students who have been suspended for more than ten school days. The PCS also directs local boards of education to adopt a policy establishing a continuum of educational services for these students, a procedure to facilitate, if appropriate, the delivery of services to these students outside of the school administrative unit.*

CURRENT LAW: Pursuant to G.S. 143B-544, in order for a county to receive funding for juvenile court services and delinquency prevention programs, the board of commissioners of the county must appoint a Juvenile Crime Prevention Council (County Council). The County Council assesses the needs of juveniles in the community who are at-risk or who have been adjudicated undisciplined or delinquent, evaluates resources and performances of various community programs and services, increases public awareness, and develops intervention strategies and responses. G.S. 115C-47(32a) requires each local board of education to establish at least one alternative learning program and have guidelines for assigning students to alternative learning programs. The guidelines must include descriptions of the programs and services that are provided; a process to ensure that an assignment is appropriate and that the student's parents are involved; and, when feasible, strategies for providing alternative learning programs for students who have been expelled or on long-term suspension.

BILL ANALYSIS:

Section 1 directs each County Council to specifically assess the needs of juveniles who are suspended from school for more than 10 days; identify community solutions for meeting their educational needs, and evaluate the adequacy of resources that are available. The PCS requires the County Council to identify (1) a continuum of appropriate and available alternative programs, services, and settings; (2) funding streams; and (3) procedures to facilitate the delivery of those programs, services, and settings. This is different than the original bill which did not require the County Council to identify the procedures to facilitate the delivery of the services. The County Council is encouraged to look at the benefits of joint program development between counties within the same judicial district or within a county among the various agencies, LEAs, charter schools and private organizations. Each County Council must report its findings and any recommendations to the LEA located within the county. The initial report must be no later than December 30, 2004. The County Councils are required to review and update the report every five years.

Section 2 amends G.S. 115C-47 and sets forth another power and duty of local boards of education. Local boards of education are encouraged to direct school administrators, teachers, students, and parents to meet with community stakeholders in order to reach community solutions to meet the needs of students who are suspended for more than 10 days. The local boards of education are required to direct the superintendent or his or her designee to attend the meetings of the County Council and participate in the

HOUSE BILL 1457

Page 2

County Council's work. Based on the findings and recommendations of the County Council, the local board of education must adopt a policy that (1) establishes a continuum of available and appropriate alternative settings that can be offered to a student who has been suspended for more than 10 days; (2) establishes a procedure to facilitate (if appropriate) the delivery of services to a student in an alternative setting that is located outside the local school administrative unit; and (3) identifies funding sources or financial assistance that may be available to assist in the delivery of these services. The alternative settings can be at a school within that LEA, a charter school, or an outside setting that may be under the control of a State agency, local agency, or private organization.

The original bill only required the policy of the local board to establish a continuum of available and appropriate alternative settings.

Section 3 requires that a student be given the opportunity to be placed in an alternative school or alternative learning program provided by the LEA. If there is no appropriate or available alternative school or alternative learning program, then the LEA is directed to facilitate the delivery of services to the in an alternative setting located outside of the LEA.

The original bill required that a student be offered the opportunity to placed in an appropriate alternative setting.

EFFECTIVE DATE: Section 3 of the act becomes effective July 1, 2005 and applies to schools beginning with the 2005-2006 school year. The remainder of the act becomes effective when it becomes law.

H1457-CSRQ-46[v.6]

NORTH CAROLINA GENERAL ASSEMBLY

LEGISLATIVE FISCAL NOTE

BILL NUMBER: House Bill 1457 (First Edition)

SHORT TITLE: Community Solutions for Suspended Students.

SPONSOR(S): Representatives Preston and Warner

FISCAL IMPACT

Yes ()

No (X)

No Estimate Available ()

FY 2004-05

FY 2005-06

FY 2006-07

FY 2007-08

FY 2008-09

REVENUES:

EXPENDITURES:

POSITIONS:

PRINCIPAL DEPARTMENT(S) & PROGRAM(S) AFFECTED: Local Boards of Education, Juvenile Crime Prevention Councils (County Councils), Local School Administrative Units (LEAs)

EFFECTIVE DATE: Section 3 of the bill becomes effective July 1, 2005 and applies to schools beginning with the 2005-06 school year. The remainder of the act becomes effective when it becomes law.

BILL SUMMARY:

The bill enacts new statute [GS 143B-549.1 and 115C-47(44)], requiring that Juvenile Crime Prevention Councils (County Councils) and local boards of education develop continuum of community solutions to meet the educational needs of students who have been suspended for more than ten school days (long-term suspended; LTS). The bill also directs every local school administrative unit (LEA) to offer an alternative setting to LTS students.. The LEAs need not operate all of the alternative settings offered.

Source: Bill Digest H.B. 1457 (05/17/2004)

ASSUMPTIONS AND METHODOLOGY:

Section 1

This section of the bill directs greater partnership and coordination between the County Councils and LEAs in developing and administering a continuum of services available to serve LTS

students. Both entities are already engaged at least to some degree in this activity. While the bill is more directive than current statute regarding the active participation of each entity in the joint development process, it does not require any substantially new or additional activities of either entity. The bill, therefore, creates no new or additional costs for either entity.

Section 2

This section of the bill directs that local boards of education “encourage” various stakeholders, including schools personnel, to engage in the process of developing community solutions for LTS students. As this language does not require any particular action of the stakeholders, it does not create any fiscal impact. Section two also contains a requirement that each local board of education “adopt a policy that establishes a continuum of available and appropriate settings that can be offered” to a LTS student. This required activity should fall within the realm of standard business for a local board of education and not create any additional fiscal burden.

Section 3

This section of the bill requires that all LTS students be offered, at the time of their suspension, “the opportunity to spend the days in an appropriate setting,” with “appropriate setting” having been defined in section two of the bill as being in public school, other agency, or private settings as identified through the collaborative work of the County Councils and LEAs. While it is certainly possible that the process of developing a continuum of community options will lead to creation of new or joint entities that would benefit from or even require additional funding for effective operation, it is not necessarily so that that would be the case. A variety, if not a well-organized continuum, of services for students at-risk for school failure, delinquency, and/or juvenile crime already exist in each community. Better organization of these options into coherent community-wide systems should not add cost to the systems. Furthermore, while it is possible that joint funding or contract arrangements will be negotiated between LEAs and other service providers, it may be the case that no such arrangements will be necessary, or that such arrangements could be made within existing funds allocated to the schools and other agencies for serving at-risk populations.

SOURCES OF DATA: Department of Public Instruction, Fiscal Research Division Analyst for Department of Juvenile Justice and Delinquency Prevention.

FISCAL RESEARCH DIVISION: (919) 733-4910

PREPARED BY: Adam Levinson

APPROVED BY: James D. Johnson, Director
Fiscal Research Division

DATE: June 8, 2004

Official
Fiscal Research Division
Publication

Signed Copy Located in the NCGA Principal Clerk's Offices

VISITOR REGISTRATION SHEET

HOUSE COMMERCE

Name of Committee

June 22³, 2004

Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME

FIRM OR AGENCY AND ADDRESS

KEVIN HUTCHINSON	Gov OFFICE
Katie Myers	DJDP
Andrea Schrag	Speaker's Black's office
Yvonne Perry	NCSPA
Michael House	NCAE
12 PA/ARW	NC Justice Center
Kirk Crossen	OSBM
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Natalie Russell	Intern, Rep. Justice
Adam Prodenmae	NCAAA
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Deanne Winnin	WCSBA
Katherine Joyce	NCAAA
John Kuster	NCFPC
Joe Dele	Gov Office
Elizabeth Self	Intern, Rep. Ross
Alex Wilson	Edmisten & Webb
Luke Gentry	Gov. Off.
Antonia Johnson	DPI
John A. Smith	NC State College

VISITOR REGISTRATION SHEET

Name of Committee

Date

6/23

VISITORS: PLEASE SIGN BELOW AND RETURN TO COMMITTEE ASSISTANT

NAME

FIRM OR AGENCY[illegible]

House Education Committee

June 29, 2004

Minutes

The House Education Committee met on Tuesday, June 29, 2004 at 11:00 a.m. in Room 643 of the Legislative Office Building. Chairman Steve Wood called the meeting to order. Representative Michael Gorman, House Education Committee Vice-Chair introduced the Pages and Sergeant-at-Arms assigned to serve the House Education Committee at this meeting (Attachment I). The attendance sheet indicates members present (Attachment II). The Visitor Registration sheet is also attached (Attachment III).

Representative Jean Preston was recognized to explain House Bill 1460, A BILL TO BE ENTITLED AN ACT TO IMPLEMENT THE RECOMMENDATION OF THE HOUSE INTERIM COMMITTEE ON PROVIDING AN APPROPRIATE EDUCATION FOR STUDENTS ON LONG-TERM SUSPENSION TO REQUIRE SCHOOLS TO DEVELOP AND IMPLEMENT INTERVENTION PLANS FOR STUDENTS WHO ARE SUSPENDED FROM SCHOOL (Attachment IV). There was a Proposed Committee Substitute for this bill (Attachment V). A Bill Analysis for House Bill 1460 PCS is attached (Attachment VI).

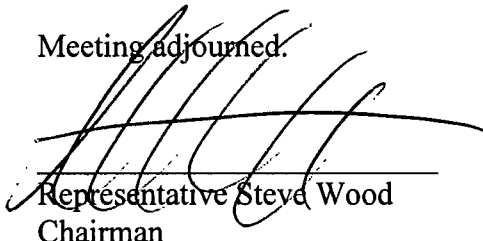
Chairman Wood opened the floor for discussion.

After much discussion and debate, Representative Glazier submitted an amendment to House Bill 1460 Proposed Committee Substitute. The amendment was voted on and passed.

Representative Gorman made a motion for a Favorable Report for House Bill 1460 as amended, rolled into a Committee Substitute, with a Favorable Report to the Committee Substitute and an Unfavorable Report to the Original Bill. The motion passed.

Committee Report for Committee Substitute for HB 1460 attached (Attachment VII).

Meeting adjourned.


Representative Steve Wood
Chairman


Wendy Miller
Committee Clerk

2003 COMMITTEE REPORT HOUSE OF REPRESENTATIVES

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

By Representatives **Bonner, Hilton, Warner and Wood** (Chairs) for the Committee on **Education**.

☒ Committee Substitute for

H.B. 1460 A BILL TO BE ENTITLED AN ACT TO IMPLEMENT THE
RECOMMENDATION OF THE HOUSE INTERIM COMMITTEE ON PROVIDING AN
APPROPRIATE EDUCATION FOR STUDENTS ON LONG-TERM SUSPENSION TO
REQUIRE SCHOOLS TO DEVELOP AND IMPLEMENT INTERVENTION PLANS FOR
STUDENTS WHO ARE SUSPENDED 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 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)

03/19/03

TV

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2003

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HOUSE BILL 1460

Short Title: Intervention Plans for Suspended Students. (Public)

Sponsors: Representatives Preston, Warner (Primary Sponsors); Bell, Blackwood, Bonner, Fisher, Parmon, Sauls, Warren, Womble, Farmer-Butterfield, Gorman, Lucas, and Luebke.

Referred to: Education.

May 17, 2004

1 A BILL TO BE ENTITLED
2 AN ACT TO IMPLEMENT THE RECOMMENDATION OF THE HOUSE INTERIM
3 COMMITTEE ON PROVIDING AN APPROPRIATE EDUCATION FOR
4 STUDENTS ON LONG-TERM SUSPENSION TO REQUIRE SCHOOLS TO
5 DEVELOP AND IMPLEMENT INTERVENTION PLANS FOR STUDENTS
6 WHO ARE SUSPENDED FROM SCHOOL.

7 The General Assembly of North Carolina enacts:

8 **SECTION 1.** Chapter 115C of the General Statutes is amended by adding
9 the following new Article to read:

10 "Article 27B.

11 "Intervention Plans for Suspended Students.

12 **"§ 115C-397.10. Intervention plans for suspended students.**

13 (a) Local school administrative units shall develop an intervention plan for any
14 suspended student. This plan may be part of any other plan, such as an Individualized
15 Education Program, that is required to be developed for a particular student. The plan
16 shall include, at a minimum, all of the following:

17 (1) High educational expectations for the student.

18 (2) Strategies to address the underlying reasons for the student's conduct
19 that led to the suspension.

20 (3) A focus on the student's particular educational needs, especially
21 reading.

22 (4) The signature of the student's parent or guardian.

23 (5) An accountability component.

24 (b) For the purpose of this Article, the term "suspended student" means a student
25 who meets at least one of the following criteria:

26 (1) The student receives a suspension of more than 10 school days.

(2) The student receives multiple suspensions of individual terms of 10 or fewer school days but that total more than 10 school days during one school year.

(3) The student accumulates five unexcused absences during one school year."

SECTION 2. 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 G.S. 115C-391, the conduct for which the student was suspended or ~~expelled~~ expelled, and an intervention plan developed under G.S. 115C-397.10. The superintendent or the superintendent's designee shall expunge from the record the notice of suspension or expulsion and an intervention plan 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 either graduates from high school or 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.

(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) Notwithstanding subdivision (b)(1) of this section, a superintendent or the superintendent's designee may expunge from a student's official record any notice of suspension or expulsion and an intervention plan provided all other criteria under subsection (b) are met.

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

(e) 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.

1 (f) The actual address and telephone number of a student who is a participant in
2 the Address Confidentiality Program established pursuant to Chapter 15C of the
3 General Statutes or a student with a parent who is a participant in the Address
4 Confidentiality Program established pursuant to Chapter 15C of the General Statutes
5 shall be kept confidential from the public and shall not be disclosed except as provided
6 in Chapter 15C of the General Statutes."

7 **SECTION 3.** This act is effective when it becomes law and is applicable
8 beginning with the 2005-2006 school year.

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GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2003

H

D

HOUSE BILL 1460
PROPOSED COMMITTEE SUBSTITUTE H1460-CSRJ-38 [v.5]

6/21/2004 4:46:37 PM

Short Title: Intervention Plans for Suspended Students. (Public)

Sponsors:

Referred to:

May 17, 2004

1 A BILL TO BE ENTITLED
2 AN ACT TO IMPLEMENT THE RECOMMENDATION OF THE HOUSE INTERIM
3 COMMITTEE ON PROVIDING AN APPROPRIATE EDUCATION FOR
4 STUDENTS ON LONG-TERM SUSPENSION TO REQUIRE SCHOOLS TO
5 DEVELOP AND IMPLEMENT INTERVENTION PLANS FOR STUDENTS
6 WHO ARE SUSPENDED FROM SCHOOL.

7 The General Assembly of North Carolina enacts:

8 SECTION 1. Chapter 115C of the General Statutes is amended by adding
9 the following new Article to read:

10 "Article 27B.

11 "Intervention Plans for Suspended Students.

12 "§ 115C-397.10. Definitions.

13 For the purpose of this Article, the term "suspended student" means a student who
14 meets at least one of the following criteria:

15 (1) The student receives a suspension of more than 10 school days.

16 (2) The student receives multiple suspensions of individual terms of 10 or
17 fewer school days but that total more than 10 school days during one
18 school year.

19 "§ 115C-397.11. Intervention plans for suspended students.

20 Local school administrative units shall develop an intervention plan for any
21 suspended student. This plan may be part of any other plan, such as an Individualized
22 Education Program, that is required to be developed for a particular student. The plan
23 shall include, at a minimum, all of the following:

24 (1) High educational expectations for the suspended student.

25 (2) Strategies to address the underlying reasons for the student's conduct
26 that led to the suspension.

27 (3) A focus on the suspended student's particular educational needs,
28 especially reading where appropriate.

- (4) The signature of the suspended student's parent or guardian.
- (5) A list of community-based or school-based educational services that may be made available to the student during any suspension of at least 10 days.
- (6) A plan for how the suspended student may be able to make up schoolwork missed.
- (7) An accountability component.

"§ 115C-397.12. Exceptions; promotion and course credit.

Nothing in this Article shall require a local school administrative unit to promote or to provide course credit to a suspended student who does not otherwise meet the federal, State, local, or individual teacher criteria for promotion or course credit."

SECTION 2. 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 G.S. 115C-391, the conduct for which the student was suspended or ~~expelled~~, and an intervention plan developed under Article 27B of this Chapter. The superintendent or the superintendent's designee shall expunge from the record the notice of suspension or expulsion and an intervention plan 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 either graduates from high school or 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.
- (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) Notwithstanding subdivision (b)(1) of this section, a superintendent or the superintendent's designee may expunge from a student's official record any notice of

1 suspension or expulsion and an intervention plan provided all other criteria under
2 subsection (b) are met.

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

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

8 (f) The actual address and telephone number of a student who is a participant in
9 the Address Confidentiality Program established pursuant to Chapter 15C of the
10 General Statutes or a student with a parent who is a participant in the Address
11 Confidentiality Program established pursuant to Chapter 15C of the General Statutes
12 shall be kept confidential from the public and shall not be disclosed except as provided
13 in Chapter 15C of the General Statutes."

14 **SECTION 3.** This act is effective when it becomes law and is applicable
15 beginning with the 2005-2006 school year.



HOUSE BILL 1460: Intervention Plan for Suspended Students.

BILL ANALYSIS

Committee: House Education
Date: June 22, 2004
Version: PCS for 1st Ed. (H1460-CSRJ-38[v.5])

Introduced by: Reps. Preston and Warner
Summary by: Sara Kamprath
 Committee Analyst

SUMMARY: *The Proposed Committee Substitute (PCS) for House Bill 1460 directs local school administrative units to develop intervention plans for certain suspended students. The bill also requires that the intervention plan shall be included in the student's official record. The intervention plan can be expunged from the student's official record in the same manner as is currently used to expunge the notice of suspension or expulsion. The bill is effective when it becomes law and is applicable starting with the 2005-06 school year.*

The bill is a recommendation of the House Interim Committee on Providing an Appropriate Education for Students on Long-Term Suspension.

Differences between the PCS and the First Edition

- The PCS deletes the student with 5 unexcused absences in a year from the definition of "suspended student". (see new G.S. 115C-397.10)
- The PCS adds 2 required components to the intervention plan – a list of educational services that may be available during a suspension of at least 10 days and a plan for how a suspended student may make up missed schoolwork (see new G.S. 115C-397.11(5) and (6))
- The PCS also adds an exception so that the suspended student is not required to be promoted or to receive course credit if they do not meet other federal, State, local, or an individual teacher's criteria. (see new G.S. 115C-397.12)

BILL ANALYSIS:

Local school administrative units must develop an intervention plan for any student who (a) has received a suspension of more than 10 days, or (b) has received multiple short-term suspensions that total more than 10 days during a school year.

Minimum requirements for the plan are:

- High expectations for the student
- Strategies to address the conduct responsible for the suspension
- A focus on the student's needs, especially reading when appropriate
- Parent or guardian's signature
- A list of community-based or school-based educational services that may be available to a student during a 10-day or more suspension

HOUSE BILL 1460

Page 2

- A plan for how schoolwork may be made up by a suspended student
- Accountability measure(s)

The superintendent or the superintendent's designee can expunge the intervention plan from the student's official record using the same criteria that are already in place to expunge the notice of suspension or expulsion.

CURRENT LAW: Federal law requires that IEP's be prepared for children with special needs. Also in G.S. 115C-105.41, a personal education plan shall be developed at the beginning of the school year for students who are "not performing at least at grade level, as identified by the State end-of-grade test."

H1460-SMRJ-002

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6-29-04

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Date

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DON YOUSEY	BRUNSWICK COUNTY HEALTH DEPT. P.O. Box 9, Bolivia, NC 28422
David Stanley	BRUNSWICK Co. Health Dept. P.O. Box 9, Bolivia NC 28422
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Bill Vestal	Alamance Co. Chamber of Commerce
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Sonny Wilkins	"
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6/29/04

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Education Committee

Name of Committee

6-29-04

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Matt Harris

Rutherford Co.

Keel Harris

Rutherford Co.

Danielle Kild

Nash Co.

Michael Holt

Burns & Co

Gerald Barlowe

Sampson Co

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Capitl Dewy