2003-2004

SENATE
EDUCATION/HIGHER EDUCATION

COMMITTEE MINUTES

Senate Committee on Education/Higher Education
2003-2004 Biennium
Membership

Senator Jeanne Lucas, Co-Chair **Room 300-G** **733-4599**	**Senator Steve Metcalf, Co-Chair** **Room 300-B** **733-7850**	**Senator John Garwood, Co-Chair** **Room 1118** **733-5742**
Senator A.B. Swindell, Vice Chair Room 629 715-3030	Senator Hamilton Horton, Vice Chair Room 1117 733-7850	Senator Austin Allran Ranking Minority Member Room 516 733-5876
Senator Tom Apodaca Room 119 733-5745*-	Senator Stan Bingham Room 2117 733-5665	Senator Harris Blake Room 519 733-4809
Senator Walter Dalton Room 523 715-3038	Senator Charlie Dannelly Room 2010 733-5955	Senator Katie Dorsett Room 2106 715-3042
Senator Jim Forrester Room 1129 715-3050	Senator Virginia Foxx Room 1120 733-5743	Senator Linda Garrou Room 627 733-5620
Senator Wib Gulley Room 623 715-3036	Senator Kay Hagan Room 410 733-5856	Senator Cecil Hargett Room 620 715-3034
Senator Fletcher Hartsell Room 518 733-7223	Senator Robert Holloman Room 522 715-3032	Senator Clark Jenkins Room 409 715-3040
Senator Vernon Malone Room 2113 733-5880	Senator Tony Moore Room 622 733-6275	Senator Bill Purcell Room 625 733-5953
Senator Bob Rucho Room 1113 733=5650	Senator Fern Shubert Room 1414 733-7659	Senator Fred Smith Room 520 733-5748
Senator Richard Stevens Room 515 733-5653	Senator Scott Thomas Room 300-D 715-8363	Senator Jerry Tillman Room 628 733-5870

STAFF: 733-2578
Robin Johnson
Shirley Iorio Sara Kamprath
Dee Atkinson Drupti Chauhan

Joyce Hodge Committee Assistant, 5-3042

NCGA BILL INQUIRY RESULTS

Session: 2003-2004 Session
Search Criteria: Committee = "Ever in SEN Ed./Higher Ed. (43)"
Sorted By: Bill Number
Total Bills Returned: 98

P/L = Public/Local Bill | $ = Affects Appropriations
* = Bill Text Has Changed

H17 — Sch. Curriculum Should Include Consumer Educ.
P *
Prime Sponsor(s): Paul Miller
Last Action: [S] Ref To Com On Education/Higher Education **on** 0
Detailed Bill Information

H31 — Raise Cap on Charter Schools.
P *
Prime Sponsor(s): Cary D. Allred
Last Action: [S] Ref to Education/Higher Education. If fav, re-ref to Appropriations/Base Budget **on** 04/28/2003
Detailed Bill Information

H38 — Probationary Period Shortened/Career Tchrs.
P *
Prime Sponsor(s): Alma S. Adams
Last Action: [R] Ch. SL 2003-302 **on** 07/07/2003
Detailed Bill Information

H103 (= S229) — Increase Science & Math School Trustees.
P
Prime Sponsor(s): William T. Culpepper, III
Last Action: [R] Ch. SL 2003-57 **on** 05/20/2003
Detailed Bill Information

H150 — Establish State Education Grants.
P *
Prime Sponsor(s): William C. Owens, Jr.; Paul Stam
Last Action: [R] Ch. SL 2003-429 **on** 08/19/2003
Detailed Bill Information

H223 — Voc. Rehab. Students in Comm. Coll./Funds.-AB
P
Prime Sponsor(s): Linda P. Johnson
Last Action: [R] Ch. SL 2003-385 **on** 08/07/2003
Detailed Bill Information

H234 **Comm. Coll. Financial Aid Process Clarified.-AB**
P **Prime Sponsor(s):** Joe P. Tolson
Last Action: [R] Ch. SL 2003-52 **on** 05/20/2003
Detailed Bill Information

H271 **Job-sharing for school counselors/Study**
P * **Prime Sponsor(s):** Rick Glazier; Alex Warner; Marvin W. Lucas; V Insko
Last Action: [S] Ref To Com On Education/Higher Education **on** 0
Detailed Bill Information

H303 **Healthy, Active Children In Grades K-8.**
P * **Prime Sponsor(s):** Larry M. Bell
Last Action: [S] Ref To Com On Education/Higher Education **on** 0
Detailed Bill Information

H317 **State Assistance to Low-Performing LEAs.-AB**
P * **Prime Sponsor(s):** Larry M. Bell; Jean R. Preston; Edith D. Warrer
Last Action: [S] Re-ref Com On Appropriations/Base Budget **on** 0(
Detailed Bill Information

H319 **Charter School Law Changes .-AB**
P * **Prime Sponsor(s):** Donald A. Bonner; Jean R. Preston; Edith D. W Douglas Y. Yongue
Last Action: [S] Ref To Com On Education/Higher Education **on** 0
Detailed Bill Information

H340 **School Calendar Flex./Inclement Weather.**
P * **Prime Sponsor(s):** Earline W. Parmon; Pryor A. Gibson, III; Tim M
Last Action: [R] Ch. SL 2003-8 **on** 04/08/2003
Detailed Bill Information

H345 **Charter Schools Approved for 10 Years.**
P **Prime Sponsor(s):** Earline W. Parmon; Michael A. Gorman
Last Action: [S] Ref To Com On Education/Higher Education **on** 0
Detailed Bill Information

H379 **Educational Conditions to Punishment.**
P * **Prime Sponsor(s):** Larry M. Bell
Last Action: [S] Ref To Com On Education/Higher Education **on** 0
Detailed Bill Information

H421 **Veterans Day a Holiday for School Staff.**
P * **Prime Sponsor(s):** Marian N. McLawhorn
Last Action: [R] Ch. SL 2003-131 **on** 06/05/2003
Detailed Bill Information

H463 **Update Sch. Counselor Job Description.**
P * **Prime Sponsor(s):** Larry M. Bell
Last Action: [S] Ref To Com On Education/Higher Education **on** 0
Detailed Bill Information

H551 (= S503) **Attendance Age/Eligibility/Schools for Deaf.**
P * **Prime Sponsor(s):** Joe P. Tolson
Last Action: [S] Ref To Com On Education/Higher Education **on** 0
Detailed Bill Information

H601 **Encourage Early College Attendance.**
P * **Prime Sponsor(s):** Rick Glazier; Deborah K. Ross
Last Action: [R] Ch. SL 2003-251 **on** 06/27/2003
Detailed Bill Information

H678 **Eliminate High School Exit Exam.**
P * **Prime Sponsor(s):** Rick Glazier; Margaret H. Dickson
Last Action: [S] Ref To Com On Education/Higher Education **on** 0
Detailed Bill Information

H797 (= S738) **Assistance to LEAs on Implementation of NCLB.**
P * **Prime Sponsor(s):** Deborah K. Ross; Douglas Y. Yongue; Jean R. Larry W. Womble
Last Action: [R] Ch. SL 2003-419 **on** 08/14/2003
Detailed Bill Information

H801 **Alternatives to School Competency Test.**
P * **Prime Sponsor(s):** Alex Warner
Last Action: [R] Ch. SL 2003-275 **on** 06/27/2003
Detailed Bill Information

H975 **UNC Purchasing Flexibility.**
P * **Prime Sponsor(s):** Harold J. Brubaker
Last Action: [R] Ch. SL 2003-228 **on** 06/19/2003
Detailed Bill Information

H1016 (= S880) **UNC/Add Nonsmoking Areas.**
P * **Prime Sponsor(s):** R. Phillip Haire
Last Action: [R] Ch. SL 2003-292 **on** 07/07/2003
Detailed Bill Information

H1032 **School Food/Beverage Purchases.**
P * **Prime Sponsor(s):** Rick Glazier; Bob England
Last Action: [R] Ch. SL 2003-257 **on** 06/27/2003
Detailed Bill Information

H1070	Purchase Contracts/Increase UNC Benchmark.
P *	**Prime Sponsor(s):** David M. Miner; Daniel F. McComas
	Last Action: [R] Ch. SL 2003-312 **on** 07/14/2003
	Detailed Bill Information
H1135	Education Instead of Long-Term Suspension.
P *	**Prime Sponsor(s):** Jean R. Preston; Linda P. Johnson; Earline W. Martin L. Nesbitt, Jr.
	Last Action: [H] Ref To Com On Rules, Calendar, and Operations House **on** 06/16/2003
	Detailed Bill Information
H1136	Job-Sharing Permitted for Media Coordinators.
P *	**Prime Sponsor(s):** Alice L. Bordsen; Marian N. McLawhorn
	Last Action: [S] Ref To Com On Education/Higher Education **on** 0
	Detailed Bill Information
H1162	Modify Law/Charter School Advisory Committee.
P	**Prime Sponsor(s):** Michael A. Gorman; Earline W. Parmon
	Last Action: [S] Ref To Com On Education/Higher Education **on** 0
	Detailed Bill Information
H1166	Local Flex. Regarding Job Sharing in Schools.
P *	**Prime Sponsor(s):** Alice L. Bordsen; Martin L. Nesbitt, Jr.
	Last Action: [S] Re-ref Com On Pensions & Retirement and Aging 05/14/2003
	Detailed Bill Information
S10 (= H219)	Modify Retired Educator Option.
P	**Prime Sponsor(s):** John A. Garwood
Fiscal Note(s)	**Last Action:** [S] Re-ref Com On Pensions & Retirement and Aging 04/10/2003
	Detailed Bill Information
S31	Teacher Credit for Excess Personal Leave.
P *	**Prime Sponsor(s):** Virginia Foxx
Fiscal Note(s)	**Last Action:** [H] Re-ref Com On Appropriations **on** 05/21/2003
	Detailed Bill Information
S39 (= H34)	Charter Sch. & State Retire. & Med. Plans.
P *	**Prime Sponsor(s):** Wib Gulley
Fiscal Note(s)	**Last Action:** [R] Ch. SL 2003-69 **on** 05/23/2003
	Detailed Bill Information
S61	CDL Changes/Study Moped Identification.
P *	**Prime Sponsor(s):** Tony Rand

Last Action: [R] Ch. SL 2003-397 **on** 08/07/2003
Detailed Bill Information

S172 (= H60) School Calendar Flex./Iredell & Catawba.
L **Prime Sponsor(s):** R. B. Sloan, Jr.
Last Action: [S] Ref To Com On Education/Higher Education **on** 0
Detailed Bill Information

S174 Nomination and Election Board of Governors.
P * **Prime Sponsor(s):** Jeanne Hopkins Lucas
Last Action: [S] Adopted **on** 03/13/2003
Detailed Bill Information

S175 Amend Higher Education Laws.
P **Prime Sponsor(s):** Jeanne Hopkins Lucas
Last Action: [S] Ref To Com On Education/Higher Education **on** 0
Detailed Bill Information

S229 (= H103) Increase Science & Math School Trustees.
P **Prime Sponsor(s):** Fletcher L. Hartsell, Jr.
Last Action: [S] Ref To Com On Education/Higher Education **on** 0
Detailed Bill Information

S231 Classroom Experience for School Personnel.
P **Prime Sponsor(s):** Fletcher L. Hartsell, Jr.
Last Action: [S] Ref To Com On Education/Higher Education **on** 0
Detailed Bill Information

S289 (= H294) OK to Use Com Col Funds for Literacy Labs.-AB
P **Prime Sponsor(s):** Eric Miller Reeves
Last Action: [S] Re-ref Com On Appropriations/Base Budget **on** 0
Detailed Bill Information

S359 Forsyth Charter Sch/Raise Cap.
L * **Prime Sponsor(s):** Linda Garrou
Last Action: [S] Ref To Com On Rules and Operations of the Sen 07/17/2003
Detailed Bill Information

S365 Confirmation/State Board of Education
P * **Prime Sponsor(s):** Jeanne Hopkins Lucas
Last Action: [R] Ch. Res 2003-13 **on** 06/03/2003
Detailed Bill Information

S366 Joint Session/State Board of Education Appts.
P * **Prime Sponsor(s):** Jeanne Hopkins Lucas

Last Action: [R] Ch. Res 2003-12 **on** 06/03/2003
Detailed Bill Information

S416 — Setting Date/Election Comm. Coll. Bd. Members
P * — **Prime Sponsor(s):** Jeanne Hopkins Lucas
Last Action: [R] Ch. Res 2003-29 **on** 07/19/2003
Detailed Bill Information

S431 — 4th Senatorial District Local Act-2.
L — **Prime Sponsor(s):** Robert Lee Holloman
Last Action: [S] Ref to Education/Higher Education. If fav, re-ref to Appropriations/Base Budget **on** 04/15/2003
Detailed Bill Information

S444 — Teach Personal Financial Literacy in Schools.
P — **Prime Sponsor(s):** Kay R. Hagan
Fiscal Note(s) — **Last Action:** [H] Ref To Com On Education **on** 04/15/2003
Detailed Bill Information

S496 — Management Flexibility and Accountability.
L — **Prime Sponsor(s):** Eric Miller Reeves
Last Action: [S] Ref To Com On Education/Higher Education **on** 0
Detailed Bill Information

S503 (= H551) — Age/Eligibility/NC Schools for the Deaf.
P * — **Prime Sponsor(s):** A. B. Swindell
Last Action: [R] Ch. SL 2003-253 **on** 06/27/2003
Detailed Bill Information

S509 (= H709) — Mentor Pilot Program.
P $ — **Prime Sponsor(s):** Charlie Smith Dannelly
Last Action: [S] Ref To Com On Education/Higher Education **on** 0
Detailed Bill Information

S583 — Tobacco-Free Schools.
P * — **Prime Sponsor(s):** William R. Purcell
Last Action: [R] Ch. SL 2003-421 **on** 08/14/2003
Detailed Bill Information

S600 (= H1115) — School Bus Fire Suppression Equipment.
P — **Prime Sponsor(s):** Jeanne Hopkins Lucas
Last Action: [S] Re-ref Com On Appropriations/Base Budget **on** 0
Detailed Bill Information

S618 (= H873) — Health Education Courses/Accurate Info.
P — **Prime Sponsor(s):** Jeanne Hopkins Lucas

Last Action: [S] Ref To Com On Education/Higher Education **on** 0
Detailed Bill Information

S639
P
Textbooks Selected at the Local Level.
Prime Sponsor(s): Andrew C. Brock
Last Action: [S] Ref To Com On Education/Higher Education **on** 0
Detailed Bill Information

S640
P
Schools Must Protect Student Privacy.
Prime Sponsor(s): Andrew C. Brock
Last Action: [S] Ref To Com On Education/Higher Education **on** 0
Detailed Bill Information

S641
P
Elect State Board of Education.
Prime Sponsor(s): Andrew C. Brock
Last Action: [S] Ref To Com On Education/Higher Education **on** 0
Detailed Bill Information

S644
P
UNC System/No Remedial Ed.
Prime Sponsor(s): Andrew C. Brock
Last Action: [S] Ref To Com On Education/Higher Education **on** 0
Detailed Bill Information

S645
P
LEAs & Colleges Operate Charter Schools.
Prime Sponsor(s): Andrew C. Brock
Last Action: [S] Ref To Com On Education/Higher Education **on** 0
Detailed Bill Information

S656
P *
Innovative Educ. Initiatives Act.
Prime Sponsor(s): Walter H. Dalton
Last Action: [R] Ch. SL 2003-277 **on** 07/03/2003
Detailed Bill Information

S686
P
Fiscal Note(s)
Retired Educators Return to Work.
Prime Sponsor(s): Jerry W. Tillman
Last Action: [S] Ref To Com On Education/Higher Education **on** 0
Detailed Bill Information

S697
P *
Community College Trust Fund Established.
Prime Sponsor(s): Stephen M. Metcalf
Last Action: [S] Re-ref Com On Appropriations/Base Budget **on** 0
Detailed Bill Information

S698
P *
Advisory Members on State Board of Education.
Prime Sponsor(s): Stephen M. Metcalf
Last Action: [R] Ch. SL 2003-306 **on** 07/07/2003

Detailed Bill Information

S699 Eliminate High School Exit Exam.
P **Prime Sponsor(s):** Stephen M. Metcalf
Last Action: [S] Ref To Com On Education/Higher Education **on** 0
Detailed Bill Information

S700 Teacher Assistant Salary/Tuition Funds.
P $ **Prime Sponsor(s):** Stephen M. Metcalf
Last Action: [S] Re-ref Com On Appropriations/Base Budget **on** 0
Detailed Bill Information

S701 Local Flex. Regarding Job Sharing in Schools
P * **Prime Sponsor(s):** Stephen M. Metcalf
Fiscal Note(s) **Last Action:** [R] Ch. SL 2003-358 **on** 08/01/2003
Detailed Bill Information

S709 Make NC LIVE Universally Available to Schs.
P **Prime Sponsor(s):** Fern Shubert
Last Action: [S] Ref To Com On Education/Higher Education **on** 0
Detailed Bill Information

S710 Teacher Recruitment Incentives/Local Funds.
P **Prime Sponsor(s):** Fern Shubert
Last Action: [S] Ref To Com On Education/Higher Education **on** 0
Detailed Bill Information

S712 (= H31) Remove Cap on Charter Schools.
P **Prime Sponsor(s):** Fern Shubert
Fiscal Note(s) **Last Action:** [S] Ref To Com On Education/Higher Education **on** 0
Detailed Bill Information

S714 Compensation/Pub. Sch. Employees/Active Duty.
P * **Prime Sponsor(s):** Fletcher L. Hartsell, Jr.
Fiscal Note(s) **Last Action:** [R] Ch. SL 2003-301 **on** 07/07/2003
Detailed Bill Information

S720 Amend UNC Laws.
P **Prime Sponsor(s):** Stephen M. Metcalf
Last Action: [S] Ref To Com On Education/Higher Education **on** 0
Detailed Bill Information

S728 Teacher Education Enrollment Funds.
P **Prime Sponsor(s):** Daniel G. Clodfelter
Fiscal Note(s) **Last Action:** [S] Ref To Com On Education/Higher Education **on** 0
Detailed Bill Information

S737	Calendar Must Let Teachers Take Earned Leave.
P	**Prime Sponsor(s):** Jeanne Hopkins Lucas
	Last Action: [H] Ref To Com On Education **on** 04/30/2003
	Detailed Bill Information
S738 (= H797)	Assistance to LEAs on Implementation of NCLB.
P	**Prime Sponsor(s):** Jeanne Hopkins Lucas
	Last Action: [S] Ref To Com On Education/Higher Education **on** 0
	Detailed Bill Information
S749	Flex. in Use of Substitute Teacher Funds.
P $	**Prime Sponsor(s):** Kay R. Hagan
	Last Action: [S] Ref To Com On Education/Higher Education **on** 0
	Detailed Bill Information
S779	Schools Begin After Labor Day.
P *	**Prime Sponsor(s):** Charlie Smith Dannelly
Fiscal Note(s)	**Last Action:** [S] Re-ref Com On Rules and Operations of the Sena 05/01/2003
	Detailed Bill Information
S781	No Penalty for Teachers Taking Personal Leave.
P	**Prime Sponsor(s):** Charlie Smith Dannelly
Fiscal Note(s)	**Last Action:** [S] Ref To Com On Education/Higher Education **on** 0
	Detailed Bill Information
S783	Raise Compulsory School Attendance Age.
P *	**Prime Sponsor(s):** John A. Garwood
	Last Action: [S] Re-ref Com On Appropriations/Base Budget **on** 0
	Detailed Bill Information
S795	Enhancement of Character & Civic Educ. Prog.
P *	**Prime Sponsor(s):** Joe Sam Queen
Fiscal Note(s)	**Last Action:** [S] Re-ref Com On Appropriations/Base Budget **on** 0
	Detailed Bill Information
S843	Inform Parents of Student Progress.
P	**Prime Sponsor(s):** Fern Shubert
	Last Action: [S] Ref To Com On Education/Higher Education **on** 0
	Detailed Bill Information
S857	Student Transportation Purchases.
P	**Prime Sponsor(s):** Stephen M. Metcalf
	Last Action: [S] Ref To Com On Education/Higher Education **on** 0
	Detailed Bill Information

S866	School of Science Math/College Scholarships.
P	**Prime Sponsor(s):** Kay R. Hagan
	Last Action: [S] Ref to Education/Higher Education. If fav, re-ref to Appropriations/Base Budget **on** 04/03/2003
	Detailed Bill Information
S869	Restrict UNC Ownership of Certain Properties.
P	**Prime Sponsor(s):** Kay R. Hagan
	Last Action: [S] Ref To Com On Education/Higher Education **on** 0
	Detailed Bill Information
S886	Sun Safety for School Children.
P *	**Prime Sponsor(s):** Robert C. Carpenter
	Last Action: [H] Assigned To Education Subcommittee on Pre-Sch Elementary and Secondary Education **on** 06/03/2003
	Detailed Bill Information
S909 (= H1168)	Revise Funding Formula for LEP Students.
P $	**Prime Sponsor(s):** Daniel G. Clodfelter
Fiscal Note(s)	**Last Action:** [S] Ref to Education/Higher Education. If fav, re-ref to Appropriations/Base Budget **on** 04/03/2003
	Detailed Bill Information
S929	Award-winning Teachers Keep Benefits .
P	**Prime Sponsor(s):** Fern Shubert
Fiscal Note(s)	**Last Action:** [S] Ref To Com On Education/Higher Education **on** 0
	Detailed Bill Information
S931 (= H1012)	No Portfolio Required/Teacher Certification.
P *	**Prime Sponsor(s):** Fern Shubert
	Last Action: [S] Ref To Com On Rules and Operations of the Sena 06/09/2003
	Detailed Bill Information
S932	Amend Law/Charter School Advisory Committee.
P	**Prime Sponsor(s):** Fern Shubert
	Last Action: [S] Ref To Com On Education/Higher Education **on** 0
	Detailed Bill Information
S949	Link Principal's Bonus to 4-year Grad. Rate.
P $	**Prime Sponsor(s):** Jeanne Hopkins Lucas
	Last Action: [S] Ref to Education/Higher Education. If fav, re-ref to Appropriations/Base Budget **on** 04/03/2003
	Detailed Bill Information
S951	Student Advisor to Local Board of Education.

P **Prime Sponsor(s):** Jeanne Hopkins Lucas
Last Action: [S] Ref To Com On Education/Higher Education **on** 0
Detailed Bill Information

S952 **Amend Distinguish Prof. Endowment Trust Fund.**
P * **Prime Sponsor(s):** Jeanne Hopkins Lucas
Last Action: [R] Ch. SL 2003-293 **on** 07/07/2003
Detailed Bill Information

S953 **Flexibility for Schools with Mentor Funds.**
P $ **Prime Sponsor(s):** Jeanne Hopkins Lucas
Last Action: [S] Ref to Education/Higher Education. If fav, re-ref to Appropriations/Base Budget **on** 04/03/2003
Detailed Bill Information

S955 **Modify Law/Contracts for School Principals.**
P * **Prime Sponsor(s):** Jerry W. Tillman
Last Action: [R] Ch. SL 2003-291 **on** 07/07/2003
Detailed Bill Information

S957 (= H1015) **K-8 Testing Reform Act of 2003.**
P **Prime Sponsor(s):** Tom Apodaca
Fiscal Note(s) **Last Action:** [S] Re-ref Com On Appropriations/Base Budget **on** 0
Detailed Bill Information

S977 **Study Use of Restraints/Seclusion in Schools.**
P * **Prime Sponsor(s):** Katie G. Dorsett
Last Action: [H] Ref To Com On Rules, Calendar, and Operations House **on** 05/15/2003
Detailed Bill Information

S982 **Tuition/Out-of-Country Nonresidents.**
P **Prime Sponsor(s):** Andrew C. Brock
Last Action: [S] Ref to Education/Higher Education. If fav, re-ref to Appropriations/Base Budget **on** 04/03/2003
Detailed Bill Information

S983 **Raise Out-of-State Tuition.**
P **Prime Sponsor(s):** Andrew C. Brock
Last Action: [S] Ref to Education/Higher Education. If fav, re-ref to Appropriations/Base Budget **on** 04/03/2003
Detailed Bill Information

S987 **Increase Access to Education.**
P **Prime Sponsor(s):** Eric Miller Reeves
Last Action: [S] Ref To Com On Education/Higher Education **on** 0
Detailed Bill Information

S994	School Suspension for Sale of Alcohol/Drug .
P *	**Prime Sponsor(s):** Linda Garrou
	Last Action: [H] Re-ref Com On Rules, Calendar, and Operations House **on** 07/15/2003
	Detailed Bill Information
S1000	FSU-School of Engineering.
P	**Prime Sponsor(s):** Larry Shaw
	Last Action: [S] Re-ref Com On Rules and Operations of the Sena 04/28/2003
	Detailed Bill Information
S1002	School Starts After Labor Day.
P	**Prime Sponsor(s):** Patrick J. Ballantine
	Last Action: [S] Ref To Com On Education/Higher Education **on** 0
	Detailed Bill Information

SENATE EDUCATION/HIGHER EDUCATION COMMITTEE

Wednesday, March 5, 2003, 10:00 a.m.
Room 643 Legislative Office Building

Minutes

The Senate Education/Higher Education Committee met Wednesday, March 5, 2003 at 10:00 in Room 643 of the Legislative Office Building. Senator John Garwood, Presiding Chair, called the meeting to order with twenty-six members present.

Senator Garwood welcomed the visitors and introduced the pages. Lena Stone, and Nichole Williams both from Clayton, sponsored by President Pro Tempore Basnight.

The Chair recognized Senator Gulley to explain SB 39, "Charter School and State Retirement and Medical Plans." Senator Dannelly moved a favorable report for Senate Bill 39 and that the bill be re-referred to the Committee on Pensions and Retirement. Senator Horton seconded the motion and the motion passed by unanimous voice vote.

The following Subcommittees were appointed: Professional Development, School Calendar and VoCATS. Senator Garwood stated that the Committee Chairs would call and chair the first meeting of each subcommittee for organizational purposes. Senator Lucas stated that adjustments might be made to the subcommittee membership as requested.

The Chair stated that Senate Bill 172, "School Calendar Flexability/Iredell and Catawba." was on the Agenda for discussion only and recognized Senator Sloan to explain SB 172. Linda Suggs, Legislative Liaison, State Board of Education, spoke on the bill and answered questions from Committee members. LeAnn Winner, Director, Governmental relations, NC School Boards Association, also spoke on the bill. She stated that she would research cases that were settled and get back with the subcommittee. After Committee discussion, Senator Metcalf thanked Senator Sloan for introducing this legislation and moved that the Subcommittee explore the possibility of one statewide bill. Senator Shubert suggested that a representative from the State Board of education attend the meeting of the Subcommittee to explore this legislation.

The Chair recognized staff to respond to Senator Jenkins' request for information regarding the election of members of the University Board of Governors.

The meeting was adjourned at 10:55 a.m.

Senator John A. Garwood, Presiding Chair

Joyce Crews Hodge, Committee Assistant

Senate Education/Higher Education Committee

AGENDA

Wednesday, March 5, 2003
10:00 a.m., Room 544
Senator Garwood, presiding

Welcome
Senator Garwood

Senate Bill 39 Charter Sch. & State Retire. & Med. Plans.
Senator Gulley

Appointment of Subcommittees
Senator Garwood

Senate Bill 172 School Calendar Flex./Iredell & Catawba
Senator Sloan

Adjournment

NORTH CAROLINA GENERAL ASSEMBLY
SENATE

EDUCATION/HIGHER EDUCATION COMMITTEE REPORT
Senator Jeanne Hopkins Lucas, Co-Chair
Senator Stephen M. Metcalf, Co-Chair
Senator John A. Garwood, Co-Chair

Wednesday, March 05, 2003

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

S.B. **39** Charter Sch. & State Retire. & Med. Plans.
Sequential Referral: Committee on Pensions and Retirement
Recommended Referral:

TOTAL REPORTED: 1

Committee Clerk Comments:

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2003

S 1

SENATE BILL 39

Short Title: Charter Sch. & State Retire. & Med. Plans. (Public)
Sponsors: Senators Gulley; and Shubert.
Referred to: Education/Higher Education.
February 13, 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.

SENATE EDUCATION/HIGHER EDUCATION COMMITTEE

Wednesday, March 12, 2003, 10:00 a.m.
Room 643 Legislative Office Building

Minutes

The Senate Education/Higher Education Committee met Wednesday, March 12, 2003 at 10:00 in Room 643 of the Legislative Office Building. Senator Jeanne Lucas, Presiding Chair, called the meeting to order with twenty-two members present. She welcomed the visitors and introduced the pages: Eliza Harris, Pittsboro, sponsored by Senator Kinnaird and Gabby Triplett, Hickory, sponsored by Senator Forrester.

Senator Garwood was recognized to give the report of the Sub Committee on The School Calendar. Senator Lucas recognized Senator Metcalf to explain Senate Resolution 174, "Nomination of the University Board of Governors." Senator Metcalf moved the adoption of the Proposed Committee Substitute for discussion. The motion carried by unanimous voice vote. Senator Metcalf explained the changes in the nomination and election process. Senator Swindell moved for a favorable report to the Committee Substitute for Senate Resolution 174, and an unfavorable report as to the original bill. The motion carried by unanimous voice vote.

Senator Lucas recognized and welcomed President Martin Lancaster, NC Community College System, to come before the Committee. He thanked the members for their support and shared important issues confronting the Community College System at this difficult time. At the conclusion of his presentation, Senator Lucas thanked President Lancaster and stated that he will be invited again to receive questions from the members of the Committee.

The Chair again thanked everyone for their attendance and participation and adjourned the meeting at 10:55.

Senator Jeanne H. Lucas, Presiding Chair

Joyce Crews Hodge, Committee Assistant

AGENDA

Senate Education/Higher Education Committee

Wednesday, March 12, 2003
10:00 a.m., Room 643

Senator Jeanne Lucas, Presiding

Welcome
Senator Lucas

- **Senate Resolution 174** ***"Establish Procedure for Nominating and Electing Members of the Board of Governors of the University of North Carolina."***

  Senators Lucas, Garwood and Metcalf

- **Presentation, President Martin Lancaster**
  N C Community College System

Adjournment

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2003

S 1

SENATE RESOLUTION 174

Sponsors:	Senators Lucas, Garwood, and Metcalf.
Referred to:	Education/Higher Education.

February 25, 2003

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

Be it resolved by the Senate:

SECTION 1. This resolution is effective upon adoption.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2003

S

Simple Resolution Adopted

SENATE RESOLUTION 174
Education/Higher Education Committee Substitute Adopted 3/12/03
Adopted 3/13/03

Sponsors:

Referred to:

February 25, 2003

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

Be it resolved by the Senate:

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

I. COMMITTEE RESPONSIBILITIES.

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

2. The Senate Committee shall receive suggestions of proposed candidates for nomination for election to the Board of Governors of The University of North Carolina from Monday, March 17, 2003, through Friday, March 21, 2003. In 2003, the total number of positions is eight. In order for a person to have standing to be considered as a candidate for nomination by the Senate Committee, that person must be formally proposed as a candidate for nomination by a member of the Senate. Only a written nomination on a form provided by the cochairs of the Senate Committee for that purpose and received in the Office of the Senate Principal Clerk on or after Monday, March 17, 2003, and no later than 5:00 P.M. on Friday, March 21, 2003, shall constitute formal proposal of a candidate. Delivery of a nomination form by facsimile transmission shall not constitute a formal proposal of a candidate.

3. A Senator may propose candidates for nomination only for the openings available for election by the Senate. In the 2003 Session of the General Assembly, the Senate will elect eight persons for four-year terms.

4. On or after March 22, 2003, the Senate Committee shall list all proposed candidates for nomination. The Senate Committee shall screen the proposed candidates

for nomination as to their qualifications and background and may interview each one to make sure that suitable persons are nominated. The Senate Committee shall ascertain that each candidate for nomination is willing and able to serve and has no statutory disability. On completion of the screening process, the Senate Committee shall conduct a vote to ensure that the slate of legally qualified candidates lists no more than twice the number of candidates for the total seats open.

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

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

II. ELECTIONS IN THE SENATE.

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

2. The ballot shall list only the names of those nominees proposed by the Senate Committee who have consented to run and for whom the Senate is entitled to vote. Their names shall be arranged alphabetically by surname.

3. The Senate shall hold its election no later than the beginning of the daily session on April 2, 2003. Before the voting begins, one of the cochairs of the Senate Committee shall explain the voting rules, which are:

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

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

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

(d) If fewer than eight nominees receive the votes of a majority of all members present and voting, a runoff to fill the open position or positions shall be conducted among the nominees who were not elected but who received the highest number of votes cast; and the number of nominees eligible to be voted on in the runoff shall be twice the number of positions to be filled.

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

(f) If more than eight nominees receive the votes of a majority of all members present and voting, then the eight nominees receiving the highest number of votes shall be deemed to have been chosen.

4. The Senators shall proceed to mark their ballots for eight persons, for four-year terms.

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

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

6. When the cochairs of the Senate Committee have determined that the Senate has chosen eight persons to serve as members of the Board of Governors for terms of four years, the President of the Senate shall declare those eight persons to have been elected.

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

III. NOTIFICATION OF ELECTION RESULTS.

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

SECTION 2. As used in this resolution, the term "cochairs" means the Cochairs of the Senate Committee.

SECTION 3. This resolution is effective upon adoption.

SENATE EDUCATION/HIGHER EDUCATION COMMITTEE

2003-2004 Biennium

Senator Jeanne Lucas, Co-Chair
Room 300-G, LOB
Raleigh, NC
(919) 733-4599

Senator Steve Metcalf, Co-Chair
Room 300-B, LOB
Raleigh, NC 27601-2808
919) 733-7850

Senator John Garwood, Co-Chair
Room 1118, LB
Raleigh, NC 27601-2808
(919) 733-5742

March 12, 2003

MEMORANDUM

TO: Members of the Senate

FROM: Senators Garwood, Lucas, Metcalf, Co-Chairs, Senate Education/Higher Education Committee

RE: Nomination Form/2003 UNC Board of Governors Election

Only the submission of the attached completed nomination form to the Office of the Senate Principal Clerk no later than 5:00 p.m. on Friday, March 21, 2003, shall constitute official nomination of an individual. Nominations on forms distributed by us and submitted to the Senate Principal Clerk on or after March 17, 2003, but no later than 5:00 p.m. on Friday, March 21, 2003, also constitute official nomination of an individual. Nominations received by facsimile will not be accepted.

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

NORTH CAROLINA SENATE
UNC BOARD OF GOVERNORS
2003 CANDIDATE NOMINATION FORM

(1) Senator _____ (Sponsor's Name)

proposes _____(Nominee's name) as a nominee for election to the board of Governors of The University of North Carolina in the following category for a four-year term to commence July 1, 2003.

(2) Nominee's Name:

Nominee's Occupation:

Nominee's Address:

Home Phone:

Work Phone:

Fax #

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

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

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

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

(7) If elected, will the nominee serve?

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

_____

Signature of Sponsor/Date

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

_____

Signature of Nominee/Date

Senate Education/Higher Education Committee

AGENDA

Wednesday, March 19, 2003
10:00 a.m., Room 643
Senator Metcalf, Presiding

Welcome
Senator Metcalf

Senate Joint Resolution 416
Election of Members of the
State Board of Community Colleges,
Senator Lucas

President Molly Broad, The University of North Carolina

Adjournment

SENATE EDUCATION/HIGHER EDUCATION COMMITTEE

Wednesday, March 19, 2003, 10:00 a.m.
Room 643 Legislative Office Building

Minutes

The Senate Education/Higher Education Committee met Wednesday, March 19, 2003 at 10:00 in Room 643 of the Legislative Office Building. Senator Steve Metcalf, Presiding Chair, called the meeting to order with twenty-five members present. He welcomed everyone and introduced the page Kevin Mark, Raleigh, sponsored by Senator Carrington.

Senator Metcalf recognized Senator Lucas to explain Senate Resolution 416, "Setting Date/Election Community Board Members." Senator Lucas moved the adoption of the proposed Committee Substitute for Senate Resolution 416. The motion carried by unanimous voice vote. Senator Lucas explained that this Resolution is just to establish the date for the election of the Community College Board Members. Senator Dannelly moved a favorable report to the Proposed Committee Substitute for Senate Resolution 416 and an unfavorable report to the original bill. The motion carried by unanimous voice vote.

Senator Metcalf recognized and welcomed President Molly Broad, The University of North Carolina System to give a presentation to the Committee. After acknowledging the presence of the Chancellor of Appalachian State University, President Broad presented the budget priorities of the University System; the seamless transition of the Community College student to the University system and other areas that the University serves as an important resource. At the conclusion of President Broad's presentation, she entertained questions from the Committee.

The Chair thanked President Broad and everyone for their attendance and adjourned the meeting at 10:55.

Senator Steve Metcalf, Presiding Chair

Joyce Crews, Hodge, Committee Assistant

NORTH CAROLINA GENERAL ASSEMBLY
SENATE

EDUCATION/HIGHER EDUCATION COMMITTEE REPORT
Senator Steve Metcalf, Co-Chair
Senator Jeanne Hopkins Lucas, Co-Chair
Senator John Garwood, Co-Chair

Wednesday, March 19, 2003

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

UNFAVORABLE AS TO JOINT RESOLUTION, BUT FAVORABLE AS TO COMMITTEE SUBSTITUTE JOINT RESOLUTION

S.JR. **416** Setting Date/Election Comm. Coll. Bd. Members

Draft Number:	PCS35117
Sequential Referral:	None
Recommended Referral:	None
Long Title Amended:	No

TOTAL REPORTED: 1

Committee Clerk Comments:

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2003

S 1

SENATE JOINT RESOLUTION 416

Sponsors:	Senators Lucas, Garwood, and Metcalf.
Referred to:	Education/Higher Education.

March 17, 2003

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

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

SECTION 1. Pursuant to G.S. 115D-2.1(b)(4)f., the Senate and the House of Representatives shall elect members to the State Board of Community Colleges during the regular sessions of the two chambers to be held on Thursday, April 10, 2003. At that time the Senate shall elect two members to the State Board for a term of six years beginning July 1, 2003. The House of Representatives also shall elect two members to the State Board for a term of six years beginning July 1, 2003.

SECTION 2. Each chamber shall follow the procedure set out in G.S. 115D-2.1 for the nomination and election of members of the State Board.

SECTION 3. This resolution is effective upon ratification.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2003

S D

SENATE JOINT RESOLUTION 416
PROPOSED COMMITTEE SUBSTITUTE S416-CSSF-3 [v.1]

3/18/2003 8:39:15 AM

Sponsors:

Referred to:

March 17, 2003

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

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

SECTION 1. Pursuant to G.S. 115D-2.1(b)(4)f., the Senate and the House of Representatives shall elect members to the State Board of Community Colleges during the regular sessions of the two chambers to be held on Thursday, May 15, 2003. At that time the Senate shall elect two members to the State Board for a term of six years beginning July 1, 2003. The House of Representatives also shall elect two members to the State Board for a term of six years beginning July 1, 2003.

SECTION 2. Each chamber shall follow the procedure set out in G.S. 115D-2.1 for the nomination and election of members of the State Board.

SECTION 3. This resolution is effective upon ratification.

SENATE JOINT RESOLUTION 416: Set date for State Bd. Of Comm. Coll. Election

BILL ANALYSIS

Committee:	Senate Ed/Higher Ed	**Introduced by:**	Senator Lucas
Date:	March 19, 2003	**Summary by:**	Shirley Iorio
Version:	PCS to First Ed. S416-CSSF-3[v.1]		Committee Staff

SUMMARY: ***The Proposed Committee Substitute for Senate Joint Resolution 416 would set May 15, 2003 as the common date when the Senate and House of Representatives will elect members to the State Board of Community Colleges during the regular session of the two chambers.***

The PCS changes the date of the election from April 10, 2003 to May 15, 2003.

The resolution would be effective upon ratification.

CURRENT LAW: G.S. 115D-2.1 establishes the State Board of Community Colleges and describes the process by which the Senate and the House of Representatives shall consider nominees for election to the State Board.

Twenty-one members serve on the State Board of Community Colleges in staggered six-year terms:

- The Lieutenant Governor (or designee) – ex officio
- The Treasurer of North Carolina – ex officio
- Governor's appointments – four from the State at-large and one from each of the six Trustee Association Regions defined in G.S. 115D-62 (attached)
- Senate – four from the State at-large
- House of Representatives – four from the State at-large
- Student – the person serving as president of the North Carolina Comprehensive Community College Student Government Association – ex officio

Members may not serve more than two consecutive terms of six years on the State Board.

§ 115D-62. Trustee Association Regions.

The State is divided into six Trustee Association Regions as follows:

Region 1: The counties of Buncombe, Cherokee, Clay, Cleveland, Gaston, Graham, Haywood, Henderson, Jackson, Lincoln, Macon, Madison, McDowell, Polk, Rutherford, Swain, and Transylvania.

Region 2: The counties of Alexander, Alleghany, Ashe, Avery, Burke, Cabarrus, Caldwell, Catawba, Iredell, Mitchell, Rowan, Surry, Watauga, Wilkes, Yadkin, and Yancey.

Region 3: The counties of Alamance, Davidson, Caswell, Davie, Durham, Forsyth, Franklin, Granville, Guilford, Orange, Person, Randolph, Rockingham, Stokes, Vance, Warren, and Wake.

Region 4: The counties of Anson, Chatham, Cumberland, Harnett, Hoke, Johnston, Lee, Mecklenburg, Montgomery, Moore, Richmond, Robeson, Scotland, Stanly, and Union.

Region 5: The counties of Bladen, Brunswick, Carteret, Craven, Columbus, Duplin, Greene, Jones, Lenoir, New Hanover, Onslow, Pamlico, Pender, Sampson, and Wayne.

Region 6: The counties of Beaufort, Bertie, Camden, Chowan, Currituck, Dare, Edgecombe, Gates, Halifax, Hertford, Hyde, Martin, Nash, Northampton, Pasquotank, Perquimans, Pitt, Tyrrell, Washington, and Wilson. (1979, c. 896, s. 9; 1993, c. 69, s. 1.)

§ 115D-2.1. State Board of Community Colleges.

(a) The State Board of Community Colleges is established.

(b) The State Board of Community Colleges shall consist of 21 members, as follows:

(1) The Lieutenant Governor (or a person designated by the Lieutenant Governor) shall be a member ex officio.

(2) The Treasurer of North Carolina shall be a member ex officio.

(3) The Governor shall appoint to the State Board four members from the State at large and one member from each of the six Trustee Association Regions defined in G.S. 115D-62. The initial appointments by the Governor shall be made effective July 1, 1980, or as soon as feasible thereafter. In order to establish regularly overlapping terms, the initial appointments by the Governor shall be made so that three expire June 30, 1981, three expire June 30, 1983, and four expire June 30, 1985. Each subsequent regular appointment by the Governor shall be for a term of six years and until a successor is appointed and qualifies. Any vacancy occurring among his appointees before the expiration of term shall be filled by appointment of the Governor; the member so appointed shall meet the same residential qualification, if any, as the member whom he succeeds and shall serve for the remainder of the unexpired term of that member.

(4) The General Assembly shall elect eight members of the State Board from the State at large in the following manner:

a. In 1980, the Senate shall elect three members, one of whom shall serve a term expiring June 30, 1981, one of whom shall serve a term expiring June 30, 1983, and one of whom shall serve a term expiring June 30, 1985. In 1985, the Senate shall elect two members to serve terms expiring June 30, 1991. Each subsequent regular election by the Senate shall be for a term of six years and until a successor is elected and qualifies.

b. In 1980, the House of Representatives shall elect four members, one of whom shall serve a term expiring June 30, 1981, one of whom shall serve a term expiring June 30, 1983, and two of whom shall serve a term expiring June 30, 1985. In 1985, the House of Representatives shall elect two members, to serve terms expiring June 30, 1991. Each subsequent regular election by the House of Representatives shall be for a term of six years and until a successor is elected and qualifies.

c. Repealed by Session Laws 1985, c. 227, s. 5.

d. The initial elections by the two houses of the General Assembly shall be held on or before July 1, 1980.

e. Any vacancy occurring among the members elected by the two houses of the General Assembly before the expiration of term

shall be filled when the General Assembly next convenes. The member then elected shall be elected by the same house that elected the member whom he succeeds, and shall serve for the remainder of the unexpired term of that member.

f. At each session of the General Assembly held in an odd-numbered year, the Speaker of the House of Representatives and the President Pro Tempore of the Senate shall assign to either a standing or a special committee of that house the duty of receiving from the members of that house nominations of persons to be considered by that house for election to the State Board. The chairmen of the two committees shall jointly determine a common final date for receiving nominations from members of that house, and a common date for reporting to their respective houses their nominations for the State Board. Each committee shall screen the proposed candidates for nomination as to their qualifications, background, lack of statutory disabilities, and willingness and ability to serve if elected. Each Senator and each Representative may nominate only one candidate. When the nominating process is closed, each committee shall list all candidates and shall separately vote "aye" or "no" on each candidate to determine whether that person shall be listed as a nominee of the committee. The verbal vote of a majority of those members of the committee present and voting shall constitute one nominee of the committee. An individual cannot be a candidate for nomination to more than one place. If a sufficient number of candidates is submitted to each committee, then each committee shall nominate at least two persons for each place to be filled by that chamber, otherwise each committee shall nominate at least one person for each place to be filled by each of the House of Representatives and the Senate. No person may simultaneously be a candidate for election by both houses, and if one is nominated in both houses, he shall determine by which house he shall be nominated and so advise the chairman of both committees. The two houses shall, by joint resolution, fix a common date and time for the election of members of the State Board. At the election session in each house, the committee shall report its list of nominees with the term of office indicated for each nominee. The ballot in the House of Representatives shall also include the names of all other persons nominated by a member of that house who are determined by the committee to be qualified for the offices, with the committee's list of nominees being clearly set out on the ballot. No additional nominations shall be received from the floor. Each house shall then proceed to

an election of the State Board. In order to be chosen, a nominee shall receive the votes of a majority of all members present and voting.

When each house has chosen one person for each place to be filled on the State Board, the chairman of the committee shall make a motion for the simultaneous election of those persons by that house to the indicated positions and for the indicated terms. The vote shall then be called electronically. If a majority of those voting shall vote "aye," persons named in the motion shall be declared to have been elected. Each house may adopt rules consistent with this section with respect to the election by that house of members of the State Board.

(5) The person serving as president of the North Carolina Comprehensive Community College Student Government Association shall be an ex officio member of the State Board. If the president of the Association is unable for any reason to serve as the student member of the State Board, then pursuant to the constitution of the Association, the vice-president of the Association shall serve as the student member of the State Board. Any person serving as the student member of the State Board must be a student in good standing at a North Carolina community college. The student member of the State Board shall have all the rights and privileges of membership, except that the student member shall not have a vote.

(c) No person may be appointed or elected to more than two consecutive terms of six years on the State Board.

(d) No member of the General Assembly, no officer or employee of the State, and no officer or employee of an institution under the jurisdiction of the State Board and no spouse of any of those persons, shall be eligible to serve on the State Board. Furthermore, no person who within the prior five years has been an employee of the Community Colleges System Office shall be eligible to serve on the State Board.

(e) The Governor shall convene the membership of the State Board on July 1, 1980, or as soon as feasible thereafter. The State Board at that meeting shall elect from its appointed or elected membership a chairman and such other officers as it may deem necessary.

(f) At its first meeting after July 1, 1981, and every two years thereafter, the State Board shall elect from its membership a chairman and such other officers as it may deem necessary.

(g) The State Board of Community Colleges shall meet at stated times established by the State Board, but not less frequently than 10 times a year. The State Board of Community Colleges shall also meet with the State Board of Education and the Board of Governors of The University of North Carolina at least once a year to discuss educational matters of mutual interest and to recommend to the General Assembly such policies as are appropriate to encourage the improvement of public education at every level in this

State; these joint meetings shall be hosted by the three Boards according to the schedule set out in G.S. 115C-11(b1). Special meetings of the State Board may be set at any regular meeting or may be called by the chairman. A majority of the qualified members of the State Board shall constitute a quorum for the transaction of business.

(h) Whenever any vacancy shall occur in the appointed membership of the State Board, the chairman shall inform the appropriate appointing authority of the vacancy.

(i) The State Board of Community Colleges may declare vacant the office of an appointed or elected member who does not attend three consecutive scheduled meetings without justifiable excuse. The chairman of the State Board shall notify the appropriate appointing or electing authority of any vacancy. (1979, c. 896, s. 2; 1979, 2nd Sess., c. 1130, s. 5; 1981, c. 47, s. 8; c. 474; 1983, c. 311; c. 479, ss. 1-3; 1985, c. 227, ss. 1-5; c. 428; 1987 (Reg. Sess., 1988), c. 1102, s. 2; 1991, c. 83, s. 1; 1993, c. 69, s. 2; 1995, c. 192, s. 1; c. 470, ss. 3, 4; 1997-456, ss. 18, 19; 1999-61, ss. 1, 2; 1999-84, s. 7.)

VISITOR REGISTRATION SHEET

Senate Education/Higher Education — **March 19, 2003**
Name of Committee — **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Frank Borkowski	Appalachian State University
Marcus Davis	NCAE
Dallas Baker	Intern - Sen. Gulley
AMY ROSS	Intern - Senator Dalton
Virginia Hebert	Intern Sen. Kinnaird
Rod Crawford	UNC-ASHEVILLE (NCAA CHAMPS!)
Michael Hooper	NCAE
J Craig Lunsford	UNS
Mike Norris	NC AHU
John Cyrus	N.C. State Grange
Hal Miller	NCACET

VISITOR REGISTRATION SHEET

Senate Education/Higher Education — **March 19, 2003**
Name of Committee — **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Sam Watts	NC Center for Public Policy Research
Roz Sawyer	NC CCC
James Vigen	NC Synod / ELCA
John McKay	Gov Office
Kathy Fore	DJJDP-CPSV
JB Milliken	UNC
Jan Worthington	UNC
Patti Diaz Woods	UNC-BOG
Karen Gabe	Nat'l Board for Prof. Teaching Standards

SENATE EDUCATION/HIGHER EDUCATION COMMITTEE

Wednesday, March 26, 2003, 10:00 a.m.
Room 643 Legislative Office Building

Minutes

The Senate Education/Higher Education Committee met Wednesday, March 26 2003 at 10:00 in Room 643 of the Legislative Office Building. Senator John Garwood, Presiding Chair, called the meeting to order with nineteen members present. He welcomed everyone and introduced the page, Charlie Tanzenie, Raleigh, sponsored by Senator Reeves.

Senator Garwood stated that today's Agenda consists of presentations from Chairman Phil Kirk, State Board of Education and Dr. Michael. Ward, Superintendent, Department of Public Instruction.

Chairman Phil Kirk was recognized to come before the Committee. Chairman Kirk reviewed the Agency legislation, introduced in the House that will be heard by the Committee this Session. He stated that the State Board of Education does not support reducing the one hundred eighty days school year requirement. Chairman Kirk thanked everyone for the opportunity to serve as the Chair of the State Board of Education.

Senator Garwood thanked Mr. Kirk for the service rendered to the State and recognized Superintendent Ward to come before the Committee. Dr. Ward reviewed the progress of the public school system over the past several years. He presented the most pressing concerns of the DPI and requested a change in the bonus structure.

Senator Garwood opened the meeting for questions to both Dr. Ward and Chairman Kirk. After questions and committee discussion, the Chair thanked the presenters and adjourned the meeting at 10:45 a.m.

Senator John Garwood, Presiding Chair

Joyce Crews Hodge, Committee Assistant

AGENDA

Senate Education/Higher Education Committee

Wednesday, March 26, 2003
10:00 a.m., Room 643

Senator John Garwood, Presiding

WELCOME
Senator Garwood

PRESENTATIONS

Chairman Phil Kirk, State Board of Education

Dr. Michael E. Ward, State Superintendent of Public Instruction

ADJOURNMENT

2000 2002

BIENNIAL REPORT

Taking the Next Step to Superior Schools

Public Schools of North Carolina

State Board of Education
Phillip J. Kirk, Jr., Chairman

www.ncpublicschools.org

Department of Public Instruction
Michael E. Ward, State Superintendent

February 10, 2003

MEMORANDUM

To: Friends of NC Public Schools

FROM: Phillip J. Kirk, Jr., Chairman Phillip J. Kirk, Jr.
NC State Board of Education

Michael E. Ward, Superintendent MEW
NC Department of Public Instruction

SUBJECT: *Taking the Next Steps to Superior Schools*

We are delighted to share with you the 2002-2003 Biennial Report of the Public Schools of North Carolina, *Taking the Next Steps to Superior Schools.* We provide you with this information as a means of updating you on the progress that North Carolina's public schools have continued to make and to alert you to the challenges before us.

The information presented in this report underlies the continued emphasis on the Board and the Department's strategic priorities and charts the progress we have made as we move toward our goal of building a system of superior schools.

Let us hear from you regarding the bold steps that North Carolina has taken - you are an integral part of this process and our efforts to be First in America.

Enclosure

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A Message from

PHILLIP J. KIRK, JR.
Chairman, State Board of Education

As Chairman of the State Board of Education and President of North Carolina Citizens for Business and Industry, I have the opportunity to view public schools as both an insider and an outsider. What I see from both vantage points makes me optimistic.

For the past six years, North Carolina has stayed the course with the ABCs of Public Education, our state's school accountability model that rewards schools for both student growth and for the overall percentage of students scoring at the proficiency level. This year, more than 43 percent of all schools had at least 80 percent of their students at or above proficiency, or grade level, and the number of low-performing schools continued to decline to less than 1 percent. The new federal law, No Child Left Behind, will raise the bar for North Carolina, challenging us to bring all students to proficiency over the next 12 years.

Meeting this challenge will require strong efforts from teachers, principals, students and parents — and support from citizens statewide. The 2002 annual release of the Phi Delta Kappa/Gallup Poll on public attitudes toward public schools shows that public schools have a strong base of support. Forty-seven percent of all those surveyed rated their schools an A or B. In North Carolina, on the 2002 Carolina Poll, 56 percent of North Carolinians said they would give public schools in their communities a grade of A or B. Most Americans, 69 percent, believe that reforming the existing system of public schools is preferable to seeking an alternative system.

That kind of support has enabled us to be successful with the ABCs and is essential to our continued success. Beginning with the 2002-03 school year, the ABCs model has been tweaked to incorporate incentives for meeting the federal requirements for annual progress. The State Board of Education believes strongly in meeting the challenges of No Child Left Behind while continuing the ABCs in North Carolina.

Over the past six years, we have refocused our schools on student achievement and performance. We have strengthened the high school curriculum to make the diploma more meaningful. We have provided citizens and educators with more information about their schools than ever before. In February, Gov. Mike Easley, in collaboration with the Department of Public Instruction and the North Carolina Education Research Council, will release extensive report cards for every school and district and for the state overall. This information is meant to give parents and community leaders information they need to further improve and support every school in every community.

A few months ago, my fellow State Board members elected me to my fourth term as State Board of Education chairman. I was gratified personally by this vote of confidence, but I know that much of the credit for our success must also go to the state's lawmakers and to Gov. Easley who have provided crucial financial and policy support for the exciting changes underway in North Carolina schools. The budget request at the end of this report represents the investments that will help us continue the momentum.

Phillip J. Kirk, Jr.

PHILLIP J. KIRK JR.
December 2002

MICHAEL E. WARD
State Superintendent, Department of Public Instruction

Throughout my career, I have believed in the importance of looking forward and planning to meet the challenges ahead. Over the past 18 months, I have been pleased to co-chair the Governor's Education First Task Force as we have sought to discern the next important steps for North Carolina to take as we build a system of superior public schools. This task force developed a strong list of recommendations designed to take advantage of short-term opportunities and long-term investments. It will take both in order for our state's success in school improvement to continue.

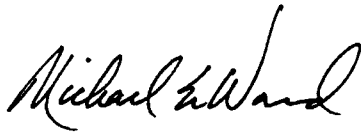
The State Board of Education and Department of Public Instruction have developed a budget request for the 2003-05 biennium that tries to take advantage of opportunities and investments. This request, listed at the end of this document, also seeks to keep the state's commitment to superior public schools. It is organized around the Board and Department's strategic priorities:

- high student performance;
- quality teachers, administrators and staff;
- safe, orderly and caring schools;
- strong family, community and busines support; and
- effective and efficient operations.

North Carolina, like many other states, is struggling to continue school improvement and raise student achievement while weathering very tough economic times. Over the past two years, North Carolina has tightened its fiscal belt, including modest cuts to public education, and carefully scrutinized all expenditures. Fortunately for public schools, the General Assembly and Gov. Mike Easley continue to keep education at the top of the state's policy agenda and new funds were provided for reducing class sizes, maintaining the teacher salary schedule, ABCs incentive awards and other important priorities.

In 2003, North Carolina lawmakers again face a difficult fiscal year and a variety of competing needs. At the same time, North Carolina schools are working under new federal requirements and the challenges of No Child Left Behind. For the first time, all schools in all states will be evaluated for their success in meeting adequate yearly progress for every subgroup of students. This is just one of the new challenges ahead for public schools. While we have been working diligently for the past several years to address achievement gaps among groups of students, the new law raises the bar.

In November, I was elected as President of the Council of Chief State School Officers. This election by my peers in the other states was very gratifying for me as an educator. It also affirms the bold steps that North Carolina has taken as a state over the past decade. The ABCs of Public Education, North Carolina's accountability model, student accountability standards, and efforts to close achievement gaps are considered pioneering steps. The challenge for North Carolina is to build on these steps for superior schools.



MICHAEL E. WARD
December 2002

STRATEGIC PRIORITY	STRATEGIC GOALS
HIGH STUDENT PERFORMANCE	1.1 Every child ready to learn. 1.2 Rigorous and relevant academic standards and assessment systems for every student. 1.3 Every student masters essential knowledge and skills. 1.4 Every student prepared for continuous learning and career readiness.
SAFE, ORDERLY AND CARING SCHOOLS	2.1 Learning environments inviting and supportive of high student performance. 2.2 Schools free of controlled and illegal substances and all harmful behavior. 2.3 Mutual respect of students, teachers, administrators and parents. 2.4 Adequate, safe education facilities that support high student performance.
QUALITY TEACHERS, ADMINISTRATORS AND STAFF	3.1 Professional preparation aligned with state priorities. 3.2 A system to recruit, retain, and compensate a diverse corps of quality teachers, administrators, and staff. 3.3 A system to ensure high performance of teachers, administrators, and staff. 3.4 A system of continuous learning and professional development to support high performance of all employees. 3.5 High ethical and professional standards for all employees.
STRONG FAMILY, COMMUNITY AND BUSINESS SUPPORT	4.1 State education priorities responsive to the needs of the family, community, and business customers. 4.2 A comprehensive and aligned system of support for the academic success and general well-being of all children that promotes: • Meaningful involvement in schools, • Interagency collaboration for health, nutrition, and social services, and • State and local partnerships. 4.3 A system to build the capacity of local districts to create, respond to, and sustain meaningful partnerships.
EFFECTIVE AND EFFICIENT OPERATIONS	5.1 Components of the education system aligned to achieve high performance. 5.2 Decision making authority and control at the most appropriate level closest to the classroom. 5.3 Internal and external partnerships promoted and aligned to state goals. 5.4 Informational and accountability systems capable of reporting strategic and operational results. 5.5 A funding system that provides adequate and aligned financial and personnel resources to maximize educational achievement.

High Student Performance

GOOD NEWS

State's Testing Program is Tops in the Nation

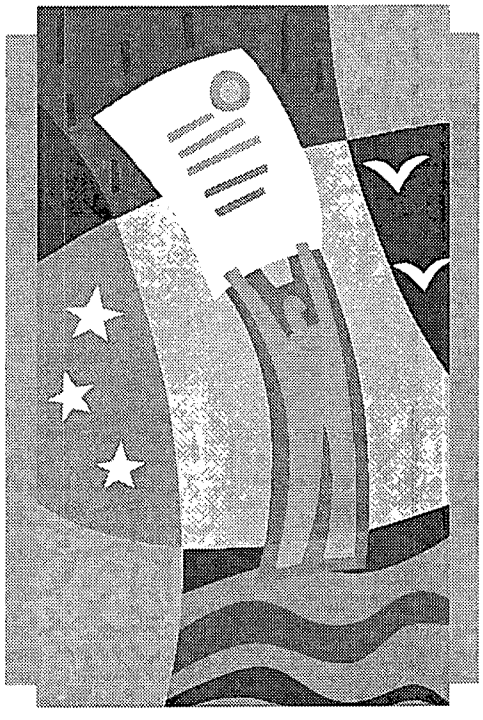
North Carolina's testing program is tops in the nation, according to a study released in June 2002 by The Princeton Review. States were ranked on 25 indicators in four criteria: test alignment to the states' curriculum standards, test quality, openness of the testing program to public scrutiny, and the extent to which the accountability system is used to support school improvement. North Carolina received a B+ for alignment, an A for test quality, a B for openness, and an A for policy.

Higher Academic Standards Paying Off In Community College

Higher academic standards for high school students are paying off with increased academic performance in the state's community colleges, according to an analysis conducted by the North Carolina Community College System's Planning and Research Division. The performance analysis of high school students who graduated in 2000 and enrolled full-time that fall at one of the state's community colleges found that students were better prepared for the rigors of higher education.

STRATEGIC PRIORITY

High Student Performance



Every public school student achieving at proficiency. In North Carolina it's no longer just a dream; it's quickly becoming a reality.

As a result of the State Board of Education's decision to make high academic achievement the focal point for all decisions, North Carolina public school students are making significant strides in achieving and exceeding academic proficiency. One need only to look at the state's key academic indicators to see the progress North Carolina students are making in the classroom.

The 2001-02 ABCs accountability report found that student proficiency in the foundation skills of reading and mathematics increased to 74.7 percent – up from 61.7 percent in 1996-97, the first year of the ABCs. Forty-three percent of all schools had at least 80 percent of their students at or above grade level. Ten percent of all schools were able to boast the same in 1996-97.

The most recent ABCs results also dispelled another significant myth that high achieving schools have a difficult time meeting their growth goals. In 2001-02, three-fourths of the Schools of Excellence also made High Growth and more than half of the Schools of Distinction achieved this goal. Beginning with the 2002-03 school year, the ABCs program will include changes in the incentive awards to recognize schools for achieving adequate yearly progress.

Inexplicably, scores on the NC Writing Assessment dropped in 2002 for fourth and seventh grades. Following review of input from educators, staff and other consultants, the State Board voted to drop the fourth and seventh grade writing scores from the 2001-02 ABCs accountability model. At the same time, the Board outlined a plan to fully reinstate the writing assessment as a component of the model by 2004-05.

Increased student performance also was found in the state's 2002 SAT results, which showed North Carolina's average total SAT score increasing six points in 2001-02, moving the state above the Southeast average for the first time. The national average score was unchanged in 2002. The 2001-02 scores are good news for the state as a whole as they show that students are taking these measures seriously and working hard to prepare themselves to be successful. Higher college admission scores also indicate an overall trend in our state's climate for education and achievement.

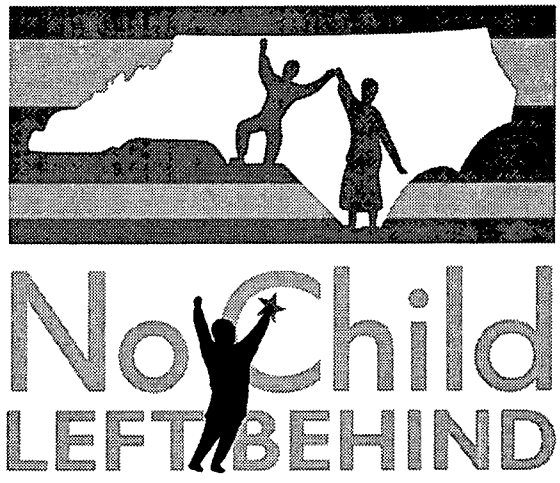
The 2002 First in America progress report found that North Carolina is well on the way to being first, not only in progress, but also in absolute performance. In 2001, three of the goals (school safety, quality teachers and strong support) earned overall grades of B or B-, and high student performance and children's readiness to learn earned C+ grades.

While many of the indicators of progress and success are very positive for North Carolina, there are achievement gaps that still exist as well as a significant block of students who are not yet performing at grade level. Although nearly 78 percent of our students, statewide, are at grade level or better across the five core end-of-course tests and more than 84 percent of elementary and middle school students are at grade level or better, there are still many students who are not at grade level. And, when these students are divided by ethnicity, the urgency of the problem is clarified. More than 40 percent of African American students are not yet performing where they need to be. Success under "No Child Left Behind" will depend on closing these gaps.

The 2001-02 school year marked the first time that all students at grades 3, 5 and 8 were included in statewide Student Accountability Standards. The State Board of Education passed the Student Accountability Standards policy on April 1, 1999. As a result, more students are receiving the intervention they need – when they need it – and not being left behind academically.

Not being left behind academically is what the federal education legislation, "No Child Left Behind," is all about. The State Board of Education has already begun to incorporate the federal requirements into North Carolina's already successful accountability model. Although the federal model was based in part on North Carolina's accountability program, there are enough new challenges in the federal model to raise the bar in North Carolina.

North Carolina's accountability program is all about high student achievement for every student. Because we already had a strong accountability model before No Child Left Behind, our goal is to find ways to be successful under No Child Left Behind while also continuing the main features of the accountability model that have proven successful at improving student achievement.



Hallmarks of Excellence: How Successful Schools Succeed

The following is excerpted from "School Visit Findings of Governor Easley's Education First Task Force" Spring 2002 report.

How do high-performing schools achieve superior results and can their efforts be duplicated by public schools across the state? This was the question Gov. Mike Easley asked a specially appointed Task Force to answer. The Task Force found, through site visits to a select number of elementary, middle and high schools, that the answer wasn't cut and dried. What makes some schools successful doesn't necessarily make others. The group did find that although these schools didn't have to do everything well to succeed, they did have to do several things well. "Perfection may be beyond the reach of schools, but success on a handful of factors seems within the reach of most schools that make a strong and persistent effort."

The Task Force found that "while specific success factors varied, a few broad generalizations do seem to hold across many of the schools."

These factors include:

Results oriented • Successful schools go about their everyday business mindfully, with the full intention of achieving results and with the confident expectation that they will do so. If a given program or technique does not deliver the expected results, they modify or abandon it in favor of an approach that works.

High expectations/good relationships • Teachers and administrators do not choose between warm personal relationships and high expectations; they combine them in the belief that neither is effective without the other.

Clearly defined goals • All students are expected to succeed, and in most they are told exactly what they must do in order to do so.

A family feeling • Teachers, administrators and other staff communicate the strong sense that "we are family, all of these are our kids, and we mean for all of them to succeed." Teachers and other staff members pitch in to help each other even when they have no assigned responsibility for the students in question.

Collaboration and shared planning • Schedules are carefully constructed to afford teachers regular opportunities to plan together within and sometimes across grade levels.

Parent involvement • Schools make active and successful efforts to involve parents in their children's learning at home by reading to their children, checking homework, or signing off on recently-graded tests and papers.

Enjoyable environments • Most administrators and teachers do not see having fun and working hard as incompatible.

Making the most of resources • Schools make the most out of state and local resources and work hard to raise extra resources from state and federal grants, foundations, businesses, parents and other local citizens.

Strong leadership • Strong leadership is important but it can come from different places – teachers, principals, district administrators.

GOOD NEWS

Super [illegible] School [illegible] gram

STRATEGIC PRIORITY 2

Safe, Orderly and Caring Schools

The promotion of safe, orderly and caring schools is a key component of the state Board of Education and Department of Public Instruction's strategic plan for schools.

State-sponsored efforts include a wide range of activities, such as collecting school crime statistics, providing local training and support for alternative learning programs, encouraging healthy school environments and providing support to local school psychologists and guidance counselors.

The ninth Annual Report on School Crime and violence showed that the number of reported incidents increased in the 2001-02 school year. The 2001-02 Annual Report on School Crime and Violence showed a total of 9,921 incidents of crime and Violence in public schools. This reflected an increase of 31 percent over 2000-01. Half of this increase was due to three new reportable offenses included in the report for the first time in 2001. The total number of acts per 1,000 students is 7.709, up from 6.085 in 2000-01.

The three new reportable offenses included in the 2001-02 report are bomb threats, possession of alcoholic beverages and burning of school buildings. If these acts are excluded for comparison purposes, the total number of acts increased from 7,565 in 2000-01 to 8,728 in 2001-02. The acts per 1,000 students increased from 6.085 to 6.780 when considering only the original 14 acts that have been reported for the past five years.

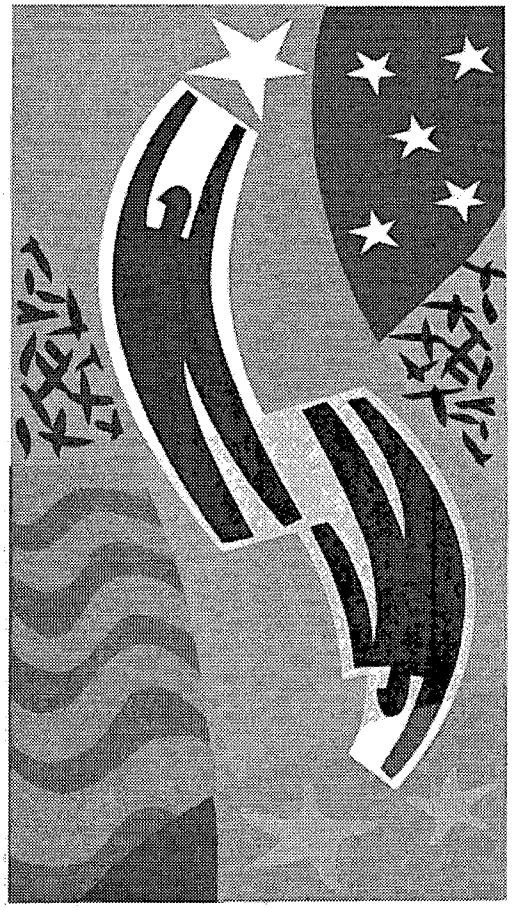
As in previous years, three incidents continue to be most numerous: possession of controlled substance in violation of law, assault on school personnel not resulting in serious injury, and possession of a weapon excluding firearms and powerful explosives. These three offenses accounted for 75 percent of all of the 17 categories of reported acts.

Although North Carolina has focused increased attention on issues of school safety for the past decade, the issue is now capturing national interest. The federal No Child Left Behind Act requires identification of "persistently dangerous schools" and the offering of parental choice for students in schools identified as persistently dangerous. In North Carolina, the State Board of Education will identify persistently dangerous schools from among those that have had five or more violent criminal offenses committed per 1,000 students (0.5 or more per 100 students) for two consecutive years. A special consultation will be held with representatives of each identified school and its central office to determine if the school is persistently dangerous and whether it should be placed on probation or whether no additional interventions are needed. This new policy is in effect for the 2002-03 school year.

Many school districts in North Carolina have emphasized character education for several years, but all districts now are required to include character education in their instructional programs. The "Teach North Carolina History in Elementary and Middle Schools and Enact the Student Citizen Act of 2001" initiated this requirement. Curriculum materials, including a Character Education Handbook, have been developed by DPI for use in local schools. A full-time character education specialist also is employed by DPI to help guide local character education efforts.

Education is not the only field with a role to play in the safety of children and teenagers. DPI and the State Board have several strong partnerships with other agencies to help strengthen local efforts. DPI's Safe Schools Section collaborates with the Governor's Crime Commission on implementing additional Alternative Learning programs. In addition, DPI and the Department of Crime Control and Public Safety also are working on strategies to help young people who have received long-term suspensions from school.

North Carolina has been fortunate. Our schools are very safe places for teachers and students, and North Carolina has not endured large-scale violence of the sort that has made national headlines in recent years. With careful effort and diligence, our schools can become even safer environments for teaching and learning.



Handbook Provides Ways to Incorporate Character Education into the Classroom

After more than one year's worth of work and collaboration, the Department of Public Instruction, in conjunction with the Governor's Office, released the North Carolina Character Education Handbook and Informational Guide on Oct. 25, 2002. The handbook was created to help North Carolina's public schools as they work to fully implement character education as required by the Student Citizen Act of 2001. This law requires that each local school system implement character education in all schools by the end of the 2002-03 school year.

The Character Education Informational Handbook & Guide is intended to be a tool for teachers and local curriculum leaders to provide character education instruction that is integrated with the state's Standard Course of Study. The teachers and others on the project team that developed the handbook noted that teachers already have a large amount of curriculum to cover and that there are many opportunities to provide character education within the regular subjects, so the goal of the handbook is to help integrate character education throughout the regular curriculum, rather than to provide another "stand-alone" course. The handbook is designed as a teacher-friendly document, stocked with information, ideas and connections to additional resources.

The handbook, also available on the DPI character education Web page, http://www.nc-publicschools.org/charactereducation, is actually provided in eight separate sections:

- The first section is a removable insert page that provides an elements chart linking character education to key educational standards in North Carolina, including the ABCs of Public Education, Closing the Achievement Gap and the Southern Association of Colleges and Schools standards.
- The next section provides definitions and examples of character education, service learning and civic education.
- An overview of the Student Citizen Act of 2001 follows in the third section.
- The true heart of the handbook follows in section four. This is made up of more than 50 pages of ideas for classroom and school implementation, K-12. With contributions from teachers and schools across the state and around the country, there are hundreds of ideas for teachers to adapt and use.
- Following that is an important section that provides assistance for parents and community members.
- The seventh section provides sample assessment tools that can be used with all members of the school community, and at all levels.
- The final section attempts to point teachers and schools in the right direction in their efforts to develop character, by sharing information about in-state resources; useful character development, service learning and civic education Web sites; and a sample bibliography.

Quality Teachers, Administrators and Staff.

GOOD NEWS

Top Marks Given to North Carolina for Improving Teacher Quality

The highest mark given to any state for Improving Teacher Quality, B+, was once again given to North Carolina, according to Education Week's sixth annual 50-state report card on public education released in January 2002. This is the second year in a row that North Carolina has led the nation in this significant area. North Carolina also continues to lead the nation in the number of teachers achieving National Board Certification. North Carolina has a total of 5,137 teachers who have earned the certification, including 1,469 teachers who earned this certification in 2002. About 6 percent of North Carolina's teaching force has earned this prestigious honor.

STRATEGIC PRIORITY 3

Quality Teachers, Administrators and Staff

Education is a people-intensive business. In fact, 83 percent of the North Carolina public schools' budget is devoted to salaries for teachers, principals, curriculum specialists and a host of other support staff whose work enables schools to run smoothly every day. Because of this, the quality of teachers, principals and other education personnel continues to be a major priority at every level.

The new federal education law, No Child Left Behind, requires new standards for teachers and paraprofessionals who work in the classroom. Under this law, all teachers are required to be fully licensed and teaching only in their area or areas of endorsement by Dec. 31, 2005. This means no emergency credentials and other "stop-gap" measures to fill teaching positions. All federal Title I teachers must meet this requirement by 2002-03.

Teacher assistants, also, are required to meet more rigorous standards through formal skill assessments or through postsecondary training by 2005-06. Title I paraprofessionals hired after No Child Left Behind was signed already are required to meet these requirements.

As the pressures to recruit quality staff intensify, retirements, turnover and instructional priorities mean that North Carolina school systems will need to add approximately 10,000 new teachers to their ranks every year. That's 100,000 new teachers over the next decade. These figures, of course, do not include the many other employees who are recruited each year. Quality principals, curriculum and testing specialists and many others also are needed.

Local school districts use a variety of incentives to recruit and retain quality personnel. These include local salary supplements, signing bonuses, special incentives offered by local merchants and banks and other perks to improve the quality of teachers' work environment. In 2002, the state's average turnover rate declined from 13.96 percent in 2001-02 to 12.49 percent. This is the lowest rate reported since 1997-98 when the rate was 12.3 percent. At the same time, there is considerable variation among the 117 school districts, ranging from a high of 30.57 percent annually in Hertford County to a low of 2.63 in Yancey County.

To help with the recruitment effort, North Carolina has a range of initiatives under way including:

- paid mentors for new teachers;
- three regional alternative licensing centers in Mecklenburg County, Cumberland County and Nash County to help standardize requirements;
- overall salary increases to keep North Carolina teachers on their "stepped" salary schedule based on longevity;
- 12 percent pay increases for teachers with National Board of Professional Teaching Standards certification;
- 10 percent pay increases for teachers with master's degrees;
- special recognition and awards programs, such as the NC Teacher of the Year, the Milken Family Foundation National Educator awards, and the Christa McAuliffe Fellows Program;
- teacher scholarship loans; and
- Project TEACH, to encourage students to consider a teaching career.

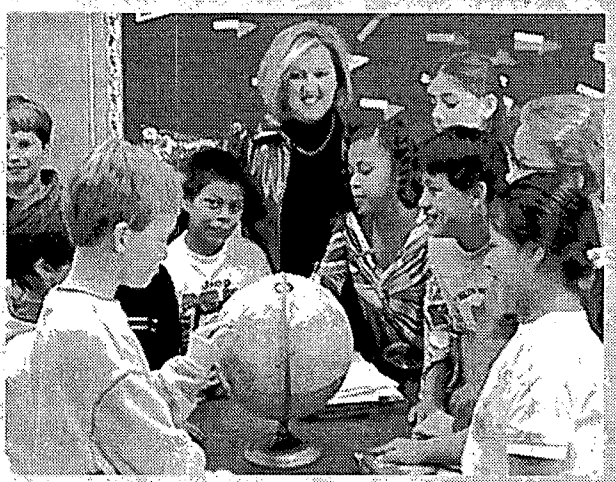
In 2002, the North Carolina Business Committee for Education worked in conjunction with the Department of Public Instruction to launch the Teach4NC initiative, a nine-month campaign designed to enlarge our state's pool of qualified teachers. The centerpiece of this information campaign is a new Web site, www.teach4nc.com. At this site, there is information for those who already hold teaching certificates, retired teachers who want to renew their certification, military and other professionals looking for a career change and students who want to work toward a teaching degree. Designed as a one-stop resource for people to use to determine what they need to do to obtain a teaching certificate, the Web site steers potential teachers to each local school system's Web site.

Local school districts often experience shortages and special employment needs in nonteaching positions as well as in teaching ones. DPI also maintains another employment Web site, www.ncpublicschools.org/employment to provide information and employment applications for employees other than teachers. Employment information for principals, assistant principals, central office staff, student services employees and support services employees is available at that site. With this site's one-stop shop for submitting applications and resumes to school systems statewide, this site is an additional tool to help with recruitment in administrative, technical, clerical and other non-teaching positions.

Success in the area of quality teachers, administrators and staff will require creative use of resources to recruit, support and retain the very best employees possible. North Carolina's overall success in improving schools hinges on it.

Quality Teachers, Administrators and Staff

Burke County Principal Believes in "Changing Schools, Not Children"



Burke County Principal Teresa DeHart believes in "fixing schools" on behalf of children.

When Burke County Principal Teresa DeHart accepted her first principalship, she didn't ask a lot of questions about the school to which she'd been assigned. It didn't take long for her to discover that the elementary school had only $45 in its account, few central goals and performance (47 percent at or above grade level) that placed it at the bottom in the county and low performing in the state. To top it off, the school didn't have an assistant principal for the first two years of DeHart's tenure.

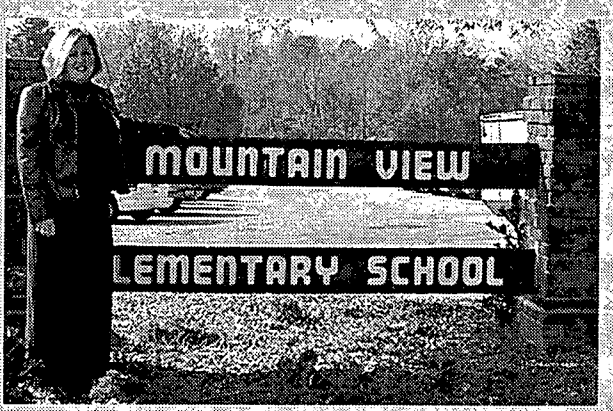
Within five years, Oak Hill Elementary in Morganton had re-earned its rural community's respect. In 1998-99, Oak Hill Elementary had moved from last place to third place in Burke County with 86 percent of its students at or above grade level. There were no achievement gaps among different demographic groups in the school and the attendance rate was 96 percent. To top all these achievements, the school was a regional winner of the prestigious National Blue Ribbon School award from the US Department of Education.

DeHart's success demonstrates the role that high quality administrators and teachers play in school improvement. Her success did not go unnoticed in Burke County, and soon, education leaders in the school district had moved her to the principalship in another school with challenges: Mountain View School. Mountain View School has 73 percent of its population receiving free or reduced price lunch, a 57 percent minority population, is a Title I school and has a large immigrant population.

What has DeHart learned from her experiences at these two schools? The first thing, DeHart says, is to "stop trying to change the children and try fixing the schools that fail them."

Here are the key strategies that DeHart uses to help her students achieve:

- Set goals and keep them visible.
- Provide structure and coordinate efforts.
- Involve staff and students in decisions that matter.
- Organize services efficiently.
- Be willing to look for help from outside resources.
- Watch the clock.
- Make safety a priority.
- Have high expectations for all students.



Strong Family, Community and Business Support

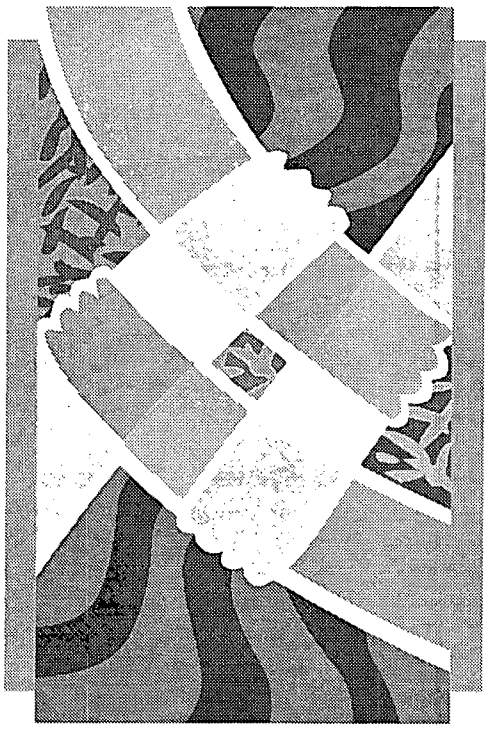
GOOD NEWS

North Carolina Makes Steady Progress Toward Leading the Nation in Education

North Carolina continued its steady progress to lead the nation in education by 2010, according to the second annual First in America 2001 Progress Report for K-12 schools released by Gov. Mike Easley and the Education Cabinet in February 2002. The latest analysis of the state's performance found improvement in three of the five goal areas in 2001: High Student Performance (C+); Safe, Orderly and Caring Schools (B-); and **Strong Family, Business and Community Support (B)**. The state held steady on Every Child Ready to Learn (C+); and on Quality Teachers and Administrators (B-).

STRATEGIC PRIORITY 4

Strong Family, Community and Business Support



Gaps in achievement are not the only gaps that schools are working to close. The relationships between schools and families, businesses and communities also are on the minds of many who care about North Carolina's schools. Bridging the gap between schools and communities was a key issue across our state in 2002.

In Pitt County, the first Business-Education Compact was signed at an education summit that featured former Gov. Jim Hunt as the keynote speaker. An alliance of ministers and other faith leaders in Durham publicly vowed to step up their efforts to support schools in closing achievement gaps. And, local PTA chapters shared in grants totaling $50,000 to support character education programs through a partnership between the North Carolina PTA and Miller Brewing Company.

State efforts included a partnership with the Newspaper in Education program of the North Carolina Press Association to distribute tabloids on education topics of interest to parents; information available on the Web on parent involvement to close achievement gaps; a celebration of teachers and other school employees by Belk Stores statewide; and the presentation of 23 business partnership awards. A huge effort to develop report cards for every school, school district and the state is under way to provide more information on schools than has ever before been available in this state. These report cards will be available in February 2003.

These efforts came about even as federal funds that had been used to support the Strong Family, Community and Business support priority were eliminated, forcing the elimination of the Involvement Coordinator position in the Department of Public Instruction. The 2003-05 State Board of Education biennial budget request includes justification for two positions and operating expenses to support this State Board priority at the state level. The request also includes funds to implement an outreach effort to encourage hard-to-reach parents to be more involved with their children. This effort was recommended by the Commission on Raising Achievement and Closing Gaps.

A statewide organization, North Carolina Partners, a program of the Public School Forum of North Carolina, is tapping into many local and state resources to foster support for public schools. Charlie Glazener, Partners' president, said, "Over the past year, NCPartners has redirected its initiatives to the goal of becoming a real catalyst in more and more communities across the state. We believe that the private sector —individual citizens, parents, and the business and faith communities —plays a vital role in helping every child achieve academic success. With that in mind, NCPartners has generated new financial, volunteer and in-kind resources in dozens of North Carolina counties, while helping create informed citizens on a variety of public education issues."

The need for community involvement in schools has never been greater. The federal No Child Left Behind Act requires that every student be proficient by the end of 2013-14. In order to reach this goal, schools will have to get parents more involved with their children, the faith community and other community organizations will need to provide more mentors and tutoring, businesses will need to be more supportive of parents who are in their employ, and teachers and other school employees will need to do a better job communicating with communities.

There's already a good base of support for these involvement efforts. According to the 2001 First in America Report Card, North Carolina's children enjoy good support from their families. And the support they receive from businesses and the community is getting stronger. The First in America grade for this goal rose from a B- in 2000 to a B on the 2001 Report Card, and all priority areas saw from slight to very significant improvement.

The First in America scores for parent involvement include both measures of what teachers do to promote involvement and what parents do to support their children's learning at home and in school. Teachers report that they are making stronger efforts to communicate with parents. According to parents' reports, the percentage of employers that offer special opportunities to support children's learning has improved sharply, from 40 percent in 2000 to 55 percent in 2001. Despite the improvement, however, the state remains well short of the goal that nine of 10 employers will offer opportunities such as family leave, flex-time, and time off for volunteer work in schools.

To learn more about some of these efforts to involve communities, check out the following Web Sites:

PARENT INVOLVEMENT IN CLOSING GAPS
http://www.ncpublicschools.org/involvement/schools.html

FIRST IN AMERICA REPORT
http://www.firstinamerica.northcarolina.edu

N.C. PARTNERS
http://www.ncforum.org/ncp.htm

N.C. SCHOOL REPORT CARDS
http://www.ncreportcards.org/

North Carolina Students Collect over 10,000 School Supply Kits for Students in Afghanistan

Student to Student
North Carolina Reaches Out to Afghanistan

A seven-month effort by students and teachers across North Carolina resulted in more than 10,000 kits of school supplies being shipped to students and teachers in Afghanistan in October 2002.

Although schools were the primary participants in this project, individuals, churches and other community groups who heard about the effort also participated. The North Carolina Conference of the United Methodist Church provided storage space for the kits as they were being donated, and distribution was handled by Stop Hunger Now.

The Student to Student: North Carolina Reaches Out to Afghanistan project was started by North Carolina students who participated in a conference call in February with State Superintendent Mike Ward while he was on a personal mission trip to Afghanistan with the international relief agency, Stop Hunger Now. Ward held a conference call with students in 15 North Carolina schools, and the students asked how they could help the children and teachers in this war-torn country. From this came the project to provide needed supplies to students in Afghanistan. Many schools in the war-torn country lack basic school supplies, including desks, paper, pencils and other materials. There are approximately 9.6 million school age children in Afghanistan.

More than 10,000 kits of school supplies were collected by North Carolina school students to ship to Afghanistan.

Three North Carolina students who participated in the conference call co-chaired the project. They are: Jennifer Bishop, Southeast Raleigh High School in Wake County; Carrie Hamilton, West Forsyth High School in Forsyth County; and Krystal Hill, Richmond Senior High School in Richmond County.

Effective and Efficient Operations

GOOD NEWS

First Statewide School Report Card Released

Parents interested in knowing how their child's school compares to others in their district and in the state as a whole now have a tool to make those comparisons – the North Carolina School Report Card. The report card offers a snapshot of some of the most important information for individual schools: school and student performance, school size and average classroom size, and teacher qualifications and turnover. Additional information will be included in the next release scheduled for February 2003.

North Carolina Doing Well in Technology

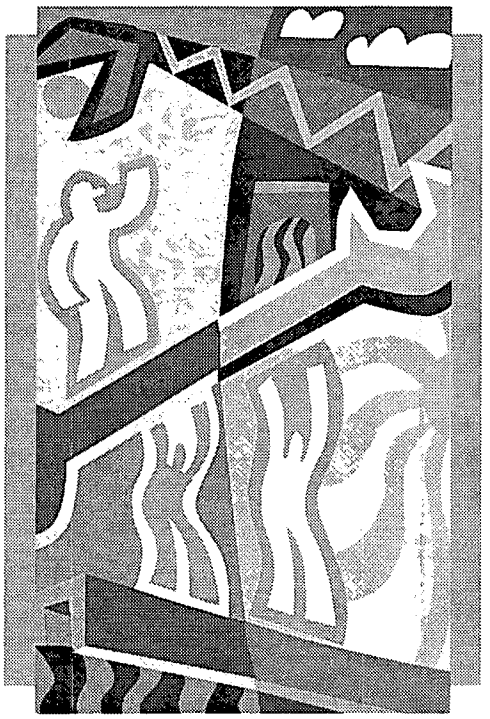
Education Week's 2002 Technology Report found that North Carolina exceeds the national average in a number of areas including:

- percentage of schools with Internet Access (North Carolina, 95%; nation, 92%)
- number of fourth graders who use computers more than once a week for math (North Carolina, 35%; nation, 33%)
- percentage of fourth graders in schools where computers are available all the time in classrooms (NC, 95%; nation, 85%); and
- percentage of eighth graders in schools where computers are available all the time in classrooms (NC, 78%; nation, 52%).

North Carolina also is one of only three states that test students for technology proficiency and one of only seven states that require a demonstration of technology competency for initial teacher licensure.

STRATEGIC PRIORITY 5

Effective and Efficient Operations



Efficient and effective operations is a priority that touches all of the activities of public education, from classroom technology to the way decisions are made. Following are a few areas where work is underway to improve the effectiveness and efficiency of North Carolina's public schools.

District Assistance Team Provides Valuable Assistance to School Systems in Need

The creation of a district assistance team to evaluate a local school system's implementation of laws, policies and practices that affect the allocation of educational resources is one action the Department of Public Instruction is taking in response to Judge Howard E. Manning Jr.'s Leandro ruling. Judge Manning directed that the state assist local school systems in need by helping them assess and analyze existing resources to better meet their responsibility to provide all children with an equal opportunity for a sound basic education.

North Carolina Public School Facilities Still in Crisis

Providing students with a 21st Century education is going to mean equipping our schools and students with the tools they need to be competitive. The Department's 2001 five-year facility needs report clearly showed that the monetary gap for construction and renovation of schools continues. Results of the latest survey identified needs that total $6.2 billion over the next five years.

Federal bonds and grants have provided some assistance to local school systems. More than $42 million has been allocated to North Carolina school systems to date through Qualified Zone Academy Bonds. The Internal Revenue Service provides local county commissioners the authority to issue interest-free bonds on behalf of school systems to make emergency repairs and renovations to school buildings. The program requires a 10 percent local in-kind match from

partnering businesses. An additional $10.9 million is currently being processed to meet local school system facility needs. The School Renovation, IDEA and Technology Grants program also provided federal dollars to local school systems for emergency school repairs and renovations and related technology costs and for facility and program expenses related to IDEA (Individuals with Disabilities Education Act). Thirty-two local school systems and six charter schools were awarded more than $21 million for projects involving 87 school facilities.

Advisory Commissions Play Key Role in Effective Decisions

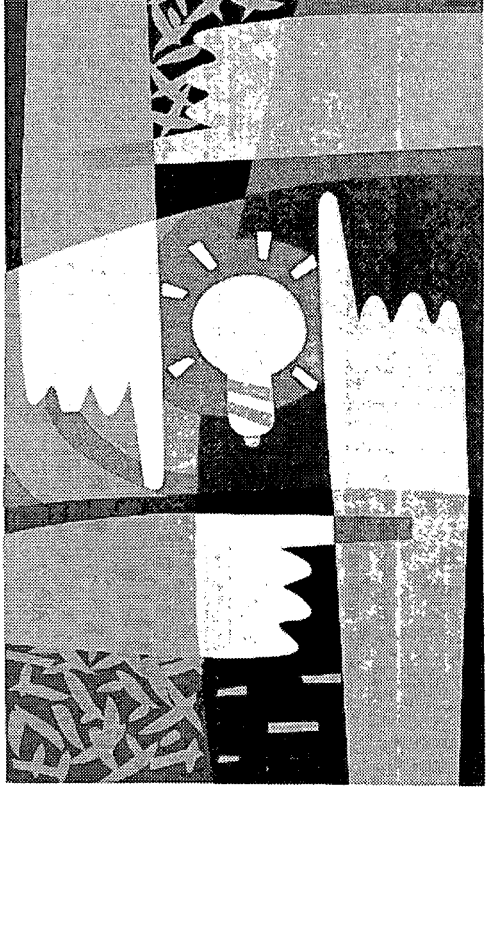
Advisory commissions and committees play a key role in the decisions made by the State Board and Department of Public Instruction. Input from superintendents, principals, teachers, other education groups and parents is critical to ensuring that the decisions made are in the best interest of all public school students.

When the Board decided to revise the state's writing program, it appointed a Writing Assessment Task Force to make recommendations as to how writing should be assessed in North Carolina public schools. As a result of the Task Force's work, the Board is moving the state's writing program from a focused holistic model to an analytic trait model.

How to address the persistent and pervasive achievement gaps between groups of students is the focus of the North Carolina Advisory Commission on Raising Achievement and Closing Gaps. The Department is currently implementing the Commission's 11 recommendations, the first and foremost of which is to practice the belief that all students can achieve.

The State Superintendent also meets quarterly with representatives of local school system superintendents, principals, teachers and parents who provide valuable insight into the issues and concerns at the local level. He also meets with students, business leaders and school board members several times a year.

These are just a few examples of the many ways educators and the public participate in the state's decision-making process. It's input the State Board and Department value as they pursue initiatives that will lead to a superior education for all public school students.



DPI's Local Education Agency Assistance Team

The Department of Public Instruction's LEA Assistance Team is comprised of experts in school administration, teacher quality, curriculum, testing, accounting and other key areas in a school's management system. The team is designated to investigate and evaluate the local school system's implementation of laws, policies and practices that affect the allocation of educational resources. The district assistance team will focus its analysis and ensuing action plan in six specific areas:

Leadership • This component will focus on the leadership, organization, goals and strategies for the school system. It also will review the effectiveness of the communication system and identify barriers to reaching system goals, utilization of stakeholders and decision-making authority.

Financial Management • The budget and planning aspect of the school's resources, the alignment with the strategic goals of the system and how well the plan is working will be the focus of this review.

Human Resource Management • Review of this component will focus on the primary school resources and human resources and how they are managed and allocated to ensure the school's goals and educational needs of the students are met.

Facilities Management • Analysis of this component will focus on the school facilities, central office sites and support services such as transportation, textbooks, insurance and child nutrition.

Education and Accountability Programs The team will concentrate its review on curriculum and instruction including the Standard Course of Study, school improvement plans, intervention, differentiated instruction, use of accountability and testing data, etc.

Technology • Review of this component will focus on the availability of resources and use of technology and support mechanisms.

The information collected from on-site investigations and analysis of data will be used to create an action plan that will help all students, and in particular at-risk students, improve their academic performance and reach grade-level proficiency.

The LEA Assistance Team is working with Hoke County and is expected to expand into additional school districts.

Biennium Budget Request 2003-05

STATE PUBLIC SCHOOL FUND REQUEST

HIGH STUDENT PERFORMANCE	2003-04	2004-05
Improving Student Accountability: Closing the Achievement Gap		
ABCs Bonuses for Expected, High Growth and Adequate Yearly Progress	$104,000,000 R	$104,000,000 R
Additional funds for LEAs to increase services and support to improve achievement of all students in all grade levels	23,000,000 R	23,000,000 R
Technology Facilitator in schools with 8th grade in 2003-04 and in all schools in 2004-05	28,743,925 R	110,587,130 R
Special Populations		
Additional funding for Children with Disabilities and the Behavioral Support program so more students can be served appropriately	25,404,700 R	50,424,936 R
Funding for Occupational Course of Study to assure academic success, employability and graduation for students with disabilities	6,000,695 R	6,000,695 R
Additional funding for Academically Gifted students so more students can be served appropriately	3,700,000 R	3,700,000 R
Academic Content Standards and Assessments		
Funding for High School Exit Exam	1,250,000 R	1,250,000 NR
Funding for New Social Studies tests in line with the revised curriculum	100,000 R 400,000 NR	100,000 NR
SUBTOTAL HIGH STUDENT PERFORMANCE	**192,599,320**	**299,062,761**
SAFE, ORDERLY AND CARING SCHOOLS		
Additional funds for alternative school programs, school resource officers, and other support personnel targeting at-risk students	$50,000,000 R	$50,000,000 R
SUBTOTAL SAFE, ORDERLY AND CARING SCHOOLS	**50,000,000**	**50,000,000**
STRONG FAMILY, COMMUNITY AND BUSINESS PARTNERSHIPS		
Community Support for Students		
Family/Community Outreach Coordinator for approximately 45 schools identified as high priority for continually low performing status	$2,250,000 R	$2,250,000 R
$1 per ADM to each LEA to support the Strong Family, Community and Business Partnerships priority	1,300,000 R	1,300,000 R
Parental Outreach Campaign to educate and train parents in the importance of high expectations and ways they can support the teachers	1,470,000 R 140,000 NR	1,470,000 R
Grant to Catalyst North Carolina to support local public-private partnerships	300,000 R	300,000 R
SUBTOTAL STRONG FAMILY, COMMUNITY & BUSINESS PARTNERSHIPS	**5,460,000**	**5,320,000**
EFFECTIVE AND EFFICIENT OPERATIONS		
Additional funds to accelerate completion of NCWISE	$ 3,775,000 R	$ 3,775,000 R
Funding of connectivity for every school to ensure every school is brought to a baseline level of connectivity	2,934,300 R	20,080,000 R
SUBTOTAL EFFECTIVE AND EFFICIENT OPERATIONS	**6,709,300**	**23,855,000**
TOTAL STATE PUBLIC SCHOOL FUND REQUEST	**$254,768,620**	**$378,237,761**

AGENCY REQUEST

* PR = positions requested

HIGH STUDENT PERFORMANCE	PR*	2003-04	2004-05
ABCs			
Add 2 state funded positions for Accountability Division	2	$211,786 R	$211,786 R
Continuation of Operations			
Governor's Schools so 800 students can continue to be selected for attendance		639,154 R	639,154 R
Technology			
Increase funding for Distance Learning		180,000 R	180,000 R
Add 2 positions to Instructional Technology Division to develop Kaleidoscope in more grades	2	150,000 R	150,000 R
Add 2 positions to Instructional Technology Division to manage Distance Learning project and to evaluate the content and design of DL	2	150,000 R	150,000 R
SUBTOTAL HIGH STUDENT PERFORMANCE	**6**	**1,330,940**	**1,330,940**
QUALITY TEACHERS, ADMINISTRATORS AND STAFF			
Case Manager costs		45,000 R	45,000 R
SUBTOTAL QUALITY TEACHERS, ADMINISTRATORS AND STAFF		**45,000,000**	**45,000,000**
SAFE, ORDERLY AND CARING SCHOOLS			
Add 1 position in Infrastructure Technology to advise schools on physical and information asset security and purchase Network Intrusion Detection Security Software and managed service to keep software up-to-date	1	248,088 R 268,509 NR	248,088 R
SUBTOTAL SAFE, ORDERLY AND CARING SCHOOLS	**1**	**516,597**	**248,088**
STRONG FAMILY, COMMUNITY AND BUSINESS PARTNERSHIPS			
Additional funds to purchase hardware and database and server licenses to put the School Report Card project in production		63,515 R	63,515 R
Add 2 positions in Communications & Information Division to carry out priority for strong family, community & business support	2	250,000 R	250,000 R
SUBTOTAL STRONG FAMILY, COMMUNITY & BUSINESS PARTNERSHIPS	**2**	**313,515**	**313,515**
EFFECTIVE AND EFFICIENT OPERATIONS			
Financial Compliance Section			
Add 6 positions & support funding to form a Financial Compliance Section which will expand DPI's current role in fiscal resource management assessment & training in effective resource management as required by the Leandro ruling; provide staff to conduct training, compliance monitoring in Medicaid claiming, & field audits as required by the Medicaid Administrative Outreach memorandum of understanding; & provide sufficient staff to perform compliance monitoring of Charter Schools, student accounting & other fiscal control areas.	6	487,127 R 30,000 NR	457,127 R
Technology			
Add 1 position & adequate funds to reengineer & develop 18 legacy systems to new methodologies identified & adopted by the IRMC & the State Office of ITS which are compatible with current Windows operating systems & comply with the state Technical Architecture	1	325,000 R 250,000 NR	325,000 R
Replace current data storage system		400,000 NR	
SUBTOTAL EFFECTIVE AND EFFICIENT OPERATIONS	**7**	**1,492,127**	**782,127**
TOTAL STATE PUBLIC SCHOOL FUND REQUEST	**16**	**$3,698,179**	**$2,719,670**

MEMBERS of the North Carolin

Chairman Phillip J. Kirk, Jr. **Member-at-Large**
P.O. Box 2508
Raleigh, NC 27602-2508 919.836.1407

Phil Kirk was appointed to the Board by Gov. James B. Hunt, Jr. in 1997 to fill an unexpired term. A native of Rowan County and a graduate of Catawba College, Mr. Kirk now serves as president and secretary of the NC Citizens for Business and Industry and is the publisher of North Carolina Magazine. His extensive list of governmental positions includes serving as Chief of Staff for two former governors and a US senator. He also served in the NC General Assembly and was the youngest state senator in history at the time of his election. A former English and journalism teacher, Mr. Kirk has a remarkable background in education, having been named Salisbury Teacher of the Year and having received the Friend of Education award by the Professional Educators of North Carolina. In addition, he served as the vice chair of the State Board of Community Colleges, treasurer of Smart Start, and the chair-elect of the Public School Forum. His term expires on March 31, 2005.

Michael E. Ward
Secretary to the State Board of Education
301 N. Wilmington Street
Raleigh, NC 27601-2825 919.807.3300

Dr. Michael E. Ward is State Superintendent of the Public Schools of North Carolina. Re-elected to a second term in November 2000, Dr. Ward is also a member of the Council of State which includes the Governor, Lieutenant Governor and eight other statewide elected officials. Prior to his election as State Superintendent, Dr. Ward served as Executive Director of the NC Standards Board for Public School Administration. He has also been a superintendent of schools in Granville County, NC. Earlier posts included service as a teacher and principal. He was honored in 1994 as North Carolina's Superintendent of the Year, and in 1988 as Granville County's Principal of the Year. A three time graduate of North Carolina State University, Dr. Ward received the University's Distinguished Alumnus Award in 1997.

Lieutenant Governor Beverly Eaves Perdue
20401 Mail Service Center
Raleigh, NC 27699-0401 919.733.7350

Lieutenant Governor Bevererly Eaves Perdue, elected to the office in 2000, is an ex officio member of the Board. A former classroom teacher, she comes into the state's second highest elected office having served five terms in the NC Senate and two terms in the State House of Representatives. In 1999 she received the NC Association of Educator's President Award for her work on such innovative education measures as the Excellent Schools Act, the Safe Schools Act and Governor Hunt's Smart Start initiative for early childhood development. She was also the recipient of the NC Community College's Faculty Association Legislator of the Year Award. Lieutenant Governor Perdue holds a Ph.D. and master's degree from the University of Florida at Gainsville.

State Treasurer Richard H. Moore
Albemarle Building, 325 N. Salisbury Street
Raleigh, NC 27603-1388 919.508.5176

State Treasurer Richard Moore serves as an ex officio member of the Board. A former federal prosecutor and member of the NC General Assembly, Mr. Moore was Secretary of the Dept. of Crime Control and Public Safety for four years prior to his election as State Treasurer. He serves as chairman of the NC Local Government Commission, the NC Tax Review Board, the State Banking Commission and the Board of Trustees of the NC Retirement Systems. Mr. Moore serves on the NC Community College Board and the Council of State.

Kathy A. Taft **1st Education District**
611 Queen Anne's Road
Greenville, NC 27858 252.355.7299

Kathy Taft was appointed by Gov. Hunt to the Board in April of 1995. She attended NC State University and East Carolina University, graduated from ECU cum laude with a bachelor of science degree in education and also pursued graduate work in education. Ms. Taft has been a member and past vice chairperson of the Pitt County Board of Education and has been active in the NC School Boards Association, the Pitt County Boys and Girls Club, the Communities in Schools Executive Board, the PTA and numerous other civic organizations and is a member of the Women's Forum of NC. She served on the NC Medical Care Commission and two terms on the Board of the NC Governor's School. Ms. Taft's term expires March 31, 2003.

Michelle Howard-Vital **2nd Education District**
601 S. College Street
Wilmington, NC 28403-5613 910.962.4138

Michelle Howard-Vital was appointed to the Board by Governor Mike Easley in 2001. She has been involved in education for the past 26 years. She earned a doctorate in public policy analysis with an emphasis in educational policy from the University of Illinois at Chicago. Additionally, she has a graduate and an undergraduate degree in teaching English literature and language from the University of Chicago. Dr. Howard-Vital has written numerous papers and articles on improving teaching and learning environments. In May, 2000, she was recognized with the Distinguished Alumnus Award from the University of Illinois' School of Education for her work in teaching, administration and scholarship. She is currently a professor in the School of Education at UNC-Wilmington and also serves as Vice Chancellor for Public Service and Extended Education and associate provost. Her term expires March 31, 2009.

Edgar D. Murphy, III **3rd Education District**
PO Box 13010, Mail Stop D17/02/0F2
RTP, NC 27709-3010 919.997.3045

Edgar D. Murphy, III was appointed to the Board by Gov. Hunt in 1999. He is currently manager of Community Relations for Nortel Networks, RTP and is responsible for implementation of Nortel's strategic community relations program of which K-12 public education is a focus. He has served on the Durham Public Education Network Board of Directors, the Durham Workforce Partnership, and the Center for Employment Training. He is a member of the NC School Improvement Panel and serves as chairman of the NCSIP Executive Committee. Edgar earned his degree in industrial technology from NC A&T University in 1972. In addition to his current role, Edgar has worked as a test engineer, a manufacturing supervisor, and a human resources director. Mr. Murphy's term expires March 31, 2007.

Evelyn B. Monroe **4th Education District**
525 Hardee Branch Road
West End, NC 28376 910.295.5710

Evelyn Bruton Monroe was appointed by Gov. Hunt to the Board in August of 1995 to fill an unexpired term. Ms. Monroe is a graduate of UNC-Greensboro. She was a former teacher of math and science and vocational education. Ms. Monroe's extensive involvement in the public schools includes 14 years on Moore County school advisory councils. She served on the Moore County Vocational Education Advisory Council and the Study Committee for Gifted and Talented. She has been a trustee for Sandhills Community College and has served on the System Planning Committee for the State Board of Community Colleges. Her term expires March 31, 2005.

State Board of Education

Maria Teresa Palmer **5th Education District**
1321 Airport Road
Chapel Hill, NC 27514-6605 919.932.4818

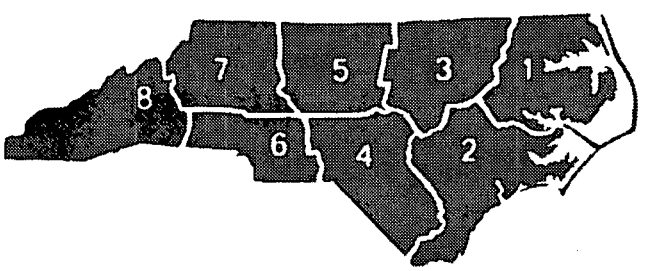
Maria Teresa Palmer was appointed by Gov. Hunt in 1999 to fill an unexpired term on the Board. Ms. Palmer is currently the founding pastor of the Hispanic congregation at the Iglesia Unida De Cristo (United Church of Christ) in Orange County. Palmer is a graduate of Jacksonville State University in Alabama where she received a degree in education. She also attended the Southern Baptist Theological Seminary and the University of Louisville where she earned a masters in education. Ms. Palmer is currently working on pursuing her doctoral degree in education at UNC-Chapel Hill. Her professional experience also includes being a Spanish teacher, a multi-cultural counselor, and assistant director of the Center for Latin American Education at the University of Louisville. She has been actively involved as a parent representative and advocate for the Hispanic community with both the Chapel Hill-Carrboro and Orange County school systems. Her term expires March 31, 2005.

Vice Chairman
Jane P. Norwood **6th Education District**
7026 Ballentyne Court
Charlotte, NC 28210 704.554.9894

Jane Parler Norwood was appointed to the Board by Gov. Martin in September 1990 and reappointed in November 1992 to fill unexpired terms. She was reappointed in March 1995 and again in April 1999 by Gov. Hunt. Dr. Norwood holds advanced degrees in Education/ Psychological Services-Reading from the University of South Carolina and a bachelor's degree in Education from Coker College. She is a professor, Dept. of Curriculum and Instruction, at Appalachian State University. Her current job responsibilities include supervising student teachers enrolled in the ASU Teacher Education Program. Dr. Norwood's years of service to public education in North Carolina started in 1977 when she was appointed to Gov. Hunt's original Annual Testing Commission where she served three terms. In 1988, and again in 1990, Gov. Martin appointed her as a NC representative to the Southern Regional Education Board. She is a past president of both the NC College Professors of Reading and the NC Council of the International Reading Association. Currently she is chair of the Board's Quality Professionals Committee, co-chair of the Educational Liaison Committee and serves as a member of the NC Teaching Fellows Commission. Dr. Norwood's term expires March 31, 2007.

Ronald E. Deal **7th Education District**
1460 6th Street Circle NW
Hickory, NC 28601 828.324.7466

Ron Deal, chairman of Wesley Hall Inc., was appointed to fill an unexpired term in 1997 by Gov. Hunt. A graduate of Wake Forest University, Mr. Deal established a successful career in furniture manufacturing in Hickory while participating in numerous organizations. He is a trustee at Wake Forest University and a past president of the their alumni association. His experience in education includes serving as a member of the NC State Board of Community Colleges. Mr. Deal serves on the Board of Directors for the BB&T Corporation and as a trustee for Catawba Memorial Hospital. His term expires March 31, 2003.



Wayne McDevitt **8th Education District**
UNC Asheville, 202 Phillips Hall,
CPO #1420, One University Heights,
Asheville, NC 28804-8503 828.251.6742

Wayne McDevitt was appointed to the Board by Gov. Mike Easley in 2001. He currently serves as Vice Chancellor for Administration and Financial Affairs at UNC Asheville, where he graduated with distinction in political science and has been recognized with the university's Achievement Award, Distinguished Alumnus Award and the Chancellor's Medallion. Mr. McDevitt most recently served as Chief of Staff for Gov. Jim Hunt and earlier on the state's Executive Cabinet as Secretary of the Dept. of Environment and Natural Resources. Mr. McDevitt's advocacy for education and children includes service on the boards of NC Partnership for Children/Smart Start, NC PTA, Baptist Children's Homes, two university boards of trustees and the steering committee of the Community Colleges and Universities Bond Campaign. He has served as an interviewer for NC Teaching Fellows, president of the Marshall Elementary School PTA and as a school volunteer/mentor. He currently serves on the boards of Western NC Tomorrow, Western NC Development Association and the Cherokee Preservation Foundation. His term expires March 31, 2009.

Patricia N. Willoughby **Member-at-Large**
3800 Hillsborough Street
Raleigh, NC 27607-5237 919.760.2266

Patricia (Tricia) Nickens Willoughby was appointed to the State Board of Education by Gov. Mike Easley in May 2001, to serve an eight-year term. She currently serves as an assistant professor of education at Meredith College in Raleigh. She attended North Carolina public schools, received her A.B. degree in early childhood education from UNC-CH and a master's degree in education from Meredith College, specializing in reading. Ms. Willoughby is a former classroom teacher who has been involved with the Triangle Alliance and the Mentornet Project of Wake County. In addition, Ms. Willoughby has been an active member of the parent/teacher/student associations at schools attended by her two daughters. Her term on the State Board of Education expires in 2009.

Vacant **Member-at-Large**

TEACHER OF THE YEAR ADVISORS

Teacher of the Year 2002-2003
Melissa Bartlett
Statesville High School
High School Teacher
Iredell/Statesville Public Schools
Term: June 2002-2004

Teacher of the Year 2001-2002
Ms. Carmen Wilson
High School Teacher
Ashe County High School
Ashe County Schools
Term: June 2001-June 2003

STUDENT ADVISOR

Scott Bell, Senior
North Wilkes High School
Wilkes County Public Schools
Term: Sept. 2002 - June 2003

VISITOR REGISTRATION SHEET

Senate Education/Higher Education — **March 26, 2003**
Name of Committee — **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Michael Houser	NCAE
Mavis Davis	NCAE
Jaclyn Myers	DJJDP-CPSV
Henry Hutcheson	N.C.S.D.A.
Amy Ross	Intern - Sen. Dalton
Dallas Baker	Intern - Sen. Gulley
Yvonne Perry	NCSPA
Carolyn McKinney	NCAE
Sam Watts	NC Center for Public Policy Research
Ann McArthur	Governor's Off.
J.B. Buxton	" "

VISITOR REGISTRATION SHEET

Senate Education/Higher Education — **March 26, 2003**
Name of Committee — **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Jane Markham	SBE
Mike Ward	DPI
Fria Hyer	SBE
Leanne Winner	NCSBA
John McHugh	GOVERNOR'S OFFICE
Mike Causey	NC Education Assn
Steve Hoffman	NCSBA
Hal Miller	NCHECT
John Cyrus	N.C. State Grange
Gene Caysby	NCSFSA
[illegible]	[illegible]

VISITOR REGISTRATION SHEET

Senate Education/Higher Education — **March 26, 2003**
Name of Committee — **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
[signature]	Allen Associates

AGENDA

Senate Education/Higher Education Committee

Thursday, March 27, , 2003
10:00 a.m.
Room 1027 Legislative Building

Senator Jeanne Lucas, Presiding

Welcome
Senator Lucas

- ***Board of Governors of the University of North Carolina Nominees"***

Adjournment

SENATE EDUCATION/HIGHER EDUCATION COMMITTEE

Thursday, March 27, 2003, 10:00 a.m.
Room 1027 Legislative Building

Minutes

The Senate Education/Higher Education Committee met Thursday, March 27, 2003 at 10:00 in Room 643 of the Legislative Building. Senator Jeanne Lucas, Presiding Chair, called the meeting to order with all members present. She welcomed everyone and stated that the Committee is pleased to have Charlie Tanzenie, Raleigh, sponsored by Senator Reeves, to serve as our Page again.

Senator Lucas stated that this meeting is being convened to decide upon the Board of Governors nominees for the University System. She stated that this meeting is convened in the best interest of everyone and asked the full cooperation of the members as the meeting proceeds. She recognized Senator Metcalf to explain the nomination and election process.

Senator Metcalf stated that the process is consistent with Senate Resolution 174, "Nomination of the University Board of Governors." He said that of the twenty nominees received, two have requested that their names be removed. Senator Metcalf stressed the importance of this process and the difficulty of narrowing the field of candidates.. He presented the sixteen nominees recommended by the Co-Chairs. Senator Lucas opened the meeting for comments from the members. Senator Garwood moved that the slate of sixteen candidates recommended .by the Co-Chairs be accepted. The motion carried by unanimous voice vote.

Senator Lucas adjourned the meeting at 10:20 a.m.

Jeanne H. Lucas
Senator Jeanne H, Lucas, Presiding Chair

Joyce Crews Hodge
Joyce Crews, Hodge, Committee Assistant

SENATE EDUCATION/HIGHER EDUCATION COMMITTEE

2003-2004 Biennium

Senator Jeanne Lucas, Co-Chair
Room 300-G, LOB
Raleigh, NC
(919) 733-4599

Senator Steve Metcalf, Co-Chair
Room 300-B, LOB
Raleigh, NC 27601-2808
919) 733-7850

Senator John Garwood, Co-Chair
Room 1118, LB
Raleigh, NC 27601-2808
(919) 733-5742

April 2, 2003

MEMORANDUM

TO: Members of the Senate

FROM: Senator Jeanne Lucas, Co-Chair,
Senator Steve Metcalf, Co-Chair
Senator John Garwood, Co-Chair
Education/Higher Education Committee

RE: The University Board of Governors Nominees

Pursuant to Senate Resolution 174, the Education/Higher Education Committee has met and voted on the following slate of candidates to be submitted to the Senate. The Senate will elect 8 individuals from this slate to serve on The University of North Carolina Board of Governors.

NOMINEE	SENATE SPONSOR(S)
Brent D. Barringer	Sen. Stevens
R. Steve Bowden	Sen. Dorsett
Freeman Edward Broadwell, Jr.	Sen. Metcalf
William L. Burns, Jr.	Sen. Gulley
Betsy Lane Cochrane	Sen. Ballantine, Sen. Bingham, Sen. Forrester, Sen. Garwood, Sen. Hartsell, Sen. Soles
Larry J. Dagenhart	Sen. Clodfelter, Sen. Hartsell
John W. Davis, III	Sen. Garrou
Peter D. Hans	Sen. Apodaca, Sen. Carpenter, Sen. Metcalf, Sen. Queen
Adelaide Daniels Key	Sen. Metcalf, Sen. Apodaca, Sen. Queen
Teena Smith Little	Sen. Garwood
Richard L. (Skip) Moore, II	Sen. Hagan
Dr. Paula R. Newsome	Sen. Rand
Charles S. Norwood, Jr.	Sen. Kerr
Benson O. Otovo	Sen. Shaw
Estelle "Bunny" Sanders	Sen. Jenkins
Ruth Dial Woods	Sen. Weinstein

2003 UNC BOARD OF GOVERNORS
MEMBERS ELECTED BY THE SENATE
APRIL 2, 2003

Mr. R. Steve Bowden
3504 Glen Forest Court
Greensboro, NC 27410

Mr. Freeman Edward Broadwell, Jr.
10 Woodfin Street
Asheville, NC 28801

Mr. William L. Burns, Jr.
PO Box 931
Durham, NC 27702

Mr. John W. Davis, III
200 West Second Street, Suite 500
Winston-Salem, NC 27101

Mr. Peter D. Hans
2404 Lullwater Drive
Raleigh, NC 27606

Ms. Adelaide Daniels Key
300 Webb Cove Road
Asheville, NC 28804

Mr. Charles S. Norwood, Jr.
216 Ridgewood Drive
Goldsboro, NC 27534

Ms. Estelle W. Sanders
PO Box 357
Roper, NC 27970

VISITOR REGISTRATION SHEET

Senate Education/Higher Education — **March 27, 2003**
Name of Committee — **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Katherine Joyce	NCASA
Rod Cable	N.C. Center for Public Policy Research
Sam Watts	NC Center for Public Policy Research
[illegible]	Capitol Group
Hal Miller	NCAECT
Mark Bibbs	Davis, Bibbs & Smith, PLLC
Paul Pulley	NCATL
S. Davis	Gov. Off
K Howell	Gov. office
[illegible]	Counsel - Sen Rand[illegible]
Mark Fleming	University System

VISITOR REGISTRATION SHEET

Senate Education/Higher Education — March 27, 2003

Name of Committee — Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS

AGENDA

Senate Education/Higher Education Committee

Wednesday, April 2, 2003
10:00 a.m., Room 643

Senator Steve Metcalf, Presiding

Welcome
Senator Metcalf

- **House Bill 340 – School Calendar Flex./Inclement Weather,**
  Rep. Parmon
- **Senate Bill 359 – LEA's Authority to Operate Charter Schools,**
  Senator Garrou
- **Senate Bill 444 – Teach Personal Financial Literacy in Schools,**
  Senator Hagan

Adjournment

SENATE EDUCATION/HIGHER EDUCATION COMMITTEE

Wednesday, April 2, 2003, 10:00 a.m.
Room 643 Legislative Office Building

Minutes

The Senate Education/Higher Education Committee met Wednesday, April 2, 2003 at 10:00 in Room 643 of the Legislative Office Building. Senator Steve Metcalf, Presiding Chair, called the meeting to order with twenty-seven members present. He welcomed everyone and introduced the page, Lenton Ray, Clayton, Sponsored by Senator Smith.

Senator Metcalf welcomed and recognized Representative Parmon to explain House Bill 340, "School Calendar Flexibility/Inclement Weather," It was stressed that this bill, if enacted will only be effective for one year.

The Chair opened the floor for comments from the public. Carolyn McKinney, President, NCAE and an elementary teacher, was recognized to speak on the Bill. She stated that the question is when is the best time to make up instructional time, not should instructional time be forgiven. This house bill does not allow systems to miss instructional time. She stated that The North Carolina Association of Educators encourages the Senate to allow the local school boards to decide the best time to make up instructional time. LeAnn Winner, School Board Association, stated that because of Constitutional issues and questions, the NCAE opposes this legislation. Linda Suggs, Legislative Liaison, State Board of Education, stated that the current calendar does have flexibility. She stated that the State Board of education opposes this legislation because of constitutional issues. JoAnn Norris, Public School Forum, also spoke on the bill. She stated the issue of time has long been an important policy issue of the Forum. She stated that the Forum supports a longer school calendar.

Senator Garrou moved a favorable report for House Bill 340. Senator Horton seconded the motion. After Committee discussion of the bill, House Bill 340 received a favorable report by voice vote.

The Chair stated that the bills remaining on today's Agenda will be placed on the Agenda for the next meeting and adjourned the meeting at 10:57 a.m.

Senator Steve Metcalf, Presiding Chair

Joyce Crews, Hodge, Committee Assistant

NORTH CAROLINA GENERAL ASSEMBLY
SENATE

EDUCATION/HIGHER EDUCATION COMMITTEE REPORT
Senator John A. Garwood, Co-Chair
Senator Jeanne Hopkins Lucas, Co-Chair
Senator Stephen M. Metcalf, Co-Chair

Wednesday, April 02, 2003

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

FAVORABLE

H.B.(CS #1) **340** School Calendar Flex./Inclement Weather.
Sequential Referral: None
Recommended Referral: None

TOTAL REPORTED: 1

Committee Clerk Comments:

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2003

H 2

HOUSE BILL 340

Committee Substitute Favorable 3/13/03

Short Title: School Calendar Flex./Inclement Weather. (Public)

Sponsors:

Referred to:

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 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) Notwithstanding subdivision (1) of this subsection, a local board may decide 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 all of the following criteria are met:

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

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

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

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

If a local board adds instructional hours to previously scheduled days under this subdivision, 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.

...."

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

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

HOUSE BILL 340:
School Calendar Flex./Inclement Weather

BILL ANALYSIS

Committee:	Senate Education/Higher Education	**Introduced by:**	Representative Parmon
		Summary by:	Drupti Chauhan Committee Staff
Date:	April 1, 2003		
Version:	Second		

SUMMARY: ***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 a maximum of three 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.***

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;
- 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

[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.

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.

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

[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."

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?**
- **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

[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).

- **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?

H340-SMRQ-004

Shirley Iorio and Robin Johnson contributed substantially to this summary.

VISITOR REGISTRATION SHEET

Senate Education/Higher Education — **April 2, 2003**
Name of Committee — **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Alana Harris, RN	Cabarrus College of Health Sciences
Mary Kiser	Cabarrus College of Health Sciences
John Cyrus	N.C. State Grange
Hal Miller	NCACCT
Lori Ann Harris	LA Harris & Assoc Inc
John Rust	NCFPC
Evelyn Hawthorne	EHGR
Devon White	Professional Educators of North Carolina
Alex Thiem	NCP/APA
Linda Dayon	SBE
Leanne Winner	NCSBA

VISITOR REGISTRATION SHEET

Senate Education/Higher Education — **April 2, 2003**
Name of Committee — **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
John Volkman	NCAE
Carolyn McKinney	NCAE
Michael Houser	NCAE
Christi Broadway	NCAE
Virginia Hebert	Sen. Kinnaird
Amy Ross	Intern - Sen. Dalton
Taylor Francis	Sen. Purcell
John Mc[illegible]	GOV OFFICE
Felicia Amick RN	Cabarrus College of Health Sciences
Aaron Aldridge RN	Cabarrus College of Health Sciences
Marsha Herlocker RN	Cabarrus College of Health Sciences

VISITOR REGISTRATION SHEET

Senate Education/Higher Education — **April 2, 2003**
Name of Committee — **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Amy Calloway, RN	Cabarrus College of Health Sciences
Andrea M. Lore, RN	Cabarrus College of Health Sciences
Amanda T. Day RN	Cabarrus College of Health Sciences
Kim P. Phelps RN	Cabarrus College of Health Sciences
Ernestine B. Small	Concord, NC. Cabarrus college of Health Sciences
Deanna Whitley RN	Cabarrus College of Health Sciences
CAROL VOGT RN	" " " "
Denise Adcock RT	" " " "
Deb Lemerton RN	" " " "
LORI WISE RN	" " " "
Angela S. Yacuzzo, RN	" " " "

AGENDA

Senate Education/Higher Education Committee

Wednesday, April 9, 2003
10:00 a.m., Room 643

Senator John Garwood, Presiding

Welcome
Senator Garwood

- **SB 359** **LEA's Authority to Operate Charter School**
  Sen. Garrou
- **SB 444** **Teach Personal Financial Literacy in Schools**
  Sen. Hagan
- **SB 10** **Modify Retired Teacher Option**
  Sen. Garwood
- **SB 31** **Teacher Credit for Excess Leave**
  Sen. Foxx
- **SB 231** **Classroom Experience for School Personnel**
  Sen. Hartsell

Adjournment

SENATE EDUCATION/HIGHER EDUCATION COMMITTEE

Wednesday, April 9, 2003, 10:00 a.m.
Room 643 Legislative Office Building

Minutes

The Senate Education/Higher Education Committee met Wednesday, April 9, 2003 at 10:00 in Room 643 of the Legislative Office Building. Senator Garwood, Presiding Chair, called the meeting to order with twenty-eight members present. He welcomed everyone and introduced the pages, Shandreia Walker, Greensboro, sponsored by President Pro Tempore Basnight and Timmy Hunter, sponsored by Senator Blake.

Senator Garwood stated that the Committee will hear and vote on Senate Bill 10 and Senate Bill 444, no vote will be taken on Senate Bill 31. Senate Bill 339 will be removed from today's Agenda.

Senator Hagan was recognized to explain Senate Bill 444, "Financial Literacy." This legislation is a requirement to teach personal financial literacy in our schools. It is starting with a pilot program in five counties. Senator Apodaca moved a favorable report for Senate Bill 444.

Senator Garwood relinquished the Chair to Senator Metcalf. Senator Metcalf called Senator Garwood to explain Senate Bill 10, "Modifiy Retired Educator Options." Senator Lucas moved the adoption of the Proposed Committee Substitute for discussion. The motion carried by unanimous voice vote. After committee discussion, Senators Forrester and Dannelly moved a favorable report to the Proposed Committee Substitute and an unfavorable report to the original bill and recommend that the Committee Substitute will be re-referred to the Committee on Pensions and Retirement. The motion carried by unanimous voice vote.

The Chair was relinquished to Senator Garwood. He recognized Senator Fox to explain Senate Bill 31, "Teacher Credit For Excess Personal Leave." Senator Fox moved the adoption of the Proposed Committee Substitute for Senate Bill 31 for discussion. The motion carried by unanimous voice vote. Senator Garwood stated that the discussion will continue in a future meeting.

The meeting adjourned the meeting at 10:55 a.m.

Senator John Garwood, Presiding Chair

Joyce Crews, Hodge, Committee Assistant

NORTH CAROLINA GENERAL ASSEMBLY
SENATE

EDUCATION/HIGHER EDUCATION COMMITTEE REPORT
Senator John A. Garwood, Co-Chair
Senator Jeanne Hopkins Lucas, Co-Chair
Senator Stephen M. Metcalf, Co-Chair

Thursday, April 10, 2003

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

UNFAVORABLE AS TO BILL, BUT FAVORABLE AS TO COMMITTEE SUBSTITUTE BILL

S.B. **10** Modify Retired Teacher Option.

Draft Number:	PCS 40003
Sequential Referral:	Pensions & Retirement and Aging
Recommended Referral:	None
Long Title Amended:	No

TOTAL REPORTED: 1

Committee Clerk Comments:

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2003

S 1

SENATE BILL 10

Short Title:	Modify Retired Teacher Option.	(Public)
Sponsors:	Senators Garwood; Carpenter, Foxx, and Shubert.	
Referred to:	Education/Higher Education.	

February 10, 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%).

The computation of postretirement earnings of a beneficiary under this sub-subdivision, G.S. 135-3(8)c., who has been

retired at least ~~six~~ two 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~~ two months immediately preceding the effective date of reemployment, shall not include earnings while the beneficiary is employed to teach on a substitute, interim, or permanent basis in a public school. The Department of Public Instruction shall certify to the Retirement System that a beneficiary is employed to teach by a local school administrative unit under the provisions of this sub-subdivision and as a retired teacher as the term is defined under the provisions of G.S. 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 2. G.S. 115C-325(a)(5a) reads as rewritten:

"(5a) "Retired teacher" means a beneficiary of the Teachers' and State Employees' Retirement System of North Carolina who has been retired at least ~~six~~two 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 for at least ~~six~~two months, immediately preceding the effective date of reemployment, is determined by a local board of education to have had satisfactory performance during the last year of employment by a local board of education, and who is employed to teach as provided in G.S. 135-3(8)c. A retired teacher 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 3. Subsection (d) of Section 28.24 of S.L. 1998-212, as rewritten by Section 28.10 of S.L. 2002-126, reads as rewritten:

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

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

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

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

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

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

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

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

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2003

S D

SENATE BILL 10
PROPOSED COMMITTEE SUBSTITUTE S10-CSSF-5 [v.1]

4/8/2003 7:01:19 PM

Short Title: Modify Retired Educator Option. (Public)

Sponsors:

Referred to:

February 10, 2003

A BILL TO BE ENTITLED

AN ACT TO MODIFY AND MAKE PERMANENT THE OPTION FOR RETIRED EDUCATORS TO RETURN TO THE PUBLIC SCHOOLS 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%).

The computation of postretirement earnings of a beneficiary under this sub-subdivision, G.S. 135-3(8)c., who has been retired at least ~~six~~ two 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~~ two months immediately preceding the effective date of reemployment, shall not include earnings while the beneficiary is employed ~~to teach~~ as a teacher, a principal, an assistant principal, or in an instructional support personnel position on a substitute, interim, or permanent basis in a public school. The Department of Public Instruction shall certify to the Retirement System that a beneficiary is employed ~~to teach~~ by a local school administrative unit under the provisions of this sub-subdivision and as a retired ~~teacher~~ educator as the term is defined under the provisions of G.S. 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 2. G.S. 115C-325(a)(5a) reads as rewritten:

"(5a) "Retired ~~teacher~~" educator" means a beneficiary of the Teachers' and State Employees' Retirement System of North Carolina who has been retired at least ~~six~~two 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 for at least ~~six~~two months, immediately preceding the effective date of reemployment, is determined by a local board of education to have had satisfactory performance during the last year of employment by a local board of education, and who is employed ~~to teach~~ as provided in G.S. 135-3(8)c. A retired ~~teacher~~ educator who is a teacher 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 3. G.S. 115C-316(d) reads as rewritten:

"(d) A local board of education may pay a retired ~~teacher,~~ educator, as that term is defined in G.S. 115C-325(a)(5a) no more than the employee would have received on the ~~teacher~~ appropriate salary schedule, excluding longevity, had the employee not retired."

SECTION 4. Subsection (d) of Section 28.24 of S.L. 1998-212, as rewritten by Section 28.10 of S.L. 2002-126, reads as rewritten:

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

SECTION 5. The introductory language of Section 67 of S.L. 1998-217, as rewritten by Section 28.10 of S.L. 2002-126, reads as rewritten:

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

SECTION 6. Subsection (b) of Section 67.1 of S.L. 1998-217, as rewritten by Section 28.10 of S.L. 2002-126, reads as rewritten:

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

SECTION 7. Subsection (c) of Section 32.25 of S.L. 2001-424, as rewritten by Section 28.10 of S.L. 2002-126, reads as rewritten:

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

SECTION 8. This act becomes effective July 1, 2003.

SENATE BILL 10:
Modify Retired Educator Option

BILL ANALYSIS

Committee:	Senate Education	**Introduced by:**	Senator Garwood
Date:	April 9, 2003	**Summary by:**	Shirley Iorio
Version:	S10-CSSF-5[v.1]		Committee Staff

SUMMARY: The Proposed Committee Substitute (PCS) to S10 would substantially expand the type of public school employee who may retire for a period of time, be re-employed, and continue to receive full retirement benefits. The break in service requirement would be reduced from six months to two months, and the June 30, 2004 sunset would be removed. The bill would become effective July 1, 2003.

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

-it expands the type of public school employee who may retire for a period of time, be re-employed, and continue to receive full retirement benefits to include principals, assistant principals, and instructional support personnel; and

-it adds Section 3 which addresses what local boards may pay these retired educators.

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: The PCS 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.

The PCS to S10 also substantially expands the types of public school employees who may retire, wait a period of time, be re-employed by a school system, and continue to receive full retirement benefits. The bill adds principals, assistant principals, and instructional support personnel. Instructional support personnel includes guidance counselors, school social workers, school psychologists, speech-language pathologists, audiologists, media coordinators and nurses.

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.

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.

NORTH CAROLINA GENERAL ASSEMBLY
SENATE

EDUCATION/HIGHER EDUCATION COMMITTEE REPORT
Senator John A. Garwood, Co-Chair
Senator Jeanne Hopkins Lucas, Co-Chair
Senator Stephen M. Metcalf, Co-Chair

Wednesday, April 09, 2003

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

FAVORABLE

S.B. **444** Teach Personal Financial Literacy in Schools.
Sequential Referral: None
Recommended Referral: None

TOTAL REPORTED: 1

Committee Clerk Comments:

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2003

S 1

SENATE BILL 444

Short Title:	Teach Personal Financial Literacy in Schools.	(Public)
Sponsors:	Senators Hagan; Albertson, Apodaca, Bingham, Carpenter, Dorsett, Garrou, Gulley, Hargett, Holloman, Lucas, Metcalf, Sloan, Stevens, Swindell, Thomas, and Weinstein.	
Referred to:	Education/Higher Education.	

March 17, 2003

A BILL TO BE ENTITLED

AN ACT TO AUTHORIZE PILOT PROGRAMS ON TEACHING PERSONAL FINANCIAL LITERACY IN THE PUBLIC SCHOOLS.

The General Assembly of North Carolina enacts:

SECTION 1. The State Board of Education shall establish a pilot program authorizing and assisting up to five local school administrative units in the implementation of programs on teaching personal financial literacy. The purpose of the pilot program is to determine the best methods of equipping students with the knowledge and skills they need, before they become self-supporting, to make critical decisions regarding their personal finances. The components of personal financial literacy covered in the pilot program shall include, at a minimum, consumer financial education, personal finance, and personal credit.

Prior to selecting the pilot units, the State Board of Education shall develop a curriculum, materials, and guidelines for local boards of education to use in implementing a program of instruction on personal financial literacy. The State Board shall also provide information to local boards of education on securing public and private grant funds and on using other public and private assets to implement the instructional program.

The State Board of Education shall report to the Joint Legislative Education Oversight Committee prior to January 1, 2004, on the implementation of the program in the pilot units.

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

SENATE BILL 444:
Teach Personal Financial Literacy in Schools.

BILL ANALYSIS

Committee:	Senate Education/Higher Ed.	**Introduced by:**	Sen. Hagan
Date:	April 2, 2003	**Summary by:**	Sara Kamprath
Version:	First Edition		Committee Analyst

SUMMARY: ***Senate Bill 444 would direct the State Board of Education to establish up to five pilot sites to implement programs on teaching financial literacy. This bill would further direct the State Board of Education to develop a curriculum, materials, and guidelines for local boards of education to use, provide information to local boards on securing public and private grant funds, and report to the Joint Legislative Education Oversight Committee on implementation of the program in the pilot units.***

BILL ANALYSIS: The purpose of these pilot programs is to determine the best methods of teaching students the information and skills they need to make critical decisions regarding their personal finances. At a minimum, the personal finance literacy covered in the pilot programs shall be consumer financial education, personal finance, and personal credit.

Before selecting the pilot sites, the State Board would develop the curriculum, materials and guidelines for the local boards to use. The State Board would then report to the Education Oversight Committee before January 1, 2004, on the implementation of the program in the pilot sites.

BACKGROUND: There are no courses that students are required to take that offer a comprehensive consumer education curriculum. However, 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.

S444-SMRJ-001

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2003

S 1

SENATE BILL 31

Short Title:	Teacher Credit for Excess Personal Leave.	(Public)
Sponsors:	Senators Foxx; Allran, Apodaca, Berger, Blake, Brock, Carpenter, Carrington, Forrester, Garwood, Hartsell, Horton, Kinnaird, Pittenger, Rucho, Shubert, Sloan, Smith, Stevens, Thomas, Tillman, and Webster.	
Referred to:	Education/Higher Education.	

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. 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.

Sen. Virginia Foxx

From: Wright, John [wrightj@guilford.k12.nc.us]
Sent: Tuesday, April 08, 2003 7:30 PM
To: 'Virginiaf@ncleg.net'
Cc: Sen. Katie Dorsett (E-mail); sen. kay hagan (E-mail); sen. philip berger (E-mail); Sen. Stan Bingham (E-mail)
Subject: s31

senator foxx- thanks to you for reintroducing this bill on accumulation of and conversion of excess teacher personal leave that we requested previously and you also introduced in last session. this remains part of the guilford county board of education legislative agenda. so while you no longer represent us geographically, we appreciate your efforts, along with the co-sponsorship by our senator berger.
i write today to also remind our other guilford delegation members who are in the senate of our support of this bill, as it is being considered in committee on wednesday. we look forward to 100% delegation support of this item as it moves forward.
regards, john wright, guilford county schools

VISITOR REGISTRATION SHEET

Senate Education/Higher Education — **April 9, 2003**
Name of Committee — **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Susan Harrison	WCPSS
W. Lloyd Thomas	NCPAPA
Gene Causby	NCSCA
Devon White	PENC
Elizabeth Wickham	Lifetree
Karen McDonald	DJJDP
Logan Stewart	NCAE
Jan Coutts	NCASA
Ann Lore	DUHS
Mary Williams	NGCN
Margie Freeman	NCAE

VISITOR REGISTRATION SHEET

Senate Education/Higher Education — **April 9, 2003**
Name of Committee — **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Carrie Stell	KCLH
Linda Sypa	SBE
Michael Howser	NCAE
John Dalleman	NCTE
Carolyn McKinney	NCTE
Mavis Davis	NCAE
Amy Ross	intern - Sen. Dalton
Lisa Bateman	DTJDP - Center for the Prevention of school Violence
Ann Corley	Duke
Jason Blazill	Morgan
Bill Brooks	NCFPC

VISITOR REGISTRATION SHEET

Senate Education/Higher Education — **April 9, 2003**
Name of Committee — **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
[illegible]	(PACE) — National Heritage Charter Schools
Katherine Joyce	NCASA
Otho Thorpe	DPI
Hal Miller	NCACCT
[illegible]	Pitt Co. Schools
Melvin Hawkins	Camden Co. Schools
John Cyrus	N.C. State Grange
Amy Dobson	NC State Watch
Leanne Winner	NCSBA
Parka Wolf	Covenant NC Children
RG PA/Acio	NC Justice Ctr
Susan Schmidt	"

VISITOR REGISTRATION SHEET

Senate Education/Higher Education — April 9, 2003

Name of Committee — Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
PAUL BONEY	BONEY ARCHITECTS
Phillip Price	NC DOT

AGENDA

Senate Education/Higher Education Committee

Tuesday, April 15, 2003
8:30 a.m., Room 1027

Senator Jeanne Lucas, Presiding

Welcome
Senator Lucas

- **SB 289 - OK to use CC Funds for Literacy Labs - Agency Bill**
  Sen. Reeves
- **SJR 365 - Confirmation/State Board of Education**
  Sen. Lucas
- **SJR 366 - Joint Session/State Board of Education Appts.**
  Sen. Lucas
- **SB 503 - Age/Eligibility/NC Schools for the Deaf**
  Sen. Swindell
- **SB 600 - School Bus Fire Suppression Equipment**
  Sen. Lucas
- **SB 656 - Innovative Education Initiatives Act**
  Sen. Dalton
- **SB 699 - Eliminate HS Exit Exam**
  Sen. Metcalf
- **SB 795 - Character Education. to Include Antiviolence Info.**
  Sen. Queen
- **SB 857 - Student Transportation Purchases**
  Sen. Metcalf

Adjournment

SENATE EDUCATION/HIGHER EDUCATION COMMITTEE

Tuesday, April 15, 2003, 10:00 a.m.
Room 1027 Legislative Building

Minutes

The Senate Education/Higher Education Committee met Tuesday, April 15, 2003 at 10:00 in Room 1027 of the Legislative Building. Senator Jeanne Lucas, Presiding Chair, called the meeting to order with nineteen members present. She introduced the pages, Derek Zeiker, Statesville, sponsored by Senator Sloan and Melinda Jones, Laurinburg, sponsored by Senator Purcell. She welcomed everyone and also introduced her shadows for today, Bria (6^{th} grade) and Kimberly (7^{th} Grade).

Senator Lucas recognized Senator Reeves to explain Senate Bill 289, "Okay to use CC Funds for Literacy Labs – Agency Bill". . The bill authorizes the local Community College to spend up to five per cent of the Literacy Fund. Mr. Kenneth Briggs, Vice President, Community College Affairs, spoke in support of the bill and answered questions from the committee members. Senator Stevens moved a favorable Report for Senate Bill 289 and recommended that it be re-referred to the Committee on Appropriations. The motion carried by unanimous voice vote.

Senator Lucas relinquished the chair to Senator Garwood. Senator Garwood recognized Senator Lucas to explain Senate Joint Resolution 366, "Joint Session/State Board of Education Appointees." This legislation the provision for the date for the Joint Session of the General Assembly to act on the confirmation of the new members of the State Board of Education. Senator Dannelly moved a favorable report for Senate Joint Resolution 366. The motion carried by unanimous voice vote.

Senator Lucas was recognized to explain Senate Joint Resolution 365, "Confirmation /State Board of Education." Resolution provides for confirmation of three appointments to the State Board of Education by the Governor. Senator Dannelly moved a favorable report for Senate Joint Resolution 365, the motion carried by unanimous voice vote.

The Chair was relinquished to Senator Lucas. She recognized Senator Swindell to explain Senate Bill 503, "Age/Eligibility/NC Schools for the Deaf." Senator Swindell moves the adoption of the Proposed Committee Substitute for Senate Bill 503 for discussion. The Motion carried by unanimous voice vote. This is an Agency bill from the Department of Health and Human Services that makes technical corrections. Kathy Rhodes, Department of Health and Human Services and Martha Downs, Department of Public Instruction were recognized to speak on the bill. There was no opposition to this legislation. Senator Dannelly moved an unfavorable report to the original bill favorable report to the Proposed Committee Substitute for Senate Bill 503. The motion carried by voice vote.

Senator Lucas relinquished the Chair to Senator Garwood. Senator Garwood recognized Senator Lucas to explain Senate Bill 600, "School Bus Fire Suppression Equipment." Senator Lucas stated that Committee should see the equipment before acting on this bill, and it will be set up in the Legislative Office Building. Senator Lucas moved the approval of the amendment. The motion was seconded by Senator Dannelly and carried by voice vote. Senator Lucas asked that the committee not take a vote on this bill today, because the demonstration of the equipment is not available today.

Senator Garwood turned the Chair back to Senator Lucas. She recognized Senator Dalton to explain Senate Bill 656, "Innovative Education Initiatives Act." Senator Dalton moved the adoption of the Amendment. The motion carried by voice vote. Senator Dalton thanked staff and Jim Watt, Southern Regional Board of Education for their efforts in drafting this legislation. Mr. Kennon Briggs, Vice President Community College System, shared concerns about this legislation and expressed support of this bill. Mr. J. B. Huxtable, DPI, also spoke on the bill and was available to answer questions from the committee.

The Chair stated that in an effort to make *cross-over*, the bills that were not heard today, will be carried over to tomorrow's agenda. The meeting adjourned the meeting at 10:55 a.m.

Senator Jeanne H. Lucas, Presiding Chair

Joyce Crews Hodge, Committee Assistant

NORTH CAROLINA GENERAL ASSEMBLY
SENATE

EDUCATION/HIGHER EDUCATION COMMITTEE REPORT
Senator John A. Garwood, Co-Chair
Senator Jeanne Hopkins Lucas, Co-Chair
Senator Stephen M. Metcalf, Co-Chair

Tuesday, April 15, 2003

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

FAVORABLE

S.B. **289** OK to Use Com Col Funds for Literacy Labs.-AB
Sequential Referral: Appropriations/Base Budget
Recommended Referral: None

S.JR. **365** Confirmation/State Board of Education
Sequential Referral: None
Recommended Referral: None

S.JR. **366** Joint Session/State Board of Education Appts.
Sequential Referral: None
Recommended Referral: None

TOTAL REPORTED: 3

Committee Clerk Comments:

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2003

S 1

SENATE BILL 289*

Short Title:	OK to Use Com Col Funds for Literacy Labs.-AB	(Public)
Sponsors:	Senators Reeves; Hartsell, Holloman, Kinnaird, Shubert, Stevens, and Weinstein.	
Referred to:	Education/Higher Education.	

March 5, 2003

A BILL TO BE ENTITLED

AN ACT TO PERMIT THE COMMUNITY COLLEGES TO USE LITERACY FUNDS TO PROCURE COMPUTERS FOR LITERACY LABS.

The General Assembly of North Carolina enacts:

SECTION 1. A local community college may use up to five percent (5%) of the Literacy Funds allocated to it by the State Board of Community Colleges to procure computers for literacy labs.

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

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2003

S 1

SENATE JOINT RESOLUTION 365

Sponsors:	Senators Lucas, Garwood, and Metcalf.
Referred to:	Education/Higher Education.

March 11, 2003

A JOINT RESOLUTION PROVIDING FOR CONFIRMATION OF THREE APPOINTMENTS BY THE GOVERNOR OF NEW MEMBERS TO THE STATE BOARD OF EDUCATION.

Whereas, under the provisions of the Constitution of North Carolina and G.S. 115C-10, appointments by the Governor to membership on the State Board of Education are subject to confirmation by the General Assembly in joint session; and

Whereas, the Governor has transmitted to the presiding officers of the Senate and the House of Representatives the names of his appointees to fill the terms of membership on the State Board of Education which expire March 31, 2011; Now, therefore,

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

SECTION 1. The appointments of three persons to membership on the State Board of Education for terms to expire March 31, 2011, are confirmed.

SECTION 2. This resolution is effective upon ratification.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2003

S 1

SENATE JOINT RESOLUTION 366

Sponsors: Senators Lucas, Garwood, and Metcalf.

Referred to: Education/Higher Education.

March 11, 2003

A JOINT RESOLUTION PROVIDING FOR A JOINT SESSION OF THE GENERAL ASSEMBLY TO ACT ON A JOINT RESOLUTION PROVIDING FOR CONFIRMATION OF THE APPOINTMENTS BY THE GOVERNOR OF NEW MEMBERS TO THE STATE BOARD OF EDUCATION.

Whereas, under the provisions of the Constitution of North Carolina and G.S. 115C-10, appointments by the Governor to membership on the State Board of Education are subject to confirmation by the General Assembly in joint session; and

Whereas, vacancies have occurred on the State Board of Education; and

Whereas, the Governor has transmitted to the presiding officers of the Senate and the House of Representatives the names of his appointees to fill the terms of membership on the State Board of Education which expire March 31, 2011; Now, therefore,

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

SECTION 1. Upon the call of the President Pro Tempore of the Senate and the Speaker of the House of Representatives, the General Assembly shall meet in joint session to act on a joint resolution providing for confirmation of the appointments by the Governor of new members to the State Board of Education.

SECTION 2. This resolution is effective upon ratification.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2003

S 2

SENATE JOINT RESOLUTION 366
Education/Higher Education Committee Substitute Adopted 4/23/03

Sponsors:

Referred to:

March 11, 2003

A JOINT RESOLUTION PROVIDING FOR A JOINT SESSION OF THE GENERAL ASSEMBLY TO ACT ON A JOINT RESOLUTION PROVIDING FOR CONFIRMATION OF THE APPOINTMENTS BY THE GOVERNOR OF NEW MEMBERS TO THE STATE BOARD OF EDUCATION.

Whereas, under the provisions of the Constitution of North Carolina and G.S. 115C-10, appointments by the Governor to membership on the State Board of Education are subject to confirmation by the General Assembly in joint session; and

Whereas, vacancies have occurred on the State Board of Education; and

Whereas, the Governor will transmit to the presiding officers of the Senate and the House of Representatives the names of his appointees to fill the terms of membership on the State Board of Education which expire March 31, 2011; Now, therefore,

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

SECTION 1. Upon the call of the President Pro Tempore of the Senate and the Speaker of the House of Representatives, the General Assembly shall meet in joint session to act on a joint resolution providing for confirmation of the appointments by the Governor of new members to the State Board of Education.

SECTION 2. This resolution is effective upon ratification.

PUBLIC BILL

S.B. 503
H 551

SESSION LAW _____

A BILL TO BE ENTITLED

AN ACT TO UPDATE THE LAWS RELATING TO THE ATTENDANCE AGES AND ELIGIBILITY OF STUDENTS FOR NORTH CAROLINA SCHOOLS FOR THE DEAF.

Introduced by Senator(s) Swindell

Principal Clerk's Use Only

FILED MAR 20 2003

PASSED 1st READING

MAR 24 2003

AND REFERRED TO COMMITTEE

Ed/Higher Ed

Favorable PCS

unfavorable to Orig

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2003

S 1

SENATE BILL 503

Short Title:	Age/Eligibility/NC Schools for the Deaf.	(Public)
Sponsors:	Senator Swindell.	
Referred to:	Education/Higher Education.	

March 24, 2003

A BILL TO BE ENTITLED

AN ACT TO UPDATE THE LAWS RELATING TO THE ATTENDANCE AGES AND ELIGIBILITY OF STUDENTS FOR NORTH CAROLINA SCHOOLS FOR THE DEAF.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 143B-216.41 reads as rewritten:

"**§ 143B-216.41. Pupils admitted; education.**

The Department of Health and Human Services ~~shall~~ shall, according to ~~such~~ reasonable regulations ~~as~~ prescribed by the ~~Board of Directors may prescribe,~~ Superintendent of the Office of Education Services, on application, receive into the schools for the purposes of education all ~~deaf~~ deaf, hard-of-hearing, and deaf/blind children ~~resident~~ who: (i) have been referred by their local education agencies and meet the criteria for admission; (ii) are residents of the ~~State who~~State; and (iii) are from age five through age ~~20 years: Provided, that the Department of Health and Human Services may admit students who are not within the age limits set forth above when in its judgment, such admission will be in the best interests of the applicant and the facilities of the school permit such admission.~~21 years. Only those who are bona fide citizens or residents of North Carolina shall be eligible to and entitled to receive free tuition and maintenance. The Department may fix charges and the ~~Board of Directors~~Superintendent of the Office of Education Services may prescribe rules whereby nonresident ~~deaf~~ deaf, hard-of-hearing, and deaf/blind children may be admitted, but in no event shall the admission of nonresidents in any way prevent the attendance of any eligible ~~deaf child,~~deaf, hard-of-hearing, or deaf/blind child who is a resident of North Carolina. The Department shall provide for the instruction of all pupils in the branches of study now prescribed by law for the public schools of the State and in ~~such~~ any other branches as may be of special benefit to the ~~deaf.~~deaf, hard-of-hearing, and deaf/blind.

The Department shall encourage the State to provide the classrooms with modern auditory training equipment, audiovisual media equipment, and any other special

equipment to provide the best educational conditions for the ~~deaf.~~deaf, hard of hearing, and deaf/blind. The Department shall provide a teacher training program in the State. The Department shall provide for a comprehensive vocational and technical training program for ~~boys and girls~~students as may be useful to them in making themselves self-supporting."

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

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2003

S 4

SENATE BILL 503

Education/Higher Education Committee Substitute Adopted 4/17/03
House Committee Substitute Favorable 5/28/03
Fourth Edition Engrossed 6/10/03

Short Title: Age/Eligibility/NC Schools for the Deaf. (Public)

Sponsors:

Referred to:

March 24, 2003

A BILL TO BE ENTITLED

AN ACT TO UPDATE THE LAWS RELATING TO THE ATTENDANCE AGES AND ELIGIBILITY OF STUDENTS FOR NORTH CAROLINA SCHOOLS FOR THE DEAF.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 143B-216.41 reads as rewritten:

"**§ 143B-216.41. Pupils admitted; education.**

~~The Department of Health and Human Services shall according to such reasonable regulations as the Board of Directors may prescribe, on application, receive into the schools for the purposes of education all deaf children resident of the State who are from age five through age 20 years: Provided, that the Department of Health and Human Services may admit students who are not within the age limits set forth above when in its judgment, such admission will be in the best interests of the applicant and the facilities of the school permit such admission. Only those who are bona fide citizens or residents of North Carolina shall be eligible to and entitled to receive free tuition and maintenance. The Department may fix charges and the Board of Directors may prescribe rules whereby nonresident deaf children may be admitted, but in no event shall the admission of nonresidents in any way prevent the attendance of any eligible deaf child, resident of North Carolina. The Department shall provide for the instruction of all pupils in the branches of study now prescribed by law for the public schools of the State and in such other branches as may be of special benefit to the deaf.~~

~~The Department shall encourage the State to provide the classrooms with modern auditory training equipment, audiovisual media equipment, and any other special equipment to provide the best educational conditions for the deaf. The Department shall provide a teacher training program in the State. The Department shall provide for a comprehensive vocational and technical training program for boys and girls as may be useful to them in making themselves self-supporting.~~

(a) The Department of Health and Human Services may consider for admission all deaf and deaf/multidisabled children into the schools for the deaf who meet the following criteria and in accordance with federal and State law and rules adopted by the Office of Education Services:

(1) The child has been referred by the child's local education agency and an admission is deemed appropriate by the child's Individualized Education Program (IEP) Team.

(2) The child is a resident of this State, except as provided in subsection (b) of this section.

(3) The child is at least five years of age but not older than 21 years of age.

(b) Nonresident deaf or deaf/multidisabled children may be admitted to the schools for the deaf in accordance with rules adopted by the Office of Education Services if the admission does not prevent the attendance of any deaf or deaf/multidisabled child who is a resident of the State. Only children who are residents of North Carolina are entitled to free tuition and room and board.

(c) The Department, through the Office of Education Services, shall provide unique instructional programs to meet the needs of all students admitted to the schools for the deaf. The Department shall encourage the State to provide classrooms with modern auditory training equipment, audiovisual media equipment, and any other special equipment to provide the best educational conditions for the deaf and deaf/multidisabled.

(d) The Department, through the Office of Education Services, shall do the following:

(1) Maintain a collaborative relationship with institutions of higher education to provide teacher-training opportunities.

(2) Provide for a comprehensive vocational and technical training program as directed in the transition component of the Individualized Education Programs of students."

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

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2003

S 1

SENATE BILL 656

Short Title:	Innovative Educ. Initiatives Act.	(Public)
Sponsors:	Senators Dalton; Albertson, Bingham, Clodfelter, Dorsett, Forrester, Garrou, Garwood, Gulley, Hagan, Hargett, Holloman, Hoyle, Jenkins, Lucas, Metcalf, Purcell, Queen, Rand, Reeves, Swindell, Thomas, and Weinstein.	
Referred to:	Education/Higher Education.	

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's Innovative Education Initiatives Account.

"**§ 115C-472.10. Governor's First in America's 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's 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 Board of Directors shall authorize payments from the Account.

"**§ 115C-472.11. Board of Directors.**

(a) Expenditures from the Account shall be authorized by a 12-member Board of Directors. Four members shall be appointed by the Governor, four by the General Assembly upon the recommendation of the President Pro Tempore of the Senate in accordance with G.S. 120-121, and four by the General Assembly upon the recommendation of the Speaker of the House of Representatives in accordance with

G.S. 120-121. Persons appointed shall be knowledgeable in the development of innovative educational initiatives that will assist the State in achieving its goal of making the State's system of education first in America by 2010. Each appointing officer shall designate one of that officer's initial appointments to serve a two-year term, one to serve a four-year term, and one to serve a six-year term. Thereafter, all appointments shall be for six years, subject to reappointment. Appointments shall expire January 1 of odd-numbered years. The Governor shall appoint one Director to serve as Chair of the Board. The Office of the Governor may provide the Board of Directors with staff support and meeting facilities using expenditures from the Account. The office of Director is declared to be an office that may be held concurrently with any other executive or appointive office, under the authority of Article VI, Section 9, of the North Carolina Constitution.

(b) The Board of Directors 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 Directors 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 Directors 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 Directors 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 Board of Directors 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.

(b) Nothing shall be construed to prevent the Board of Directors 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 Board of Directors shall not impose any financial burden or any obligation on the State or any of its subdivisions.

(c) The Board of Directors shall maintain and update a list of expenditures made under this Article. The list shall identify the purpose and beneficiaries of each expenditure. The Board shall furnish annually a copy of the list to each Director, the Governor, 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.

"**§ 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.

(9) Establish joint institutional responsibility and accountability for support of students and their success.

(10) Effectively utilize existing funding sources for high school, community college, and vocational programs, and actively pursue new funding from other sources.

(11) Develop methods for early identification of potential participating students in the middle grades and through high school.

(12) Reduce the percentage of students needing remedial courses upon their initial entry from high school into a college or university.

(c) Programs developed under this Part that target students who are at risk of 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.**

(a) A program approved by the State shall be accountable to the local board of education.

(b) A program approved under this Part shall operate under the terms of a written agreement signed by the local board of education, local board of trustees, State Board of Education, and State Board of Community Colleges. The agreement shall incorporate the information provided in the application, as modified during the approval process, and any terms and conditions imposed on the program by the State Board of Education and the State Board of Community Colleges. The agreement may be for a term of no longer than five school years.

(c) A program may be operated in a facility owned or leased by the local board of education, the local board of trustees of the community college, or the education partner, if any.

(d) A program approved under this Part shall provide instruction each school year for at least 180 days during nine calendar months, shall comply with laws and policies relating to the education of students with disabilities, and shall comply with Article 27 of this Chapter.

(e) A program approved under this Part may use State, federal, and local funds allocated to the local school administrative unit, to the State Board of Community Colleges, and to the community college to implement the program. If there is an education partner and if it is a public body, the program may use State, federal, and local funds allocated to that body.

(f) Except as provided in this Part and pursuant to the terms of the agreement, a program is 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.

"**§ 115C-238.54. Funds for programs.**

(a) The Department of Public Instruction shall assign a school code for each program that is approved under this Part. All positions and other State and federal allotments that are generated for this program shall be assigned to that school code. Notwithstanding G.S. 115C-105.25, once funds are assigned to that school code, the local board of education may use these funds for the program and may transfer these funds between funding allotment categories.

(b) The local board of trustees of a community college may allocate State and federal funds for a program that is approved under this Part.

(c) An education partner under G.S. 115C-238.52 that is a public body may allocate State, federal, and local funds for a program that is approved under this Part.

(d) If not an education partner under G.S. 115C-238.52, a county board of commissioners in a county where a program is located may nevertheless appropriate funds to a program approved under this Part.

(e) The local board of education and the local board of trustees of the community college are strongly encouraged to seek funds from sources other than State, federal, and local appropriations. They are strongly encouraged to seek funds from the Governor's First in America's Innovative Education Initiatives Account established under Article 32D of this Chapter.

"**§ 115C-238.55. Evaluation of programs.**

The State Board of Education and the State Board of Community Colleges shall evaluate the success of students in programs approved under this Part. Success shall be measured by high school retention rates, high school completion rates, high school dropout rates, certification and associate degree completion, admission to four-year institutions, postgraduation employment in career or study-related fields, and employer satisfaction of employees who participated in and graduated from the programs. Beginning October 15, 2005, and annually thereafter, the Boards shall jointly report to the Joint Legislative Education Oversight Committee on the evaluation of these programs. If, by October 15, 2007, the Boards determine any or all of these programs have been successful, they shall jointly develop a prototype plan for similar programs that could be expanded across the State. This plan shall be included in their report to the Joint Legislative Education Oversight Committee that is due by October 15, 2006.

"**§§ 115C-238.56 through 115C-238.59: Reserved for future codification purposes.**"

SECTION 3. Local school administrative units and the State Board of Education shall identify, strengthen, and adopt policies and procedures that encourage students to remain in high school rather than to drop out and that encourage all students to pursue a rigorous academic course of study. As part of this process, the State Board and the local school administrative units are encouraged to eliminate or revise any policies or procedures that discourage some students from completing high school or that discourage any student from pursuing a rigorous academic course of study. No later than March 1, 2004, local school administrative units shall report to the State Board of Education the policies they have identified, strengthened, adopted, and eliminated under this section. No later than April 15, 2004, the State Board shall report to the Joint Legislative Education Oversight Committee on these policies as well as on the policies the Board has identified, strengthened, adopted, and eliminated under this section.

SECTION 4. Nothing in this act shall be construed to obligate the General Assembly to make appropriations to implement this act.

SECTION 5. This act is effective when it becomes law.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2003

S 1

SENATE BILL 600

Short Title:	School Bus Fire Suppression Equipment.	(Public)
Sponsors:	Senators Lucas; Dannelly, Dorsett, Holloman, Kinnaird, and Malone.	
Referred to:	Education/Higher Education.	

March 31, 2003

A BILL TO BE ENTITLED

AN ACT TO REQUIRE THE STATE BOARD OF EDUCATION TO ISSUE RULES REQUIRING FIRE SUPPRESSION EQUIPMENT IN ALL SCHOOL BUSES.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 115C-240 is amended by adding a new subsection to read:

"(c1) The State Board of Education shall issue rules requiring the installation of vehicle fire suppression systems in all school buses purchased during or after the 2003-2004 fiscal year. The State Board of Education shall issue rules requiring the retrofitting of vehicle suppression systems in all school buses by December 31, 2010."

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

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2003

S 1

SENATE BILL 699

Short Title:	Eliminate High School Exit Exam.	(Public)
Sponsors:	Senators Metcalf; Apodaca, Carpenter, Dannelly, Garwood, Holloman, Kinnaird, Lucas, and Tillman.	
Referred to:	Education/Higher Education.	

April 2, 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~~

~~geography and size to participate in the study. If the State Board determines that a standardized test administered in May, 12 months prior to the third grade end-of-grade test, is more reliable than a standardized test administered at the beginning of third grade for the purpose of measuring academic growth, the State Board may change the test date for additional local school units. The State Board shall report the results of the study to the Joint Legislative Education Oversight Committee by October 15, 2000.~~

Baseline measurements administered in May, 12 months prior to the third grade end-of-grade test, are not public records as provided in Chapter 132 of the General Statutes.

(2) If the State Board of Education finds that additional testing in grades three through 12 is desirable to allow comparisons with national indicators of student achievement, that testing shall be conducted with the smallest size sample of students necessary to assure valid comparisons with other states.

(d) Limitation on Additional Tests. – The State Board of Education shall not require any additional standardized tests beyond those that were administered in the 2002-2003 academic year, unless the administration of the tests is required to comply with the No Child Left Behind Act, Public Law 107-110 (115 U.S. Stat. 1425-2094) or any other federal law. Nothing in this subsection shall preclude modification of existing tests or the creation of an end-of-course test for Civics and Economics."

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

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2003

S 1

SENATE BILL 795

Short Title:	Character Educ. to Include Antiviolence Info.	(Public)
Sponsors:	Senator Queen.	
Referred to:	Education/Higher Education.	

April 3, 2003

A BILL TO BE ENTITLED

AN ACT TO MODIFY CHARACTER EDUCATION IN KINDERGARTEN THROUGH TWELFTH GRADE TO INCLUDE AN ANTIVIOLENCE MESSAGE AND A CONFLICT RESOLUTION COMPONENT.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 115C-81(h1)(2) reads as rewritten:

"(h1) In addition to the instruction under subsection (h) of this section, local boards of education are encouraged to include instruction on the following responsibilities:

...

(2) Responsibility for school safety. – Helping to create a harmonious school atmosphere that is free from threats, weapons, and violent or disruptive behavior; cultivate an orderly learning environment in which students and school personnel feel safe and secure; and encourage the resolution of conflicts and disagreements through peaceful means including peer mediation. Instruction in this responsibility should include a consistent and age-appropriate antiviolence message and a conflict resolution component for students in kindergarten through twelfth grade. These messages should include media-awareness education to help children recognize stereotypes and messages portraying violence. This approach should be promoted in all public and charter schools.

...."

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

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2003

S 1

SENATE BILL 857

Short Title:	Student Transportation Purchases.	(Public)
Sponsors:	Senators Metcalf; and Garwood.	
Referred to:	Education/Higher Education.	

April 3, 2003

A BILL TO BE ENTITLED

AN ACT GRANTING LOCAL SCHOOL ADMINISTRATIVE UNITS FLEXIBILITY IN PURCHASING SUPPLIES, EQUIPMENT, AND MATERIALS RELATED TO STUDENT TRANSPORTATION.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 115C-522.1 reads as rewritten:

"**§ 115C-522.1. Purchasing flexibility.**

(a) Repealed by Session Laws 1998-194, s.1.

(b) Local school administrative units shall have the authority to purchase supplies, equipment, and ~~materials~~ materials, including those related to student transportation, from noncertified sources subject to the following conditions:

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

(1a) The items are the same or substantially similar in quality, service, and performance as items available under State term contracts;

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

(3) The local school administrative unit maintains written documentation of the cost savings; and

(4) Repealed by Session Laws 1998-194, s.1.

(5) The local school administrative unit notifies the Department of Administration of any purchases of items it made that are substantially equivalent to and not the same as items under State term contracts.

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

(d) Upon the request of the Department of Administration, a local school administrative unit shall provide the written documentation of cost savings required under subdivision (3) of subsection (b) of this section.

(e) ~~The State Board shall adopt rules to exempt from this section supplies, equipment, and materials related to student transportation.~~ The State Board shall adopt guidelines regarding the interpretation and implementation of this section."

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

AGENDA

Senate Education/Higher Education Committee

Wednesday, April 16, 2003
10:00 a.m., Room 643

Senator Steve Metcalf, Presiding

Welcome
Senator Metcalf

- **SB 699 - Eliminate HS Exit Exam**
  Sen. Metcalf

- **SB 61 - Military Personnel/Tuition**
  Sen. Rand

- **SB 714 – Compensation of Teachers on Active Duty**
  Sen. Hartsell

- **SB 359 – LEA's Authority to Operate Charter School**
  Sen. Garrou

- **SB 697 – Community College Trust Fund Established**
  Sen. Metcalf

- **SB 698 – Advisory Members on State Board of Education**
  Sen. Metcalf

- **SB 509 – Mentor Pilot Program**
  Sen. Dannelly

- **SB 645 – LEA's & Colleges Operate Charter Schools**
  Sen. Brock

Adjournment

SENATE EDUCATION/HIGHER EDUCATION COMMITTEE

Wednesday, April 16, 2003, 10:00 a.m.
Room 643 Legislative Office Building

Minutes

The Senate Education/Higher Education Committee met Wednesday, April 16, 2003 at 10:00 in Room 643 of the Legislative Office Building. Senator Steve Metcalf, Presiding Chair, called the meeting to order with Twenty-eight members present. He introduced the pages, Jacob Summey, Trinity, sponsored by Senator Queen, Harry "C.J." Johnson, Guilford County, sponsored by Senator Dorsett, Jonas Pinkney, Charlotte, sponsored by Sen. Pettenger. Senator Metcalf welcomed everyone to the meeting.

Senator Rand was recognized to explain senate Bill 61, "Military Personnel/Tuition." After Committee discussion, Senator Forrester moved a favorable report for Senate Bill 61. The motion carried by unanimous voice vote.

Senator Hartsell was recognized to explain Senate Bill 714, "Compensation of Teachers on Active Duty." Senator Hartsell moved the adoption of the Proposed Committee Substitute for Discussion. Senator Horton moved an unfavorable report as to the original bill and a favorable report for the Proposed Committee Substitute for senate Bill 714. The motion carried by unanimous voice vote.

Senator Metcalf recognized Senator Garrou to explain Senate Bill 359, "LEA's Authority to Operate Charter School." Senator Garrou moved to adopt the amendment, which clarifies this for Winston-Salem Forsyth Schools. Senator Swindell moved a favorable report for Senate Bill 359, as amended, and the amended bill be rolled into a committee substitute. He amended his motion for an unfavorable report to the original bill and a favorable report for the Proposed Committee Substitute for Senate Bill 359. The motion carried by unanimous voice vote.

Senator Brock was recognized to explain Senate Bill 644, "LEA's & Colleges to Operate Charter Schools." Mr. Otha Tucker, Director of Charter Schools, Department of Public Instruction, also spoke on the bill. After Committee discussion, the Chair stated that, without objection, Senate Bill 644 would be continued at a later meeting.

The meeting was adjourned at 10:56 a.m.

Sen. Steve Metcalf, Chair

Joyce Crews Hodge, Clerk

NORTH CAROLINA GENERAL ASSEMBLY
SENATE

EDUCATION/HIGHER EDUCATION COMMITTEE REPORT
Senator John A. Garwood, Co-Chair
Senator Jeanne Hopkins Lucas, Co-Chair
Senator Stephen M. Metcalf, Co-Chair

Wednesday, April 16, 2003

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

FAVORABLE

S.B. **61** Military Personnel/Tuition.
Sequential Referral: None
Recommended Referral: None

UNFAVORABLE AS TO BILL, BUT FAVORABLE AS TO COMMITTEE SUBSTITUTE BILL

S.B. **656** Innovative Educ. Initiatives Act.
Draft Number: PCS35235
Sequential Referral: None
Recommended Referral: None
Long Title Amended: No

TOTAL REPORTED: 2

Committee Clerk Comments:

NORTH CAROLINA GENERAL ASSEMBLY
SENATE

EDUCATION/HIGHER EDUCATION COMMITTEE REPORT
Senator John A. Garwood, Co-Chair
Senator Jeanne Hopkins Lucas, Co-Chair
Senator Stephen M. Metcalf, Co-Chair

Thursday, April 17, 2003

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

UNFAVORABLE AS TO BILL, BUT FAVORABLE AS TO COMMITTEE SUBSTITUTE BILL

S.B. **359** LEA's Authority to Operate Charter School.

Draft Number:	PCS 40018
Sequential Referral:	None
Recommended Referral:	None
Long Title Amended:	No

S.B. **503** Age/Eligibility/NC Schools for the Deaf.

Draft Number:	PCS 85210
Sequential Referral:	None
Recommended Referral:	None
Long Title Amended:	No

S.B. **714** Compensation of Teachers on Active Duty.

Draft Number:	PCS85213
Sequential Referral:	None
Recommended Referral:	None
Long Title Amended:	Yes

TOTAL REPORTED: 3

Committee Clerk Comments:

VISITOR REGISTRATION SHEET

Senate Education/Higher Education — **April 15, 2003**
Name of Committee — **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Hgw Thomas	NCICU
Mark Fleury	University System
Ken Huey	Gov's office
Tim Maxwell	NCICU
RP Hatch	NC Justice Ctr
Tim Minton	NC Home Builders Assoc.
Steve Hoffman	NCSBA
Renee Vinson	~~ASG~~
Bob Lee	HHS
Joanne Stevens	Nursing

VISITOR REGISTRATION SHEET

Senate Education/Higher Education — **April 15, 2003**
Name of Committee — **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Kimberly Hunter	
Brea Wilkerson	
MILDRED BAZEMORE	NCDPI
[illegible]	DPI
[illegible]	Gov's office
[illegible]	Public School Forum
Martha Downing	NC DPI
June Atkinson	NCDPI
[illegible]	SBE
Lonnie M. Fabrizio	NC DPI

VISITOR REGISTRATION SHEET

Senate Education/Higher Education — **April 15, 2003**
Name of Committee — **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Hal Miller	NCACCT
Katherine Joyce	NCASA
Reeves Anderson	DHDP- CPSV
Amy Dobson	NC State Univ
EDDIE DAVIS	NCAE
[illegible]	[illegible]
[illegible]	NCCCS
Ed Turlington	Brooks Pierce
[illegible]	NCSBA
Gene Causby	NCCCA
[illegible]	NCRA

VISITOR REGISTRATION SHEET

Senate Education/Higher Education — **April 15, 2003**
Name of Committee — **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
MIKE WATERS	NCRPS
John Cyrus	N.C. State Univ
M Lewis	CAST

AGENDA

Senate Education/Higher Education Committee

Wednesday, April 23, 2003
10:00 a.m., Room 643

Senator Garwood, Presiding

Welcome
Senator

- **SB 366 – Joint Session/State Board of Edu. Appointments**
  Sen. Lucas
- **SB 697 - Community College Trust Fund Established**
  Sen. Metcalf
- **SB 698 – Advisory Members on State Board of Education**
  Sen. Metcalf
- **SB 701 – Job Sharing for School Personnel**
  Sen. Metcalf
- **SB 977 – Limit Use of Restraints/Seclusion in Schools**
  Sen. Dorsett
- **SB 783 – Raise Compulsory School Attendance Age**
  Sen. Garwood
- **SB 795 – Character Education to Include Antiviolence Information**
  Sen. Queen
- **SB 886 – Sun Safety For School Children**
  Sen. Carpenter
- **SB 952 – Amend Distinguish Prof. Endowment Trust Fund**
  Sen. Lucas
- **SB 737 – Calendar Must Let Teachers Take Earned Leave**
  Sen. Lucas
- **SB 994 – School Suspension for Sale of Alcohol/Drug**
  Sen. Garrou
- **SB 31 - Teacher Credit for Excess Personal leave**
  Sen. Foxx
- **SB 618 – Health Education Courses/Accurate Information**
  Sen. Lucas
- **SB 779 – Schools Begin After Labor Day**
  Sen. Dannelly
- **SB 583 – Tobacco-Free Schools**
  Sen. Purcell

Adjournment

AGENDA

Senate Education/Higher Education Committee

Wednesday, April 23, 2003
Afternoon Meeting, Room 1027

Senator Garwood, Presiding

Welcome
Senator Garwood

- **SB 977 – Limit Use of Restraints/Seclusion in Schools**
  Sen. Dorsett
- **SB 698 – Advisory Members on State Board of Education**
  Sen. Metcalf
- **SB 783 – Raise Compulsory School Attendance Age**
  Sen. Garwood
- **SB 795 – Character Education to Include Antiviolence Information**
  Sen. Queen
- **SB 886 – Sun Safety For School Children**
  Sen. Carpenter
- **SB 952 – Amend Distinguish Prof. Endowment Trust Fund**
  Sen. Lucas
- **SB 737 – Calendar Must Let Teachers Take Earned Leave**
  Sen. Lucas
- **SB 994 – School Suspension for Sale of Alcohol/Drug**
  Sen. Garrou
- **SB 618 – Health Education Courses/Accurate Information**
  Sen. Lucas
- **SB 779 – Schools Begin After Labor Day**
  Sen. Dannelly
- **SB 31 - Teacher Credit for Excess Personal leave**
  Sen. Foxx

Adjournment

SENATE EDUCATION/HIGHER EDUCATION COMMITTEE

Wednesday, April 23, 2003, 10:00 a.m.
Room 643 Legislative Office Building
Minutes

The Senate Education/Higher Education Committee met Wednesday, April 23, 2003 at 10:00 a.m. in Room 643 of the Legislative Office Building. Senator John Garwood, Presiding Chair called the meeting to order with twenty-nine members present.

After introduction of the pages, Senator Garwood recognized Senator Lucas to explain Senate Joint Resolution 366, "Joint Session/State Board of Education appointments." Senator Lucas moved the adoption of the Proposed Committee Substitute for Senate Joint Resolution 366.The motion carried by voice vote. Senator Dannelly moved a favorable report for the Proposed Committee Substitute for Senate Joint Resolution 366, and an unfavorable report for the Original Senate Joint Resolution 366. The motion carried by unanimous voice vote.

Senator Metcalf was recognized to explain Senate Bill 701, "Job Sharing for School Personnel." After committee discussion, Senator Dannelly moved a favorable report for Senate Bill 701. The motion passed by unanimous voice vote.

Senator Lucas was recognized to explain Senate Bill 952, "Amend Distinguished Professor Endowment Trust Fund." Senator Lucas moved to accept the technical amendment. The motion carried by voice vote. Mr. J. B. Miliken, Vice President UNC-Chapel Hill was present to speak in support of the bill and to answer questions. Senator Lucas moved that the original bill receive and unfavorable report but favorable as to the Committee Substitute. The motion carried by unanimous voice vote.

Senator Metcalf was recognized to explain Senate Bill 697, "Community College Trust Fund Established." Senator Harstell moved to accept the Proposed Committee Substitute for discussion. Mr. Kennon Briggs, Vice President, Business and Finance, Community Colleges, was recognized to speak on the bill. He spoke in support of the bill. After committee discussion of the bill, Senator Dannelly moved a favorable report as to the Committee Substitute and an unfavorable report as to the original bill. The motion carried by unanimous voice vote.

Senator Garwood relinquished the Chair to Senator Lucas. Senator Lucas recognized Senator Garwood to explain Senate Bill 783, "Raise Compulsory School Attendance Age." Senator Garwood moved to accept the Proposed Committee Substitute for discussion. Staff was recognized to explain the Proposed Committee Substitute. Senator Garwood stated that the legislation increases the mandatory age of school attendance from 16 to 17 years of age. After Committee discussion, the Chair stated that the bill would be placed on the Agenda for the next meeting.

Lieutenant Governor Beverly Perdue was recognized to explain Senate Bill 583 "Tobacco Free Schools." Senator Gulley moved to suspend the rules to hear the Committee Substitute for Senate bill 583. The motion carried by voice vote. Lt. Governor Perdue explained the Committee Substitute. The bill asks school systems to adopt a tobacco free policy. Senator Purcell the adoption of the Committee Substitute. The motion carried by unanimous voice vote. Some concern about enforcement was expressed. Senator Dannelly moved a favorable report for the Committee Substitute and an unfavorable report as to the original bill. The motion carried by unanimous voice vote.

The meeting was adjourned until 15 minutes after the Senate adjourns.

Wednesday, April 23, 2003, Afternoon
Room 1027 Legislative Building
Minutes

The Senate Education/Higher Education Committee met Wednesday afternoon, April 23, 2003 in Room 1027 of the Legislative Building. Senator John Garwood, Presiding Chair called the meeting to order with twenty-eight members present.

After introduction of the pages, Senator Garwood recognized Senator Dorsett to explain Senate Bill 977, "Study use of Seclusion/Restraints in Schools". Senator Dorsett moved to suspend the rules to hear the Proposed Committee Substitute for Senate Bill 977. The Motion carried. After Senator Dorsett explained the legislation and committee discussion the Chair opened the discussion to parents and citizens.

Sue Jezenski, Chapel Hill, Donna Copeland, Chowan County; Harriett Green Petree, Raleigh; Edna Sheffield, Kinston, spoke in support of the bill and shared personal experiences with the Committee.

The Chair stated that a vote would be taken on the bill at a later time.

The Chair was relinquished to Senator Lucas. She recognized Senator Garwood to explain Senate Bill 783, "Raise Compulsory School Attendance Age". Senator Garwood stated that the State Board of Education strongly supports this legislation. After Committee discussion, Senator Dannelly moved an unfavorable report for Senate Bill 783and favorable as to the Proposed Committee Substitute and that the proposed Committee Substitute be re-referred to the Appropriations Committee. The motion passed by voice vote.

Senator Queen was recognized to explain Senate Bill 795, "Character Education to Include Antiviolence Information." Senator Lucas moved to adopt the Proposed Committee Substitute for Discussion. The motion carried by unanimous voice vote. Senator Queen stated that this is a recommendation to school systems to include all aspects of life. This is a recommendation from the Child Well Being and Domestic Violence Task Force. Senator Shubert requested to read the report of the "Child Well Being and Domestic Violence" task Force before proceeding with this bill.

LeAnn Winner, North Carolina School Boards Association, expressed concerns of the Association. Senator Dannelly stated that there is a need for a fiscal note and the bill possibly should be re-referred to the Appropriations Committee.

Senator Metcalf moved to carry this bill over to a future meeting. The motion carried by unanimous voice vote.

Senator Carpenter was recognized to explain Senate Bill 886, "Sun Safety for School Children." He stated that this bill is requested and supported by the Advisory Committee on Cancer Coordination and Control." Senator Smith moved to amend the bill in Section 5. The motion carried by voice vote. Senator Gulley moved a favorable report to Senate Bill 886 as amended and the amendment be rolled into a Proposed Committee Substitute. The motion carried by voice vote.

Senate Lucas was recognized to explain Senate Bill 737 "Calendar Must Let Teachers Take Earned leave." Ms. Carolyn McKinney also spoke in support of the bill. She also explained the difference in protected and unprotected days. Senator Lucas moved that Senate Bill 737 receive a favorable report. The motion was seconded by Senator Tillman and passed by unanimous voice vote.

Senator Fox was recognized to explain Senate Bill 31, "teacher Credit for Excess Personal Leave." Senator Fox moved the adoption of the Proposed Committee Substitute for Discussion. The motion carried by voice vote. After discussion, Senator Dannelly moved a favorable report to the Proposed Committee Substitute for Senate Bill 31 and an unfavorable to the original bill. The motion carried by unanimous voice vote.

Senator Dannelly was recognized to explain Senate Bill 779, "School Begins after Labor Day." Senator Garrou moved to accept the Proposed Committee Substitute for Senate Bill 779. The motion carried by voice vote. After much committee discussion, the bill was withdrawn from the agenda.

Senate Garrou was recognized to explain senate Bill 994, "School Suspension for Sale of Alcohol/Drugs." Senator Lucas moved the adoption of Amendment #1. The motion carried. At the request of the sponsor, the bill was carried to a future meeting.

Senator Lucas was recognized to explain senate Bill 618, "Health Education Courses/Accurate Information." Senator Smith moved an unfavorable report. Senator Metcalf suggested that the bill be discussed. A voice vote was taken and division called on the voice vote. The motion for an unfavorable report failed by a vote of 8 to 7.

Mr. John Rest, NC Family Policy Council was recognized to speak on the bill. He stated that the bill is subject to the national agenda, however there is opposition to the bill. Senator Lucas moved to pull the bill from today's agenda and adjourn the meeting. Senator Metcalf stated that it has been a long day and people should be given an opportunity to be heard.

The meeting was adjourned.

John Garwood

Senator John Garwood, Presiding Chair

Joyce Crews Hodge

Joyce Crews Hodge, Committee Assistant

NORTH CAROLINA GENERAL ASSEMBLY
SENATE

EDUCATION/HIGHER EDUCATION COMMITTEE REPORT
Senator John A. Garwood, Co-Chair
Senator Jeanne Hopkins Lucas, Co-Chair
Senator Stephen M. Metcalf, Co-Chair

Wednesday, April 23, 2003

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

FAVORABLE

S.B. **701** Job Sharing for School Personnel.
Sequential Referral: None
Recommended Referral: None

UNFAVORABLE AS TO BILL, BUT FAVORABLE AS TO COMMITTEE SUBSTITUTE BILL

S.B. **952** Amend Distinguish Prof. Endowment Trust Fund.
Draft Number: PCS35255
Sequential Referral: None
Recommended Referral: None
Long Title Amended: No

UNFAVORABLE AS TO JOINT RESOLUTION, BUT FAVORABLE AS TO COMMITTEE SUBSTITUTE JOINT RESOLUTION

S.JR. **366** Joint Session/State Board of Education Appts.
Draft Number: PCS40026
Sequential Referral: None
Recommended Referral: None
Long Title Amended: No

TOTAL REPORTED: 3

Committee Clerk Comments:

NORTH CAROLINA GENERAL ASSEMBLY
SENATE

EDUCATION/HIGHER EDUCATION COMMITTEE REPORT
Senator John A. Garwood, Co-Chair
Senator Jeanne Hopkins Lucas, Co-Chair
Senator Stephen M. Metcalf, Co-Chair

Wednesday, April 23, 2003

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

UNFAVORABLE AS TO BILL, BUT FAVORABLE AS TO COMMITTEE SUBSTITUTE BILL

S.B. **583** Tobacco-Free Schools.

Draft Number:	PCS55175
Sequential Referral:	None
Recommended Referral:	None
Long Title Amended:	No

TOTAL REPORTED: 1

Committee Clerk Comments:

NORTH CAROLINA GENERAL ASSEMBLY
SENATE

EDUCATION/HIGHER EDUCATION COMMITTEE REPORT
Senator John A. Garwood, Co-Chair
Senator Jeanne Hopkins Lucas, Co-Chair
Senator Stephen M. Metcalf, Co-Chair

Thursday, April 24, 2003

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

FAVORABLE

S.B. **737** Calendar Must Let Teachers Take Earned Leave.
Sequential Referral: None
Recommended Referral: None

UNFAVORABLE AS TO BILL, BUT FAVORABLE AS TO COMMITTEE SUBSTITUTE BILL

S.B. **31** Teacher Credit for Excess Personal Leave.
Draft Number: PCS65277
Sequential Referral: Pensions & Retirement and Aging
Recommended Referral: None
Long Title Amended: No

S.B. **783** Raise Compulsory School Attendance Age.
Draft Number: PCS75243
Sequential Referral: None
Recommended Referral: None
Long Title Amended: No

S.B. **886** Sun Safety for School Children.
Draft Number: PCS75244
Sequential Referral: None
Recommended Referral: None
Long Title Amended: No

TOTAL REPORTED: 4

Committee Clerk Comments:

NORTH CAROLINA GENERAL ASSEMBLY
SENATE

EDUCATION/HIGHER EDUCATION COMMITTEE REPORT
Senator John A. Garwood, Co-Chair
Senator Jeanne Hopkins Lucas, Co-Chair
Senator Stephen M. Metcalf, Co-Chair

Monday, April 28, 2003

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

UNFAVORABLE AS TO BILL, BUT FAVORABLE AS TO COMMITTEE SUBSTITUTE BILL

S.B. **697** Community College Trust Fund Established.

Draft Number:	PCS35256
Sequential Referral:	None
Recommended Referral:	None
Long Title Amended:	No

TOTAL REPORTED: 1

Committee Clerk Comments:

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2003

S 1

SENATE BILL 957

Short Title:	K-8 Testing Reform Act of 2003.	(Public)
Sponsors:	Senators Apodaca, Rand, Tillman; Bingham, Blake, Carpenter, Foxx, Garwood, Hargett, Hartsell, Holloman, Metcalf, Pittenger, Rucho, Shubert, Sloan, Smith, and Stevens.	
Referred to:	Education/Higher Education.	

April 3, 2003

A BILL TO BE ENTITLED

AN ACT TO MODIFY THE STATE SCHOOL TESTING PROGRAM.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 115C-12(9a) reads as rewritten:

"**§ 115C-12. Powers and duties of the Board generally.**

The general supervision and administration of the free public school system shall be vested in the State Board of Education. The State Board of Education shall establish policy for the system of free public schools, subject to laws enacted by the General Assembly. The powers and duties of the State Board of Education are defined as follows:

. . .

(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,~~ measurable 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)~~(vi) be measurable in grades three through eight by nationally normed achievement tests, and (vii) be ~~measurable, whenever possible,~~ measurable 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. 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.

...."

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 academic 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.

The tests adopted for grades three through eight shall be nationally normed achievement tests, developed by a testing company. The State Board shall adopt these tests after consultation with the advisory committee established pursuant to subdivision (1a) of this subsection. These tests shall be administered for no more than five days in a school year.

Students who ~~do not pass the tests adopted~~ score below the national average in reading or mathematics 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 geography and size to participate in the study. If the State Board determines that a standardized test administered in May, 12 months prior to the third grade end-of-grade test, is more reliable than a standardized test administered at the beginning of third grade for the purpose of measuring academic growth, the State Board may change the test date~~

~~for additional local school units. The State Board shall report the results of the study to the Joint Legislative Education Oversight Committee by October 15, 2000.~~

~~Baseline measurements administered in May, 12 months prior to the third grade end-of-grade test, are not public records as provided in Chapter 132 of the General Statutes.~~

(1a) There is hereby established an advisory committee to assist the State Board of Education with test selection. The advisory committee shall consist of:

a. Three Senators, appointed by the President Pro Tempore of the Senate;

b. Three members of the House of Representatives appointed by the Speaker of the House of Representatives;

c. The chair of the State Board of Education;

d. The Superintendent of Public Instruction;

e. One representative of higher education, one teacher, and one parent appointed by the President Pro Tempore of the Senate; and

f. One teacher certified in special education, one other teacher, and one parent appointed by the Speaker of the House of Representatives.

The Legislative Services Office shall provide staff to the advisory committee.

(2) If the State Board of Education finds that additional testing in grades ~~three~~ 9 through 12 is desirable to allow comparisons with national indicators of student achievement, that testing shall be conducted with the smallest size sample of students necessary to assure valid comparisons with other states."

SECTION 3. G.S. 115C-174.12 reads as rewritten:

"**§ 115C-174.12. Responsibilities of agencies.**

(a) The State Board of Education shall establish policies and guidelines necessary for minimizing the time students spend taking tests administered through State and local testing programs, for minimizing the frequency of field testing in grades nine through 12 at any one school, and for otherwise carrying out the provisions of this Article. These policies shall reflect standard testing practices to insure reliability and validity of the sample testing. The results of the field tests shall be used in the final design of each ~~test.~~test for grades nine through 12. The State Board of Education's policies regarding the testing of children with disabilities shall (i) provide broad accommodations and alternate methods of assessment that are consistent with a child's individualized education program and section 504 (29 U.S.C. § 794) plans, (ii) prohibit the use of statewide tests as the sole determinant of decisions about a child's graduation or promotion, and (iii) provide parents with information about the Statewide Testing Program and options for students with disabilities. The State Board shall contract with testing companies to provide broad accommodations and alternate methods of

assessment for children in grades three through eight that are consistent with each child's individualized education program and section 504 (29 U.S.C. § 794) plans. The State Board shall report its proposed policies and proposed changes in policies to the Joint Legislative Education Oversight Committee prior to adoption.

The State Board of Education may appoint an Advisory Council on Testing to assist in carrying out its responsibilities under this Article.

(a1) The State Board of Education shall adopt rules prohibiting schools from using guidance counselors to coordinate or administer the testing program.

(b) The Superintendent of Public Instruction shall be responsible, under policies adopted by the State Board of Education, for the statewide administration of the testing program provided by this Article.

(b1) The Superintendent shall notify local boards of education by October 1 of each year of any field tests in grades nine through 12 that will be administered in their schools during the school year, the schools at which the field tests will be administered, and the specific field tests that will be administered at each school.

(c) Local boards of education shall cooperate with the State Board of Education in implementing the provisions of this Article, including the regulations and policies established by the State Board of Education. Local school administrative units shall use the annual and competency testing programs to fulfill the purposes set out in this Article. Local school administrative units are encouraged to continue to develop local testing programs designed to diagnose student needs ~~further.~~further; however, local school administrative units shall not administer locally adopted standardized tests in addition to the nationally normed achievement tests adopted by the State Board of Education for grades three through eight."

SECTION 4. This act becomes effective July 1, 2003, and applies beginning with the 2003-2004 school year.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2003

S 1

SENATE BILL 737

Short Title:	Calendar Must Let Teachers Take Earned Leave.	(Public)
Sponsors:	Senators Lucas; Dannelly, Dorsett, Garwood, Holloman, Kinnaird, and Malone.	
Referred to:	Education/Higher Education.	

April 3, 2003

A BILL TO BE ENTITLED

AN ACT TO MODIFY THE SCHOOL CALENDAR TO ENSURE TEACHERS HAVE AN OPPORTUNITY TO TAKE ADVANTAGE OF ANNUAL LEAVE THEY HAVE EARNED.

The General Assembly of North Carolina enacts:

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

"**§ 115C-84.2. School calendar.**

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

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

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

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

(4) Eight days, as designated by the local board, for use as teacher workdays, additional instructional days, or other lawful purposes. A

local board may delegate to the individual schools some or all of the eight days to schedule under subdivision (5) of this subsection. A local board may schedule different purposes for different personnel on any given day and is not required to schedule the same dates for all personnel.

(5) The remaining days scheduled by each school's principal for any of the purposes allowed under subdivision (4) of this subsection. Before scheduling these days, the principal shall work with the school improvement team to determine the days to be scheduled and the purposes for which they should be scheduled. Days may be scheduled and planned for different purposes for different personnel and there is no requirement to schedule the same dates for all personnel. However, if during the last two years the local school administrative unit has made up an average of at least eight days for school closing because of inclement weather, the local board may designate up to two of these days as additional make-up days to be scheduled after the last day of student attendance.

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

(a1) Local boards and individual schools may designate specific days scheduled in accordance with subdivision (4) or (5) of subsection (a) of this section as required attendance days for teachers so long as:

(1) Teachers have an opportunity to take all of the annual leave time they earned during the school year, which is up to 11.5 days, on such days, and

(2) Teachers are given ~~shall give teachers~~ at least 14 calendar days' notice before ~~requiring a teacher~~being required to work instead of taking vacation leave on ~~days scheduled in accordance with subdivision (4) or (5) of this subsection.~~such days. A teacher may elect to waive this notice requirement for one or more such days.

...."

SECTION 2. This act becomes effective July 1, 2003.

Joyce Hodge (Sen. Dorsett)

From: Linda Suggs [LSuggs@DPI.STATE.NC.US]
Sent: Wednesday, April 23, 2003 12:54 AM
To: jeannel@ncleg.net
Cc: Abs@ncleg.net; austina@ncleg.net; Bobr@ncleg.net; Cecilh@ncleg.net; charlied@ncleg.net; Clarkj@ncleg.net; DruptiC@ncleg.net; ferns@ncleg.net; fletcherh@ncleg.net; Freds@ncleg.net; Hamh@ncleg.net; Harrisb@ncleg.net; jamesf@ncleg.net; Jerryt@ncleg.net; johnga@ncleg.net; Katied@ncleg.net; kayh@ncleg.net; lindag@ncleg.net; Richards@ncleg.net; Robertho@ncleg.net; Robinj@ncleg.net; sarak@ncleg.net; Scottt@ncleg.net; Shirleyi@ncleg.net; stanb@ncleg.net; stevem@ncleg.net; Toma@ncleg.net; Tonym@ncleg.net; vernonm@ncleg.net; virginiaf@ncleg.net; walterd@ncleg.net; Wibg@ncleg.net; williamp@ncleg.net
Subject: SB 737, Calendar Must Let Teachers Take Earned Leave

Senator Lucas, I wanted to share with you and members of the committee feedback I got from staff at DPI regarding SB 737. The responses below are answers to questions that I routinely send to staff about education bills. Please let me know if you have questions. Linda Suggs

1. Impact on DPI and/or LEAs; any action required to be taken; staff required for implementation:

The bill would return calendar development to previous rules for calendar construction by requiring LEAs to provide optional leave days for teachers.
This bill has no financial implications or direct impact for DPI. The bill will greatly restrict LEA flexibility in developing calendars.

2. Should DPI support or oppose this legislation? Why?

DPI should oppose this bill for several reasons:

This reduces the school system's flexibility in scheduling staff development or additional days of instruction for students:

If passed, schools would only be able to require attendance for 8.5 workdays (or 7.5 workdays when Christmas falls on a Tuesday, Wednesday or Thursday).

With NCLB requirements and Closing the Achievement Gap initiatives, school systems need additional days for systemwide or entire school staff development and not fewer days.

The school systems already have the flexibility to provide optional workdays. They also need the flexibility to require staff to work.

This is a benefit that is not equally available for all staff. Staff with less than 15 years of experience cannot really benefit from this bill. They do not accrue enough days to make maximum use of the 11.5 annual leave days. This is not a retention effort for the new teachers who are unable to use annual leave because they earn at a lower rate. It is the teachers with less than 10 years of experience that we are trying to retain. They have a much higher rate of leaving the profession (up to 40% within 5 years). This again shows preferential treatment and actually causes morale problems in schools.

Recent research on the effectiveness of Tennessee teachers, shows that there is a decline in effectiveness after 22 years of experience. This strongly suggests that experienced teachers as well as novice teachers need additional training.

Recent legislation provides for unused annual leave to be accrued without loss and annual leave could be applied toward sick leave for any excess over 30 days. The sick leave then would be applied toward service credit at retirement. There is also a payoff of up to 30 days of accrued annual leave for employees who separate from service. Hence, there is really no loss of benefit currently in the law. This very issue is why forfeited leave was removed from legislation in the last session of the General Assembly.

3. Fiscal impact, if any:

The fiscal impact is not an issue. The real issue is the capability of a school system to provide staff development for all staff and to improve instruction for all students. Passage of this bill will make it very, very difficult for school systems to require staff to participate in staff development programs that are so needed for Closing Achievement Gaps and meeting NCLB goals.

Linda S. Suggs, Legislative Director
State Board of Education
North Carolina Dept. of Public Instruction
6302 Mail Service Center
Raleigh NC 27699-6302

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GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2003

S 1

SENATE BILL 783

Short Title:	Raise Compulsory School Attendance Age.	(Public)
Sponsors:	Senators Garwood; Albertson, Allran, Apodaca, Bingham, Carrington, Forrester, Foxx, Lucas, Metcalf, Stevens, and Tillman.	
Referred to:	Education/Higher Education.	

April 3, 2003

A BILL TO BE ENTITLED

AN ACT TO PROHIBIT STUDENTS FROM DROPPING OUT OF SCHOOL BEFORE THE AGE OF SEVENTEEN.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 115C-378 reads as rewritten:

"**§ 115C-378. Children required to attend.**

Every parent, guardian or other person in this State having charge or control of a child between the ages of seven and ~~16~~ 17 years shall cause such child to attend school continuously for a period equal to the time which the public school to which the child is assigned shall be in session. Every parent, guardian, or other person in this State having charge or control of a child under age seven who is enrolled in a public school in grades kindergarten through two shall also cause such child to attend school continuously for a period equal to the time which the public school to which the child is assigned shall be in session unless the child has withdrawn from school. No person shall encourage, entice or counsel any such child to be unlawfully absent from school. The parent, guardian, or custodian of a child shall notify the school of the reason for each known absence of the child, in accordance with local school policy.

The principal, superintendent, or teacher who is in charge of such school shall have the right to excuse a child temporarily from attendance on account of sickness or other unavoidable cause which does not constitute unlawful absence as defined by the State Board of Education. The term "school" as used herein is defined to embrace all public schools and such nonpublic schools as have teachers and curricula that are approved by the State Board of Education.

All nonpublic schools receiving and instructing children of a compulsory school age shall be required to keep such records of attendance and render such reports of the attendance of such children and maintain such minimum curriculum standards as are required of public schools; and attendance upon such schools, if the school refuses or neglects to keep such records or to render such reports, shall not be accepted in lieu of

attendance upon the public school of the district to which the child shall be assigned: Provided, that instruction in a nonpublic school shall not be regarded as meeting the requirements of the law unless the courses of instruction run concurrently with the term of the public school in the district and extend for at least as long a term.

The principal or his designee shall notify the parent, guardian, or custodian of his child's excessive absences after the child has accumulated three unexcused absences in a school year. After not more than six unexcused absences, the principal shall notify the parent, guardian, or custodian by mail that he may be in violation of the Compulsory Attendance Law and may be prosecuted if the absences cannot be justified under the established attendance policies of the State and local boards of education. Once the parents are notified, the school attendance counselor shall work with the child and his family to analyze the causes of the absences and determine steps, including adjustment of the school program or obtaining supplemental services, to eliminate the problem. The attendance counselor may request that a law-enforcement officer accompany him if he believes that a home visit is necessary.

After 10 accumulated unexcused absences in a school year the principal shall review any report or investigation prepared under G.S. 115C-381 and shall confer with the student and his parent, guardian, or custodian if possible to determine whether the parent, guardian, or custodian has received notification pursuant to this section and made a good faith effort to comply with the law. If the principal determines that parent, guardian, or custodian has not, he shall notify the district attorney. If he determines that parent, guardian, or custodian has, he may file a complaint with the juvenile court counselor pursuant to Chapter 7B of the General Statutes that the child is habitually absent from school without a valid excuse. Evidence that shows that the parents, guardian, or custodian were notified and that the child has accumulated 10 absences which cannot be justified under the established attendance policies of the local board shall establish a prima facie case that the child's parent, guardian, or custodian is responsible for the absences."

SECTION 2. G.S. 116-235(b)(2) reads as rewritten:

"(2) School Attendance. – Every parent, guardian, or other person in this State having charge or control of a child who is enrolled in the School and who is less than ~~16~~ 17 years of age shall cause such child to attend school continuously for a period equal to the time which the School shall be in session. No person shall encourage, entice, or counsel any child to be unlawfully absent from the School. Any person who aids or abets a student's unlawful absence from the School shall, upon conviction, be guilty of a Class 3 misdemeanor. The Director of the School shall be responsible for implementing such additional policies concerning compulsory attendance as shall be adopted by the Board of Trustees, including regulations concerning lawful and unlawful absences, permissible excuses for temporary absences, maintenance of attendance records, and attendance counseling."

SECTION 3. G.S. 7B-1501(27) reads as rewritten:

"(27) Undisciplined juvenile. –

~~a.~~ A juvenile who, while less than ~~16~~ 17 years of age but at least 6 years of age, is unlawfully absent from school; or is regularly disobedient to and beyond the disciplinary control of the juvenile's parent, guardian, or custodian; or is regularly found in places where it is unlawful for a juvenile to be; or has run away from home for a period of more than 24~~hours; or~~ hours.

~~b. A juvenile who is 16 or 17 years of age and who is regularly disobedient to and beyond the disciplinary control of the juvenile's parent, guardian, or custodian; or is regularly found in places where it is unlawful for a juvenile to be; or has run away from home for a period of more than 24 hours.~~"

SECTION 4. G.S. 143B-515(22) reads as rewritten:

"(22) Undisciplined juvenile. –

~~a.~~ A juvenile who, while less than ~~16~~ 17 years of age but at least 6 years of age, is unlawfully absent from school; or is regularly disobedient to and beyond the disciplinary control of the juvenile's parent, guardian, or custodian; or is regularly found in places where it is unlawful for a juvenile to be; or has run away from home for a period of more than 24 ~~hours; or~~ hours.

~~b. A juvenile who is 16 or 17 years of age and who is regularly disobedient to and beyond the disciplinary control of the juvenile's parent, guardian, or custodian; or is regularly found in places where it is unlawful for a juvenile to be; or has run away from home for a period of more than 24 hours.~~"

SECTION 5. This act becomes effective July 1, 2004.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2003

S 1

SENATE BILL 886

Short Title:	Sun Safety for School Children.	(Public)
Sponsors:	Senators Carpenter, Dannelly, Purcell; Queen and Shubert.	
Referred to:	Education/Higher Education.	

April 3, 2003

A BILL TO BE ENTITLED

AN ACT TO REQUIRE 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.

The General Assembly of North Carolina enacts:

SECTION 1. Chapter 115C is amended by adding a new Article to read:

"Article 29A.

"Sun Protection Policy to Prevent Skin Cancer.

"**§ 115C-407.1. Sun protection policy.**

(a) Local boards of education shall adopt policies that establish sun safety as a priority and highlight the importance of skin cancer prevention. At a minimum, the policies shall:

(1) Encourage or require students to wear protective clothing, hats, and UVA/UVB protective sunglasses to prevent excessive sun exposure.

(2) Allow use of broad-spectrum UVA/UVB sunscreen with an SPF of 15 or greater at school or for after-school activities without a physician's note or prescription. The policy may range from encouraging parents to include sunscreen in required school-supply kits to using permission slips for students to be able to apply sunscreen at school. For the purposes of this subsection, sunscreen is not an over-the-counter medication. Nothing in this subsection requires school personnel to assist students in applying sunscreen.

(3) Encourage schools to schedule daily outdoor activities during times when the sun is not at its peak intensity or when shade is available to protect children from the sun.

(b) Local boards of education shall publish their policies required by this section and make the published policies available to students and parents or guardians."

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

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2003

S 1

SENATE BILL 952

Short Title:	Amend Distinguish Prof. Endowment Trust Fund.	(Public)
Sponsors:	Senators Lucas; Dannelly, Dorsett, Holloman, and Queen.	
Referred to:	Education/Higher Education.	

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 1. 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.

If an institution chooses to pursue the use of the allocated challenge grant funds described in either subdivision (1) or subdivision (2) of this ~~section,~~subsection, the funds shall be matched on a two-to-one basis.

(b) For focused growth institutions and special needs institutions, the amount appropriated to the trust shall be allocated by the Board as follows:

(1) On the basis of one five hundred thousand dollar ($500,000) challenge grant for each five hundred thousand dollars ($500,000) raised from private sources; or

(2) On the basis of one two hundred fifty thousand dollar ($250,000) challenge grant for each two hundred fifty thousand dollars ($250,000) raised from private sources. If an institution chooses to pursue the use of the allocated challenge grant funds described in either subdivision (1) or subdivision (2) of this subsection, the funds shall be matched on a one-to-one basis.

(c) Matching funds shall come from contributions made after July 1, 1985, and pledged for the purposes specified by G.S. 116-41.14. Each participating constituent institution's board of trustees shall establish its own Distinguished Professors Endowment Trust Fund, and shall maintain it pursuant to the provision of G.S. 116-36 to function as a depository for private contributions and for the State matching funds for the challenge grants. The State matching funds shall be transferred to the constituent institution's Endowment Fund upon notification that the institution has received and deposited the appropriate amount required by this section in its own Distinguished Professors Endowment Trust Fund. Only the net income from that account shall be expended in support of the distinguished professorship thereby created."

SECTION 2. G.S.116-41.16 reads as rewritten:

"**§ 116-41.16. Distinguished Professors Endowment Trust Fund; contribution commitments.**

(a) For constituent institutions other than focused growth institutions and special needs institutions, ~~Contributions~~ contributions may also be eligible for matching if there is:

(1) A commitment to make a donation of at least six hundred sixty-six thousand dollars ($666,000), as prescribed by G.S. 143-31.4, and an initial payment of one hundred eleven thousand dollars ($111,000) to receive a grant described in G.S. 116-41.15(b)(1); or

(2) A commitment to make a donation of at least three hundred thirty-three thousand dollars ($333,000), as prescribed by G.S. 143-31.4, and an initial payment of fifty-five thousand five hundred dollars ($55,500) to receive a grant described in G.S. 116-41.15(b)(2); and if the initial payment is accompanied by a written pledge to provide the balance within five years after the date of the initial payment. Each payment on the balance shall be no less than the amount of the initial payment and shall be made on or before the anniversary date of the initial payment. Pledged contributions may not be matched prior to the actual collection of the total funds. Once the

income from the institution's Distinguished Professors Endowment Trust Fund can be effectively used pursuant to G.S. 116-41.17, the institution shall proceed to implement plans for establishing an endowed chair.

(b) For focused growth institutions and special needs institutions, contributions may also be eligible for matching if there is:

(1) A commitment to make a donation of at least five hundred thousand dollars ($500,000), as prescribed by G.S. 143-31.4, and an initial payment of eighty-three thousand three hundred dollars ($83,300) to receive a grant described in G.S. 116-41.15(c)(1); or

(2) A commitment to make a donation of at least two hundred fifty thousand dollars ($250,000), as prescribed by G.S. 143-31.4, and an initial payment of forty-one thousand six hundred dollars ($41,600) to receive a grant described in G.S. 116-41.15(c)(2); and if the initial payment is accompanied by a written pledge to provide the balance within five years after the date of the initial payment. Each payment on the balance shall be no less than the amount of the initial payment. Pledged contributions may not be matched prior to the actual collection of the total funds. Once the income from the institution's Distinguished Professors Endowment Trust Fund can be effectively used pursuant to G.S. 116-41.17, the institution shall proceed to implement plans for establishing an endowed chair."

SECTION 3. This act becomes effective July 1, 2003.

SENATE BILL 977:
Limit Use of Restraints/Seclusion in Schools.

BILL ANALYSIS

Committee:	Senate Education	**Introduced by:**	Senator Dorsett
Date:	April 30, 2003	**Summary by:**	Robin Johnson
Version:	S977-CSRH-19[v.3]		Committee Counsel

SUMMARY: ***Senate Bill 977 would limit the use of physical restraint or seclusion of a student disabilities unless it is a necessary and last resort for the protection of persons or property and would direct the Joint Legislative Education Oversight to study issues pertaining to the use of physical restraints and seclusion of other students.***

The bill would take effect July 1, 2003

The PCS limits the scope of the bill to students with disabilities, adds definitions, and adds the study.

BILL ANALYSIS: Section 1 of the bill would add a new G.S. 115C-390.1, which would do the following:

- Define the terms "physical restraint" and "seclusion". (Added in the PCS)
- Apply only to students with disabilities who are provided special education and related services in accordance with an individualized education program (IEP). (Added in the PCS)
- Prohibit physical restraint or seclusion except when the student poses a physical risk to that student or another person, there is no medical contraindication to its use, and the school personnel applying the restraint have been trained in its safe and proper application. (Added in the PCS)
- Only allow persons trained to use restraints and seclusion to do so.
- Require parents to be notified and documentation of incidents of restraint or seclusion in the student's discipline records, with copies to the principal and the parents.
- Require schools that use restraints and seclusion to collect and analyze data on their use. They must report this data and analysis to their local board of education and to the State Board of Education.
- Direct the State Board to adopt rules (added by PCS) and policies to implement the law.
- Require a school to notify the local board, State Superintendent, and the State Board upon the death or serious injury requiring medical attention of any student "if and when it is determined that the death or serious injury occurred as a result of the use of physical restraint or seclusion".
- Direct the State Superintendent to adopt (and provide to schools) a standard report format for reporting incidents of restraint and seclusion, including incidents resulting in death or serious injury.

Section 2 of the bill would direct the Joint Legislative Education Oversight Committee to study issues related to the use of physical restraints and seclusion of other students. The Committee would be directed to report to the General Assembly by May 15, 2004.

S977-SMRH-003

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2003

S D

SENATE BILL 977
PROPOSED COMMITTEE SUBSTITUTE S977-CSRH-19 [v.3]

4/23/2003 4:05:46 PM

Short Title: Limit Use of Restraints/Seclusion in Schools. (Public)

Sponsors:

Referred to:

April 3, 2003

A BILL TO BE ENTITLED

AN ACT PERTAINING TO THE USE OF RESTRAINTS AND SECLUSION IN SPECIAL EDUCATION CLASSES AND TO AUTHORIZE THE JOINT LEGISLATIVE OVERSIGHT COMMITTEE TO STUDY THE USE OF RESTRAINTS AND SECLUSION IN OTHER CLASSES IN PUBLIC SCHOOLS.

The General Assembly of North Carolina enacts:

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

"**§ 115C-390.1. Limitations on the use of physical restraint or seclusion of a student.**

(a) The following definitions apply in this section:

(1) "Physical restraint" means techniques used to control an individual when he or she is not controlling his or her behavior to the extent that he or she may harm him/herself or others. Physical restraint shall not include momentary periods of physical restriction by direct person-to-person contact, without the aid of material or mechanical devices, accomplished with limited force that are designed (i) to prevent a student from completing an act that would result in potential physical harm to that student or another person or in damage to property, or (ii) to remove a disruptive student who is unwilling to voluntarily leave the area. Safety devices, assistive technology and training techniques involving short-term holds that are included in the student's individualized education program are not considered physical restraints when used as part of the IEP.

(2) "Seclusion" means removal of the student to an isolated location.

(3) "Student" means only a student with disabilities who is provided special education and related services in accordance with an individualized education program.

(b) Physical restraint or seclusion of a student shall be employed only as a necessary and last resort for the protection of persons or property. The use of physical restraint or seclusion is prohibited except when (i) the student poses a physical risk to that student or another person, (ii) there is no medical contraindication to its use, and (iii) the school personnel applying the restraint have been trained in its safe and proper application. The duration of the physical restraint or seclusion shall be only as long as necessary for the student to regain control of that student's behavior. Any incident of restraint or seclusion and the detailed reasons for this action shall be documented in the student's discipline records with copies of the documentation form provided to the principal and to the student's parents. School personnel shall immediately notify the student's parents and the principal when the use of restraint or seclusion is employed. Each student who is restrained or secluded shall be continually observed, and a written notation of the observation shall be made in the student's record.

(c) A school that employs physical restraint or seclusion shall collect data on the use of the restraints and seclusion. The data shall reflect, for each incidence, the type of procedure used, the length of time employed, alternatives considered or employed, and the effectiveness of the procedure or alternative employed. The school shall analyze the data on at least a quarterly basis to monitor effectiveness, determine trends, and make corrective action where necessary. The school shall make the required data available to the local board of education. The data shall also be available to the State Superintendent and the State Board of Education, upon request.

(d) Local boards of education shall implement policies and practices that emphasize the use of alternatives to physical restraint and seclusion and shall require immediate notification to the parent of the type and duration of the restraint and seclusion.

(e) Physical restraint and seclusion may be employed only by school personnel who have been trained and have demonstrated competence in the proper use of and alternatives to these procedures.

(f) The State Board of Education shall adopt policies to implement this section. These policies shall provide for:

(1) School personnel training and competence in:

a. The use of positive behavioral supports.

b. Communication strategies for defusing and de-escalating potentially dangerous behavior.

c. Administration of CPR.

d. Debriefing with student, parent, and school personnel.

e. Documentation in student's discipline records.

f. Methods for determining school personnel competence, including qualifications of trainers and training curricula.

(2) Other matters relating to the use of physical restraint or seclusion necessary to ensure the safe and appropriate use of restraints and seclusion.

(g) Upon the death or serious injury requiring medical attention of any student in a public school, the school shall immediately notify the local board of education, the

State Superintendent, and the State Board of Education if and when it is determined that the death or serious injury occurred as a result of the use of physical restraint or seclusion of the student.

(h) The State Superintendent shall establish a standard reporting format for reporting incidents of restraint and seclusion under this section, including incidents resulting in death or serious injury requiring medical attention. The State Superintendent shall provide the form to the schools that are subject to this subsection for the schools' use in complying with this subsection.

(i) The State Board of Education shall adopt rules to implement this section. Until these rules are adopted, the use of any of the following rooms or enclosures for seclusion purposes is prohibited:

(1) A locked room other than one with a locking mechanism that engages only when a key or handle is being held by a person.

(2) A confining space such as a closet or box.

(3) A room where the student cannot be continually observed.

(4) Any other room or enclosure or time out procedure that is contrary to current rules, policies, or procedures of the State Board of Education.

(j) Nothing in this section abrogates State or federal law or other legal requirements pertaining to confidentiality, privilege, or other prohibition against disclosure of information provided to the local board of education, the State Superintendent, and the State Board of Education under this section. In reviewing data requested under this section, the local board of education, State Superintendent and State Board of Education shall adhere to State or federal law and other legal requirements of confidentiality, privilege, and other prohibition against disclosure and release applicable to the information received under this section."

SECTION 2. The Joint Legislative Education Oversight Committee shall study issues pertaining to the use of physical restraints and seclusion of students who are not students with disabilities who are provided special education and related services under an individual education programm. As part of this study, the Committee shall examine the following issues:

(1) The incidents of physical restraint or seclusion of students, including those involving serious physical injury or death.

(2) The circumstances under which physical restraint or seclusion is appropriate and inappropriate.

(3) Whether school personnel receive appropriate training in the effective and appropriate use of physical restraint or seclusion.

(4) Whether schools and local school administrative units maintain appropriate records or other documentation related to incidents of physical restraint or seclusion of students, including those involving serious physical injury or death.

(5) The extent to which and the means by which parents and guardians are notified of incidents involving physical restraint or seclusion of students.

(6) Other states' laws, rules, and policies related to physical restraint and seclusion of students.

(7) Any other issue the Committee considers appropriate.

The Committee shall report its findings and recommendations, including any proposed statutory changes, to the General Assembly no later than May 15, 2004.

SECTION 3. Section 1 of this act becomes effective July 1, 2004. The remainder of this act is effective when it becomes law.

NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
Senate Bill 977

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

S977-ARH-23 [v.1]

Date _____,2003

Comm. Sub. [YES]
Amends Title [NO]
S997-CSRH-19[V.3]

Senator Dorsett

moves to amend the bill on page 1, line 27, by inserting after the word "services" the following phrase:
"in a special education self-contained class";

and on page 3, lines 28-29, by rewriting the lines to read:
"are not covered under Section 1 of this act. As part of this study, the Committee shall".

SIGNED _____
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED _____ FAILED _____ TABLED _____

THE NEWS & OBSERVER SATURDAY, APRIL 26, 2003

Bill limits restraining of students

Parents of disabled ask that restraints be used in schools only as a last resort. They also urge teacher training.

BY LYNN BONNER
STAFF WRITER

Henrietta Green-Petre found her autistic son in an Enloe High School classroom with his hands cuffed behind his back.

Sue Jasinski said she found out by chance that a teacher's assistant at East Chapel Hill High School had been putting her autistic son in a dark bathroom until he cried.

They are among the parents of disabled children asking the General Assembly to adopt policies on restraining and isolating disabled students in public schools and to require training for special-education teachers in defusing potentially dangerous behavior.

The proposed law, pending in a Senate committee, would allow the restraining of students only as a "necessary and last resort" for the protection of student and school property. It also would require schools to document the times students are restrained or isolated and notify parents.

Since January 2001, the Governor's Advocacy Council for Persons with Disabilities reports receiving 24 complaints about mistreatment of students in public schools, including 11 involving autistic students. Others came from parents of blind children and those with mental retardation or other disabilities.

Disciplining children with disabilities can pose a challenge for schools. Autism, for example, varies in degrees from severe to high functioning. Severely autistic children withdraw from people, engage in repetitive behavior and may have disruptive tantrums.

Parents, angry about the way their children were treated, say they are frustrated that they cannot get more

SEE BILL, PAGE 7B

BILL

CONTINUED FROM PAGE 1B

information from school officials.

Green-Petre's son, 18-year-old Chaz, cannot tell her what happens at school because he is unable to communicate.

She was called to school one afternoon last month to pick up Chaz, a special-education student, because he was refusing to ride the bus. She found him handcuffed in the classroom.

"He had cuff marks on his wrists, and they were blood raw," she said. "He didn't understand that he needed to be still."

Chaz was suspended from school this week, Green-Petre said, because he tried to get inside the school during a fire drill.

The Jasinskis from Chapel Hill were shocked to hear that their son, Tommy, had been forced to sit alone in a dark bathroom when he got upset.

"My son is a person who does have many challenges from his autism," his mother said. "His difficulties increased off the chart while this was going on. We strongly feel there need to be some guidelines in place so people are clear what is right and what is wrong."

The Jasinskis removed Tommy, now 21, from the high school and filed a lawsuit against the teacher's assistant and the Chapel Hill-Carrboro Board of Education.

Chris Willett, one of the lawyers representing the school board, said most people he has interviewed say Tommy was not put in the room alone.

"Someone was in the room with him and waited for him to cool down," Willett said.

The bill's supporters say its provisions for training and notification will help prevent such lawsuits.

A group called the Special Needs Federation, which includes the Governor's Advocacy Council, the Autism Society of North Carolina, Legal Services of North Carolina and more than a half-dozen other organizations, is supporting the bill.

The N.C. School Boards Association opposed the original version, saying it would prevent teachers from restraining children who are about to hurt themselves or others. The bill was rewritten to address that objection.

But even legislators who like the idea of having guidelines and training for teachers are worried about the cost.

"This is very expensive," said Sen. Virginia Foxx, a Watauga County Republican. "This needed to be done for both the protection of the teachers and the protection of the students. But it's also very complicated." She put the cost of training at about $4,000 per person.

The bill's supporters think training would be much less expensive, and they point to organizations that can train people for about $1,000 who could then continue to train others in their school districts. The Senate committee considering the bill is waiting for more details on the cost before they vote.

Linda Guzman of Chapel Hill, who has an autistic son and works for The Arc of North Carolina, said lawsuits can be expensive, too.

"Preventing these issues will be cheaper in the long run," Guzman said, "and the right thing to do."

Staff writer Lynn Bonner can be reached at 829-4821 or at lbonner@newsobserver.com.

April 22, 2003

My son, Javier was a victim of inappropriate restraint when he was only seven years old. He was in a self-contained autistic class in a public school. Because schools are not required to report the use of restraints, I had no idea what was happening to my child. The only thing that I knew was that my child was changing in a very scary way. He began to cry for hours at a time. He hit his head on the kitchen floor until he was unconscious. He scratched his arms open until they bled and one day, he held a knife to his neck and said he wanted to "go dead". He was seven years old! These behaviors were the only way he could tell me what was happening to him.

The day he scratched his face wide open at school, was the day I finally learned what was happening in his classroom. Javi was being held in basket holds, having his head pinned down to the desk, and being held in chairs, on the floor, essentially anywhere and everywhere. He told me "teacher tries to kill me". I thank God every day that he is alive because Javi also has severe asthma, and the restraints could have killed him.

However, this letter is not about Javi's abuse but rather about his success. Now, two years later, my son is now in a typical second grade classroom for four hours a day. What happened to change this "out of control" child? The sad truth is that Javi just got lucky. The law didn't help us. What helped us was the fact that a new principal came in. I think she saw the legal jeopardy the school was in. I know she saw my son as a little boy who deserved something more.

According to his current teacher, "Javi is shimmering with success". He is doing well because the school and I worked together. We developed positive behavior supports (things we can do to prevent the behavior from occurring). We became proactive versus reactive. The teachers and assistants who work with my son have finally been given the skills (training) and support they need to educate him.

The teachers are safe, the other students are safe, and my son, Javier is safe.

Last year, my son received his first ever invitation to a classmate's birthday party. Two years ago, I could never have imagined that day would come.

Teachers cannot teach without the skills and training that they need. Staff and students deserve to be safe.

Parents should be able to send their children to school without fear of injury or death.

Please support SB 977.

Thank you,

Linda Guzman
614 Edisto Court
Chapel Hill, NC 27514

April 22, 2003

My son, Javier was a victim of inappropriate restraint when he was only seven years old. He was in a self-contained autistic class in a public school. Because schools are not required to report the use of restraints, I had no idea what was happening to my child. The only thing that I knew was that my child was changing in a very scary way. He began to cry for hours at a time. He hit his head on the kitchen floor until he was unconscious. He scratched his arms open until they bled and one day, he held a knife to his neck and said he wanted to "go dead". He was seven years old! These behaviors were the only way he could tell me what was happening to him.

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Linda Guzman
614 Edisto Court
Chapel Hill, NC 27514

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2003

S D

SENATE JOINT RESOLUTION 366
PROPOSED COMMITTEE SUBSTITUTE S366-PCS40026-SF-11

Sponsors:

Referred to:

March 11, 2003

A JOINT RESOLUTION PROVIDING FOR A JOINT SESSION OF THE GENERAL ASSEMBLY TO ACT ON A JOINT RESOLUTION PROVIDING FOR CONFIRMATION OF THE APPOINTMENTS BY THE GOVERNOR OF NEW MEMBERS TO THE STATE BOARD OF EDUCATION.

Whereas, under the provisions of the Constitution of North Carolina and G.S. 115C-10, appointments by the Governor to membership on the State Board of Education are subject to confirmation by the General Assembly in joint session; and

Whereas, vacancies have occurred on the State Board of Education; and

Whereas, the Governor will transmit to the presiding officers of the Senate and the House of Representatives the names of his appointees to fill the terms of membership on the State Board of Education which expire March 31, 2011; Now, therefore,

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

SECTION 1. Upon the call of the President Pro Tempore of the Senate and the Speaker of the House of Representatives, the General Assembly shall meet in joint session to act on a joint resolution providing for confirmation of the appointments by the Governor of new members to the State Board of Education.

SECTION 2. This resolution is effective upon ratification.

BLIC BILL

S.J.R. 366 RESOLUTION _____

A JOINT RESOLUTION PROVIDING FOR A JOINT SESSION OF THE GENERAL ASSEMBLY TO ACT ON A JOINT RESOLUTION PROVIDING FOR CONFIRMATION OF THE APPOINTMENTS BY THE GOVERNOR OF NEW MEMBERS TO THE STATE BOARD OF EDUCATION.

Introduced by Senator(s) Lucas Garwood Metcalf

Principal Clerk's Use Only

FILED MAR 10 2003

PASSED 1st READING
MAR 11 2003
AND REFERRED TO COMMITTEE
ON Ed/HigherEd

WITH UNANIMOUS CONSENT
WITHDRAWN FROM
Calendar
APR 16 2003
RE-REFERRED TO
Ed/HigherEd

Davis Jr. to
PCS
Upper B11

committee on Ed/HigherEd to whom this bill
referred, a majority being present and
has carefully considered the same and
final report, ... Pass.

Lucas
For the Committee

RTED FAVORABLY APR 15 2003

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2003

S 1

SENATE BILL 994

Short Title:	School Suspension for Sale of Alcohol/Drug .	(Public)
Sponsors:	Senator Garrou.	
Referred to:	Education/Higher Education.	

April 3, 2003

A BILL TO BE ENTITLED

AN ACT TO ENABLE LOCAL BOARDS OF EDUCATION TO EXPEL FROM SCHOOL THOSE STUDENTS WHO GIVE AWAY OR SELL 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, or possesses with intent to offer, distribute, deliver, sell, or give away, any alcoholic beverage as defined in G.S. 18B-101(4), any prescription drug as defined in G.S. 90-85.3(s), 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.

(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. This act becomes effective December 1, 2003, and applies to acts committed on or after that date.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2003

S 1

SENATE BILL 618*

Short Title:	Health Education Courses/Accurate Info.	(Public)
Sponsors:	Senators Lucas; Dannelly, Dorsett, Holloman, Kinnaird, and Malone.	
Referred to:	Education/Higher Education.	

March 31, 2003

A BILL TO BE ENTITLED

AN ACT TO REQUIRE THAT HEALTH EDUCATION COURSES OFFERED IN PUBLIC SCHOOLS PROVIDE MEDICALLY AND FACTUALLY ACCURATE INFORMATION.

The General Assembly of North Carolina enacts:

SECTION 1. Article 8 of Chapter 115C is amended by adding the following new Part to read:

"Part 3B. School Health Education Program.

"**§ 115C-102.10. Health education courses.**

(a) All health education courses, including abstinence until marriage education, paid for in whole or in part with public funds for use in public schools or elsewhere, shall provide medically and factually accurate information. All material and instruction in classes where health education is taught shall be age appropriate.

(b) In addition to medically and factually accurate information, the State Board of Education shall present information that abstinence from sexual intercourse is the most effective means to prevent unwanted teenage pregnancy, sexually transmitted diseases, and acquired immune deficiency syndrome (AIDS) when transmitted sexually. The State Board of Education shall provide students with statistics based on the latest medical information that cite failure and success rates of condoms and other contraceptives in preventing pregnancy, AIDS, and other sexually transmitted diseases.

(c) As used in this section, 'medically and factually accurate' means verified or supported by research conducted in compliance with scientific methods and published in peer-review journals, where appropriate, and recognized as accurate and objective by professional organizations and agencies with expertise in the relevant field, including the American College of Obstetricians and Gynecologists, the North Carolina Department of Health and Human Services, or the Centers for Disease Control and Prevention."

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

SENATE BILL 618:
Health Education Courses/Accurate Info.

BILL ANALYSIS

Committee:	Senate Education	**Introduced by:**	Senator Lucas
Date:	April 23, 2003	**Summary by:**	Robin Johnson
Version:	First		Committee Counsel

SUMMARY: ***Senate Bill 618 would add a new G.S. 115C-102.10, requiring all health education courses offered in the public schools to provide medically and factually accurate information. The bill would be effective when it becomes law and apply to school years beginning with the 2004-2005 school year.***

CURRENT LAW: G.S. 115C-81(e1) *(see attached)* generally requires a comprehensive health education program for students in kindergarten through ninth grade that includes instruction relating to the prevention of sexually transmitted diseases, including AIDS, and other communicable diseases, and relating to abstinence until marriage.

Local boards are allowed to adopt and offer a more comprehensive sex education program, but only after a public hearing and a 60-day period during which parents have an opportunity to review materials and program objectives. Student participation in a comprehensive sex education program also requires parental permission.

The limitations in G.S. 115C-81(e1)(8) that are placed on the instruction concerning the use of contraceptives and prophylactics has been interpreted by the Attorney General's Office to apply to all grades and to instruction outside the comprehensive health education program.

BILL ANALYSIS: The bill would create a new statute governing all health education courses in all grades (not just in kindergarten through ninth grade), so long as paid for, at least partially, with public funds. The new statute would have the following requirements that are different from those required under G.S. 115C-81(e1):

CURRENT LAW: 115C-81(e1)	BILL REQUIREMENTS
All programs must provide "factually accurate biological or pathological information that is related to the human reproductive system."	All courses must provide "medically and factually accurate information." This term is defined to mean research verified or supported conducted in compliance with scientific methods, published in peer-review journals, if appropriate, and recognized as accurate and objective by professional organizations and agencies with expertise in the relevant field.
Shall teach that abstinence from "sexual activity" until marriage is the "only certain means of avoiding out-of-wedlock pregnancy, sexually transmitted diseases, and other associated health and emotional problems, and that a mutually faithful monogamous heterosexual relationship in the context of marriage is the best lifelong means of avoiding diseases transmitted by sexual contact, including Acquired Immune Deficiency Syndrome (AIDS)".	State Board must present information that abstinence from "sexual intercourse" is the "most effective" means to prevent "unwanted teenage pregnancy, sexually transmitted diseases, and acquired immune deficiency syndrome "when transmitted sexually".
Any instruction (not just as part of K-9 comprehensive health education program) concerning the use of contraceptives or prophylactics shall provide accurate statistical information on their effectiveness and failure rates for preventing pregnancy and sexually transmitted diseases, including Acquired Immune Deficiency Syndrome (AIDS), in actual use among adolescent populations and shall explain clearly the difference between risk reduction and risk elimination through abstinence.	In all health education courses, State Board must provide students with statistics based on latest medical information that cite failure and success rates of condoms and other contraceptives"

S618-SMRH-001

§ 115C-81. Basic Education Program.

(e1) School Health Education Program to Be Developed and Administered.

(1) A comprehensive school health education program shall be developed and taught to pupils of the public schools of this State from kindergarten through ninth grade. This program includes age-appropriate instruction in the following subject areas, regardless of whether this instruction is described as, or incorporated into a description of, "family life education", "family health education", "health education", "family living", "health", "healthful living curriculum", or "self-esteem":

a. Mental and emotional health;
b. Drug and alcohol abuse prevention;
c. Nutrition;
d. Dental health;
e. Environmental health;
f. Family living;
g. Consumer health;
h. Disease control;
i. Growth and development;
j. First aid and emergency care, including the teaching of cardiopulmonary resuscitation (CPR) and the Heimlich maneuver by using hands-on training with mannequins so that students become proficient in order to pass a test approved by the American Heart Association, or American Red Cross;
k. Preventing sexually transmitted diseases, including Acquired Immune Deficiency Syndrome (AIDS) virus infection, and other communicable diseases;
l. Abstinence until marriage education; and
m. Bicycle safety.

(2) The State Board of Education shall supervise the development and operation of a statewide comprehensive school health education program including curriculum development, in-service training provision and promotion of collegiate training, learning material review, and assessment and evaluation of local programs in the same manner as for other programs. The State Board of Education shall adopt objectives for the instruction of the subject areas listed in subdivision (1) of this subsection that are appropriate for each grade level. In addition, the State Board shall approve textbooks and other materials incorporating these objectives that local school administrative units may purchase with State funds. The State Board of Education, through the Department of Public Instruction, shall, on a regular basis, review materials related to these objectives, and distribute these reviews to local school administrative units for their information.

(3) The State Board of Education shall develop objectives for instruction in the prevention of sexually transmitted diseases, including Acquired Immune

Deficiency Syndrome (AIDS) virus infection, that includes emphasis on the importance of parental involvement, abstinence from sex until marriage, and avoiding intravenous drug use. Any program developed under this subdivision shall present techniques and strategies to deal with peer pressure and to offer positive reinforcement and shall teach reasons, skills, and strategies for remaining or becoming abstinent from sexual activity; for appropriate grade levels and classes, shall teach that abstinence from sexual activity until marriage is the only certain means of avoiding out-of-wedlock pregnancy, sexually transmitted diseases, and other associated health and emotional problems, and that a mutually faithful monogamous heterosexual relationship in the context of marriage is the best lifelong means of avoiding diseases transmitted by sexual contact, including Acquired Immune Deficiency Syndrome (AIDS); and shall teach the positive benefits of abstinence until marriage and the risks of premarital sexual activity. Any instruction concerning the causes of sexually transmitted diseases, including Acquired Immune Deficiency Syndrome (AIDS), in cases where homosexual acts are a significant means of transmission, shall include the current legal status of those acts.

(4) The State Board of Education shall evaluate abstinence until marriage curricula and their learning materials and shall develop and maintain a recommended list of one or more approved abstinence until marriage curricula. The State Board may develop an abstinence until marriage program to include on the recommended list. The State Board of Education shall not select or develop a program for inclusion on the recommended list that does not include the positive benefits of abstinence until marriage and the risks of premarital sexual activity as the primary focus. The State Board shall include on the recommended list only programs that include, in appropriate grades and classes, instruction that:

a. Teaches that abstinence from sexual activity outside of marriage is the expected standard for all school-age children;

b. Presents techniques and strategies to deal with peer pressure and offering positive reinforcement;

c. Presents reasons, skills, and strategies for remaining or becoming abstinent from sexual activity;

d. Teaches that abstinence from sexual activity is the only certain means of avoiding out-of-wedlock pregnancy, sexually transmitted diseases, including Acquired Immune Deficiency Syndrome (AIDS), and other associated health and emotional problems;

e. Teaches that a mutually faithful monogamous heterosexual relationship in the context of marriage is the best lifelong means of avoiding sexually transmitted diseases, including Acquired Immune Deficiency Syndrome (AIDS);

f. Teaches the positive benefits of abstinence until marriage and the risks of premarital sexual activity;

g. Provides opportunities that allow for interaction between the parent or legal guardian and the student; and

h. Provides factually accurate biological or pathological information that is related to the human reproductive system.

(5) The State Board of Education shall make available to all local school administrative units for review by the parents and legal guardians of students enrolled at that unit any State-developed objectives for instruction, any approved textbooks, the list of reviewed materials, and any other State-developed or approved materials that pertain to or are intended to impart information or promote discussion or understanding in regard to the prevention of sexually transmitted diseases, including Acquired Immune Deficiency Syndrome (AIDS), to the avoidance of out-of-wedlock pregnancy, or to the abstinence until marriage curriculum. The review period shall extend for at least 60 days before use.

(6) Each local school administrative unit shall provide a comprehensive school health education program that meets all the requirements of this subsection and all the objectives established by the State Board. Each local board of education may expand on the subject areas to be included in the program and on the instructional objectives to be met. This expanded program may include a comprehensive sex education program for that local school administrative unit only if all of the following requirements are satisfied:

a. Before a comprehensive sex education program is adopted, the local board of education shall conduct a public hearing, after adequately notifying the public of the hearing.

b. For at least 30 days before this public hearing and during this public hearing, the objectives for this proposed program and all instructional materials shall be made available for review.

c. For at least 30 days after the public hearing, the objectives for the program and all instructional materials shall remain available for review by parents and legal guardians of students in that local school administrative unit.

(7) Each school year, before students may participate in any portion of (i) a program that pertains to or is intended to impart information or promote discussion or understanding in regard to the prevention of sexually transmitted diseases, including Acquired Immune Deficiency Syndrome (AIDS), or to the avoidance of out-of-wedlock pregnancy, (ii) an abstinence until marriage program, or (iii) a comprehensive sex education program, whether developed by the State or by the local board of education, the parents and legal guardians of those students shall be given an opportunity to review the objectives and materials. Local boards of education shall adopt policies to provide opportunities either for parents and legal guardians to consent or for parents and legal guardians to withhold their consent to the students' participation in any or all of these programs.

(8) Students may receive information about where to obtain contraceptives and abortion referral services only in accordance with a local board's policy regarding parental consent. Any instruction concerning the use of contraceptives or prophylactics shall provide accurate statistical information on their effectiveness and failure rates for preventing pregnancy and sexually transmitted diseases, including Acquired Immune Deficiency Syndrome (AIDS), in actual use among adolescent populations and shall explain clearly the difference between risk reduction and risk elimination through abstinence.

(9) Contraceptives, including condoms and other devices, shall not be made available or distributed on school property.

(10) School health coordinators may be employed to assist in the instruction of any portion of the comprehensive school health education program. Where feasible, a school health coordinator should serve more than one local school administrative unit. Each person initially employed as a State-funded school health coordinator after June 30, 1987, shall have a degree in health education.

NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
Senate Bill 618*

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

S618-ARH-20 [v.1]

Date _____,2003

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

Senator _____

moves to amend the bill on page 1, lines 6-9, by rewriting the lines to read:

"**SECTION 1.** Part 1 of Article 8 of Chapter 115C of the General Statutes is amended by adding the following new section to read:

`**§ 115C-81.3. Health education courses.**'".

SIGNED _____
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED _____ FAILED _____ TABLED _____

SUPPORT SB 618/HB 873

MEDICALLY AND FACTUALLY ACCURATE HEALTH EDUCATION

☑ **SB 618/HB 873 WILL SET A STANDARD FOR HEALTH INFORMATION PROVIDED IN THE PUBLIC SCHOOL SYSTEM. IT IS CRUCIAL THAT OUR TEENS RECEIVE MEDICALLY AND FACTUALLY ACCURATE INFORMATION ON ALL HEALTH ISSUES.**

WE NEED SB 618/HB 873 BECAUSE:

Inaccurate information about sexuality can be dangerous. Many health education programs, especially programs that rely on fear-based curricula, present misleading or medically inaccurate material to students. Such curricula deny critical and potentially life-saving information to teens and may even lead some to jeopardize their reproductive health by forgoing contraceptive use, believing that precautions are futile.

Quotes from the health education curriculum and other materials used in the Wake County Public Schools from 1997-2000:

- "A sexually active teen has a 90% chance of becoming pregnant within one year" (cited in the curriculum as Facts in Brief: Teen Sex and Pregnancy, 1999) when in fact, the source actually reads "a sexually active teen *who does not use contraceptives* has a 90% chance of becoming pregnant within one year" (Healthful Living (2000), "Protecting Self and Others Unit: Abstinence Until Marriage Guide Grades 7-9", Grade 8, Teacher Transparency Grade 8j: just tell me the fact #1).

  --In this case, the curriculum did not present all of the information making the information that students received factually inaccurate.

- "Sexual abstinence is a conscious decision one makes at any point in one's life" (Healthful Living (2000), "Protecting Self and Others Unit: Abstinence Until Marriage Guide Grades 7-9", Grade 8, p. 5).

  --Children who are victims of sexual abuse, incest, or rape are not given the choice to abstain. This statement ignores the needs of the substantial number of students who have been abused.

- "Recognizing abstinence from sexual intercourse until marriage as the only certain means of avoiding out-of-wedlock pregnancy, STDs, including HIV/AIDS and any other health and emotional problems associated with sexual intercourse" (Healthful Living (2000), "Protecting Self and Others Unit: Abstinence Until Marriage Guide Grades 7-9", Grade 7, p.8).

  "Abstinence until marriage is the only 100% effective way to avoid these consequences: Pregnancy, HIV/AIDS, STDs, Social and Emotional Consequences" (Healthful Living (1997), "Protecting Self and Others Unit Including the Abstinence Until Marriage Curriculum", Grade 7, p. 23).

  --Individuals may become pregnant, contract HIV/AIDS, STDs, and have social and emotional problems related to sexual activity within the context of marriage. Viruses and bacteria do not discriminate based on marital status.
  --Furthermore, STDs and HIV/AIDS can be contracted non-sexually and transmitted to a spouse.

- In the teacher resource, appendix 9 indicates that Norplant is 99% effective, yet on the same page it claims that the method has a 7% failure rate (Healthful Living (1997), "Protecting Self and Others Unit Including the Abstinence Until Marriage Curriculum", Grade 8, p. 26).

  --The numbers do not add up and there are no sources for the information provided. See other statistical examples from the same page that are also medically inaccurate.

Sen. Dorsett:

These are new talking points on SB618, with an example of the inaccuracies (ex. is from Wake Co.). This bill is scheduled for tomorrow's Ed. Committee meeting @ 8:30 AM. Just wanted to remind you, b/c we really need you there to vote it. Thanks for your time...

Sarah Karges
NARAL in NC

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2003

S 1

SENATE BILL 975

Short Title: Accessible Electronic Info Act/Blind/Disab'd. (Public)
Sponsors: Senators Dorsett; Dannelly, Jenkins, Kinnaird, Lucas, Malone, Metcalf, Moore, and Purcell.
Referred to: Appropriations/Base Budget.
April 3, 2003

A BILL TO BE ENTITLED

AN ACT TO ESTABLISH AN ACCESSIBLE ELECTRONIC INFORMATION SERVICE FOR BLIND AND DISABLED PERSONS AND TO APPROPRIATE FUNDS FOR THE SERVICE.

The General Assembly of North Carolina enacts:

SECTION 1. Article 7 of Chapter 62 of the General Statutes is amended by adding a new section to read:

"**§ 62-157A. Accessible Electronic Information Act.**

(a) Short Title. - This section shall be known and may be cited as the 'Accessible Electronic Information Act'.

(b) Legislative Findings. - The General Assembly finds and declares all of the following:

(1) Thousands of citizens in the State have disabilities, including blindness or visual impairment, that prevent them from using conventional print material.

(2) The State fulfills an important responsibility by providing books and magazines prepared in Braille, audio, and large-type formats made available to eligible blind and disabled persons.

(3) The technology, transcription methods, and means of distribution used for these materials are labor-intensive and cannot support rapid dissemination to individuals in rural and urban areas throughout the State.

(4) Lack of direct and prompt access to information included in newspapers, magazines, newsletters, schedules, announcements, or other time-sensitive materials limits literacy, participation, and educational opportunities for blind and disabled persons.

(5) This limitation can best be overcome through use of high-speed computer and telecommunications technology, combined with customized software, that provides a practical and cost-effective means to convert electronic text-based information, including daily newspapers, into synthetic speech suitable for statewide distribution with modern telecommunications

technology.

(6) Low-cost interstate telecommunications rates make distribution of electronic text-based information to eligible users both efficient and cost-effective for the State.

(7) Federal funds have been used to develop the technology and infrastructure needed for statewide toll-free access to daily newspapers and other timely information of local, State, and national interest through a service known as NFB-NEWSLINE(r), providing an efficient and cost-effective means of reader registration, content acquisition, and interstate telecommunications support.

(8) Use of this accessible electronic information service will enhance the State's current efforts to meet the needs of blind and disabled citizens for access to information that is otherwise available in print, thereby reducing isolation and supporting full integration and equal access for these individuals.

(c) Definitions. - The following definitions apply in this section:

(1) Accessible electronic information service. - A service where news and other timely information, including newspapers, is provided to eligible individuals from a multistate service center, using high-speed computers and telecommunications technology for interstate acquisition of content and rapid distribution in a form appropriate for use by blind and disabled persons.

(2) Blind and disabled persons. - Those individuals who are eligible for library loan services through the Library of Congress and the State Library for the Blind and Physically Handicapped pursuant to 36 C.F.R. § 701.10(b).

(3) Director. - The Director of the Division of Services for the Blind in the Department of Health and Human Resources.

(4) Qualified entity. - An agency, instrumentality, or political subdivision of the State or a nonprofit organization that:

a. Provides interstate access for eligible persons to read daily newspapers producing audio editions by computer.

b. Provides a means of program administration or reader registration on the Internet.

(d) Administration of Service. - The Division of Services for the Blind shall administer the statewide accessible electronic information service, including its establishment, operation, and promotion. The Director of the Division of Services for the Blind shall enter into an agreement with a qualified entity to provide an accessible electronic information service for eligible blind and disabled persons. The Division of Services for the Blind shall plan for continuation of the service from year to year and make maximum use of federal and other funds available by obtaining grant or in-kind support from appropriate programs and securing access to low-cost interstate

rates for telecommunications by reimbursement or otherwise.

(e) Accessible Electronic Information Service Fund. - In order to support an accessible electronic information service for blind and disabled persons:

(1) The Commission shall require all local exchange telecommunications companies to impose a periodic surcharge on bills rendered to all local exchange telecommunications company subscribers.

(2) The Commission, in consultation with the Director of the Division of Services for the Blind, shall annually determine the amount of the surcharge based on the amount of funding necessary to support the accessible electronic information service.

(3) The amount of the surcharge may be computed as a portion of any other surcharge required under existing law. In no event shall the surcharge exceed any existing surcharge by more than one cent (1¢) each line each month.

(4) Local exchange telecommunications companies shall remit the amount received from the surcharge to the Director of the Division of Services for the Blind less any amounts allowed for administration in accordance with a schedule determined by the Commission in consultation with the Director of the Division of Services for the Blind.

(f) Power to Regulate. - The Commission shall have the same power to regulate the operation of the accessible electronic information service as it has to regulate any public utility subject to the provisions of this Chapter."

SECTION 2. There is appropriated from the General Fund to the Department of Health and Human Services the sum of seventy thousand dollars ($70,000) for the 2003-2004 fiscal year to be used by the Division of Services for the Blind to establish an accessible electronic information service for blind and disabled persons in this State.

SECTION 3. This act becomes effective July 1, 2003.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2003

S 1

SENATE BILL 697

Short Title:	Community College Trust Fund Established.	(Public)
Sponsors:	Senators Metcalf; Albertson, Dalton, Garwood, Kerr, Rand, and Soles.	
Referred to:	Education/Higher Education.	

April 2, 2003

A BILL TO BE ENTITLED

AN ACT TO ESTABLISH A NORTH CAROLINA COMMUNITY COLLEGES INSTRUCTIONAL TRUST FUND.

The General Assembly of North Carolina enacts:

SECTION 1. Article 3 of Chapter 115D of the General Statutes is amended by adding a new section to read:

"**§ 115D-42. North Carolina Community Colleges Instructional Trust Fund.**

(a) There is established the North Carolina Community Colleges Instructional Trust Fund. The purpose of this Trust Fund is to supplement the funds raised by community college foundations to enhance the academic missions of community colleges.

(b) State funds from the Trust Fund and matching funds raised by foundations shall be used by the board of trustees of a community college only to enhance the academic mission of the college. Expenditures of these funds shall directly relate to education and shall be only for:

(1) Resource center materials;

(2) Professional development of instructional faculty and staff in cases in which (i) professional development will improve the quality of performance provided by the employee and (ii) the employee makes a commitment to remain at the college for a proscribed period of time;

(3) Professional development of instructional faculty and staff in cases in which professional development is necessary to enhance the employee's ability to meet newly mandated instructional or performance requirements;

(4) Endowed scholarships and endowed professorships; and

(5) Other purposes authorized by the State Board of Community Colleges that are consistent with the college's mission."

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

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2003

S D

SENATE BILL 697
PROPOSED COMMITTEE SUBSTITUTE S697-PCS35256-RQ-12

Short Title: Community College Trust Fund Established. (Public)

Sponsors:

Referred to:

April 2, 2003

A BILL TO BE ENTITLED

AN ACT TO ESTABLISH A NORTH CAROLINA COMMUNITY COLLEGES INSTRUCTIONAL TRUST FUND.

The General Assembly of North Carolina enacts:

SECTION 1. Article 3 of Chapter 115D of the General Statutes is amended by adding a new section to read:

"**§ 115D-42. North Carolina Community Colleges Instructional Trust Fund.**

(a) There is established the North Carolina Community Colleges Instructional Trust Fund. The purpose of this Trust Fund is to supplement the funds raised by community college foundations to enhance the academic missions of community colleges.

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(1) Resource center materials;

(2) Professional development of instructional faculty and staff in cases in which (i) professional development will improve the quality of performance provided by the employee and (ii) the employee makes a commitment to remain at the college for a prescribed period of time;

(3) Professional development of instructional faculty and staff in cases in which professional development is necessary to enhance the employee's ability to meet newly mandated instructional or performance requirements;

(4) Endowed scholarships and endowed professorships; and

(5) Other purposes authorized by the State Board of Community Colleges that are consistent with the college's mission.

(c) Private funds raised by the community college foundations for the Trust Fund shall be matched with State funds on a two-to-one basis. The State shall make a maximum matching contribution of twenty-five thousand dollars ($25,000) for each of the 58 community colleges. These funds shall be reserved for each community college and held in escrow in the Trust Fund. A community college foundation may apply for matching funds after it raises twenty-five thousand dollars ($25,000). The chairperson of each community college foundation shall certify to the North Carolina Community College System Office that (i) new funds have been raised by the college and deposited in the community college foundation to match the amount of funds held in escrow in the Trust Fund, (ii) the amount raised and deposited in the college foundation have not been used previously for matching purposes; and (iii) the amount raised by the college and the matching State funds shall be used only as provided in subsection (b) of this section. Any remaining funds that were not matched by the State shall be divided among those colleges that raised the required matching funds in excess of their allocation.

(d) The State Board of Community Colleges may request an audit of the State funds expended under this section from any community college foundation."

SECTION 2. There is appropriated from the General Fund to the State Board of Community Colleges the sum of one million four hundred fifty thousand dollars ($1,450,000) for the 2003-2004 fiscal year for the Community Colleges Instructional Trust Fund established in Section 1 of this act.

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

VISITOR REGISTRATION SHEET

Senate Education/Higher Education — **April 23, 2003, PM**
Name of Committee — **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Kathy Crumpler	1851 Kings Landing Rd Hampstead NC Health Educator
Sarah Langer	DPI 6349 mail service Center Raleigh, NC 27699-6349
MT Burnette	GACPD
Renee Paborn	Carolina Legal Assistance
Christine Trotter	CLA
[illegible]	C&CRD
Carolyn O. McKinney	NCAE
Marcus Downs	NCAE
Marge Foreman	NCAE
Bill Martin	Pitt County
Michael Houser	NCAE

VISITOR REGISTRATION SHEET

Senate Education/Higher Education — **April 23, 2003, PM**
Name of Committee — **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Rob Patalia	NC Justice Center
Lisa Bateman	DJJDP - CPSV
David Huskins	Smoky Mt. Host of N.C.
[illegible]	NCSBA
Dale Richard	The Arc
Polly Laubinger	GACPD
Marc Finlayson	Finlayson Consulting, LLC
Mary W. Baggett Martin	Blockade Runner Hotel
Sue A. Jasinski	parent
Tom Jasinski	parent
Barbara Anderson	parent

VISITOR REGISTRATION SHEET

Senate Education/Higher Education — April 23, 2003, PM

Name of Committee — Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Patricia A. Yancey	APPCNC
Paige Johnson	Planned Parenthood
Jim Hyer	SBE/DPI
Katherine Joyce	NCASA
Leanne Winner	NCSBA
Glenn Norris	Public School Forum
Leslie Bevacqua	NCCBI
Susan Hansen	WCPSS
Edward B. Bond	NCAE
[illegible]	DPH
Sarah Karges	NARAL in NC

VISITOR REGISTRATION SHEET

Senate Education/Higher Education — **April 23, 2003, PM**
Name of Committee — **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Edna Sheffield	Parent
Donna Ashley-Copeland	parent
Henrietta Green-Pitre	parent - Governor's advocate
Colleen Kochanek	Hafer & Caldwell, P.A.
Eddie Caldwell	NC Hotel + Lodging Assn
Lynn Bonner	NRO
Karen Murphy	Governor's Adv. Council
[illegible]	NCFPC
[illegible]	NCRA
Paula L. Wolf	Covenant w/ NC's Children
Jon Palmquist	EqualityNC

SENATE EDUCATION/HIGHER EDUCATION COMMITTEE

Wednesday, April 30, 2003, 8:30 a.m. - 11:a.m.
Room 643 Legislative Office Building

Minutes

The Senate Education/Higher Education Committee met Wednesday, April 30, 2003 at 10:00 in Room 643 of the Legislative Office Building. Senator Steve Metcalf, Presiding Chair, called the meeting to order with twenty-two members present.

After introduction of the Pages, Senator Dorsett was recognized to explain Senate Bill 977, "Limit Use of Restraints/Seclusion in Schools." Senator Dorsett moved the adoption of the Amendment. Mr. Hugh Wallace, addressed the issue of additional training of staff. LeAnn Winner, NC School Boards Association expressed concerns that the Association has about the bill. However, the Association does agree that the issue should be studied. Kathryn Joyner also spoke on the bill. The bill was temporarily removed from the agenda.

Senator Queen was recognized to explain Senate Bill 795, "Character Education to Include Anti-Violence Information." Senator Garwood moved the adoption of the amendment. The motion carried. Senator Jenkins moved a favorable report to the Committee Substitute and an unfavorable report to the original bill. The motion carried by voice vote.

Senator Garrou was recognized to explain Senate bill 994, "School Suspension for sale of Alcohol/Drug." Senator Garrou moved the adoption of the Proposed Committee Substitute for discussion. After committee discussion, Senator Jenkins move a favorable report to the Committee Substitute and an unfavorable report to the original bill. The motion carried by voice vote.

Senator Tillman was recognized to explain Senate Bill 955, "Modify Law/Contracts for School Principals." After explaining the bill, Senator Tillman moved a favorable report for Senate Bill 955. The motion carried by unanimous voice vote.

Senator Metcalf relinquished the Chair to Senator Lucas. She recognized Senator Metcalf to explain Senate bill 698, "Advisory Members on State Board of Education." Senator Lucas offered to amend the bill to add Superintendent of the year. Senator Hartsell moved to adopt the Amendment. The motion carried. Kathryn Joyce, NC Association of School Administrators, spoke in support of the bill. Senator Metcalf moved that the amend be rolled into a Proposed Committee Substitute and be given a favorable report and an unfavorable report as to the original bill. The motion carried.

Senator Dannelly was recognized to explain Senate Bill 977, "School Begin After Labor Day." He stated that the general public is in support of the bill. Present to speak in support of the bill were: Diane Poe, parent, teacher and business owner; V. Barton, parent, business owner; Carol Lore, Director, Tourism Authority, Crystal Coast; Ronnie Watson, Emerald Isle, NC, Holiday Travel and Tours.

Present to speak in opposition of the bill were: JoAnn Norris, Public School Forum; LeAnne Winner, and Eddie Little, School Board Association; Leslie Bevacqua, NC Citizens for Business and Industry; Linda Suggs, State Board of education.

Senator Stevens presented an amendment and moved to adopt the amendment. The motion carried. Senator Apodaca moved that the amendment be rolled in to a Proposed Committee Substitute be given a favorable report and an unfavorable report to the original bill. The motion carried by a show of hands vote.

Senator Lucas was recognized to explain Senate Bill 618, "Health Education Courses."

Senator Steve Metcalf, Presiding Chair

Joyce Crews Hodge, Committee Assistant

NORTH CAROLINA GENERAL ASSEMBLY
SENATE

EDUCATION/HIGHER EDUCATION COMMITTEE REPORT

Senator John A. Garwood, Co-Chair
Senator Jeanne Hopkins Lucas, Co-Chair
Senator Stephen M. Metcalf, Co-Chair

Wednesday, April 30, 2003

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

FAVORABLE

S.B. **931** No Portfolio Required/Teacher Certification.
Sequential Referral: None
Recommended Referral: None

S.B. **955** Modify Law/Contracts for School Principals.
Sequential Referral: None
Recommended Referral: None

UNFAVORABLE AS TO BILL, BUT FAVORABLE AS TO COMMITTEE SUBSTITUTE BILL

S.B. **698** Advisory Members on State Board of Education.
Draft Number: PCS35271
Sequential Referral: None
Recommended Referral: None
Long Title Amended: Yes

S.B. **795** Character Educ. to Include Antiviolence Info.
Draft Number: PCS40037
Sequential Referral: None
Recommended Referral: None
Long Title Amended: Yes

S.B. **994** School Suspension for Sale of Alcohol/Drug .
Draft Number: PCS40036
Sequential Referral: None
Recommended Referral: None
Long Title Amended: Yes

TOTAL REPORTED: 5

Committee Clerk Comments:

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2003

S 1

SENATE BILL 795

Short Title:	Character Educ. to Include Antiviolence Info.	(Public)
Sponsors:	Senator Queen.	
Referred to:	Education/Higher Education.	

April 3, 2003

A BILL TO BE ENTITLED

AN ACT TO MODIFY CHARACTER EDUCATION IN KINDERGARTEN THROUGH TWELFTH GRADE TO INCLUDE AN ANTIVIOLENCE MESSAGE AND A CONFLICT RESOLUTION COMPONENT.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 115C-81(h1)(2) reads as rewritten:

"(h1) In addition to the instruction under subsection (h) of this section, local boards of education are encouraged to include instruction on the following responsibilities:

...

(2) Responsibility for school safety. – Helping to create a harmonious school atmosphere that is free from threats, weapons, and violent or disruptive behavior; cultivate an orderly learning environment in which students and school personnel feel safe and secure; and encourage the resolution of conflicts and disagreements through peaceful means including peer mediation. Instruction in this responsibility should include a consistent and age-appropriate antiviolence message and a conflict resolution component for students in kindergarten through twelfth grade. These messages should include media-awareness education to help children recognize stereotypes and messages portraying violence. This approach should be promoted in all public and charter schools.

...."

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

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2003

S D

SENATE BILL 795
PROPOSED COMMITTEE SUBSTITUTE S795-CSLE-7 [v.4]

4/22/2003 9:34:24 AM

Short Title: Enhancement of Character & Civic Educ. Prog. (Public)

Sponsors:

Referred to:

April 3, 2003

A BILL TO BE ENTITLED

AN ACT TO ENHANCE AND FURTHER IMPLEMENT THE PROVISIONS OF THE STUDENT CITIZEN ACT OF 2001.

The General Assembly of North Carolina enacts:

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

§ 115C-81. Basic Education Program.

. . .

(g2) Student Councils. – All high schools and middle schools shall have elected student councils through which students have input into policies and decisions that affect them. All other schools are encouraged to have student councils.

The purpose of these student councils is to build civic skills and attitudes such as participation in elections, discussion and debate of issues, and collaborative decision-making. Schools shall encourage active, broad-based participation in these student councils.

(g3) Current Events. – Schools should encourage discussions of current events in a wide range of classes, especially social studies and language arts classes. All high schools and middle schools shall require at least two classes per grade level to offer interactive current events discussions at least every four weeks. "

SECTION 2. G.S. 115C-81(h1) reads as rewritten:

"(h1) In addition to the instruction under subsection (h) of this section, local boards of education are encouraged to include instruction on the following responsibilities:

(1) Respect for school personnel. – In the school environment, respect includes holding teachers, school administrators, and all school personnel in high esteem and demonstrating in words and deeds that all school personnel deserve to be treated with courtesy and proper deference.

(2) Responsibility for school safety. – Helping to create a harmonious school atmosphere that is free from threats, weapons, and violent or disruptive behavior; cultivate an orderly learning environment in which students and school personnel feel safe and secure; and encourage the resolution of conflicts and disagreements through peaceful means including peer mediation. Instruction in this responsibility should include a consistent and age-appropriate antiviolence message and a conflict resolution component for students in kindergarten through twelfth grade. These messages should include media-awareness education to help children recognize stereotypes and messages portraying violence. This approach should be promoted in all public schools, alternative schools, and charter schools.

(3) Service to others. – Engaging in meaningful service to their schools and their communities. Schools may teach service-learning by (i) incorporating it into their standard curriculum, or (ii) involving a classroom of students or some other group of students in one or more hands-on community-service projects. All schools shall provide opportunities for student involvement in community service or serviced-learning projects.

(4) Good citizenship. – Obeying the laws of the nation and this State; abiding by school rules; and understanding the rights and responsibilities of a member of a republic."

SECTION 3. G.S. 115C-1-5.35 reads as rewritten:

"**§ 115C-105.35. Annual performance goals.**

The School-Based Management and Accountability Program shall (i) focus on student performance in the basics of reading, mathematics, and communications skills in elementary and middle schools, (ii) focus on student performance in courses required for graduation and on other measures required by the State Board in the high schools, ~~and~~ (iii) hold schools accountable for the educational growth of their ~~students.~~students, and (iv) hold schools accountable for the character and civic educational growth of their students. To those ends, the State Board shall design and implement an accountability system that sets annual performance standards for each school in the State in order to measure the growth in performance of the students in each individual school. For purposes of this Article, beginning school year 2002-2003, the State Board shall include a "closing the achievement gap" component in its measurement of educational growth in student performance for each school. The "closing the achievement gap" component shall measure and compare the performance of each subgroup in a school's population to ensure that all subgroups as identified by the State Board are meeting State standards.

The State Board shall also include a character and civic educational growth component. A school must meet the character and civic educational growth component to be named a school of excellence."

SECTION 4. The State Board shall establish a position for a Director of Character and Civic Education. The Director of Character and Civic Education shall coordinate entities with the Department of Public Instruction, local school

administrative units, individual schools, and other entities that work with character and civic development of students.

SECTION 5. Sections 1 through 3 of this act are effective when this act becomes law and apply beginning with the 2004-2005 school year. Section 5 of this act becomes effective July 1, 2003.

SENATE BILL 931:
No Portfolio Required/Teacher Certification

BILL ANALYSIS

Committee:	Senate Education	**Introduced by:**	Sen. Shubert
Date:	April 30, 2003	**Summary by:**	Shirley Iorio
Version:	S931-CSRH-31[v.1]		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 (attached) 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 the bill would repeal Section 28.19(b) of S.L. 2001-424 (attached), which provided 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.

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.

Section 7.18 of S.L. 2002-126

PERFORMANCE-BASED LICENSURE PROGRAM/SUSPENSION OF PORTFOLIO REQUIREMENT AND STUDY

SECTION 7.18.(a) The State Board of Education, in consultation with the Board of Governors of The University of North Carolina and the Education Cabinet, shall review teacher preparation programs and the continuing certification process to determine how these programs can be modified to enhance the continuing teacher certification process and to reduce the burden the continuing certification process places on newly certified teachers. This evaluation shall consider strategies for streamlining the current continuing certification process and reducing the amount of documentation required in the applicant's portfolio.

The State Board of Education shall suspend the portfolio requirement for all teachers who are required, under the current law, to submit portfolios from August 1, 2002, through June 30, 2004. Teachers who are not required to submit portfolios during the period the portfolio requirement is suspended shall be subject to interim requirements adopted by the State Board and shall complete the interim requirements. The State Board of Education shall make every effort to insure that any interim requirements do not require significant and unnecessary paperwork, effort, and administrative burden. Prior to implementation of the interim requirements, the State Board of Education shall report to the Joint Legislative Education Oversight Committee on the proposed requirements.

SECTION 7.18.(b) The State Board of Education shall contract with an outside consultant to study and propose modifications to the current North Carolina initial certification, continuing certification, and recertification programs that ensure high standards, support for teachers, and high retention rates. Specifically, the contractor shall:

(1) Review the administration and implementation of the certification programs and identify significant strengths and weaknesses of the programs;
(2) Identify issues related to administration, staffing, and paperwork at the school, local, and State levels;
(3) Investigate and identify communication concerns about the certification programs between the school, local, and State levels;
(4) Randomly survey and interview participating teachers and administrators regarding key aspects of the certification programs and ways to improve them;
(5) Examine the possibility of making the programs more focused on and supportive of early teacher development and integrating them more appropriately into a teacher's daily work;
(6) Examine the portfolios previously submitted and identify the elements that are most troublesome to teachers, schools, and school systems;
(7) Identify alternatives to the portfolio approach and ways to keep paperwork requirements to a minimum;
(8) Review the State's mentor program and the mentor's role in support of certification efforts to determine whether the two programs are complementary;
(9) Examine the effect of the certification programs on teacher retention, using valid evidence; and
(10) Examine the impact the certification programs have on improving teaching practices, using valid evidence.

SECTION 7.18.(c) The State Board of Education shall use the results of the study to make recommendations to:

(1) Improve the administration and implementation of the certification programs, including improving the process for teachers;
(2) Resolve the issues surrounding the portfolio process and the collection of professional evidence during initial certification;
(3) Reduce paperwork and bureaucracy in initial certification, continuing certification, and recertification for teachers, schools, and school systems;

(4) Provide schools and districts incentives and flexibility to participate in more rigorous certification processes;
(5) Effectively use information regarding teacher supply and demand, standards and retention to inform policy decisions;
(6) Improve the relationship and coordination between the certification programs and mentoring programs;
(7) Provide appropriate sample work to teachers, including lesson plans, unit plans, and other professional work required during initial certification; and
(8) Provide ongoing program evaluation to monitor the quality of the programs and to inform policymakers.

SECTION 7.18.(d) The State Board of Education shall enlist the assistance of the Southern Regional Education Board in evaluating the responses to the request for proposals. Prior to awarding the contract for the consultant study, the State Board shall consult with the Joint Legislative Education Oversight Committee.

The State Board shall use federal No Child Left Behind State Grants for Improving Teacher Quality, to the extent possible, to cover the cost of the consultant and study.

The State Board shall report the findings of the consultant and the recommendations required by this section to the Joint Legislative Education Oversight Committee by January 1, 2004.

SECTION 7.18.(e) The Joint Legislative Education Oversight Committee shall make recommendations to the General Assembly on any changes to law or policy affecting certification of teachers on or after August 1, 2004, after reviewing the findings and recommendations of the consultant and State Board of Education.

Section 28.19(b) of S.L. 2001-424

SECTION 28.19.(b) The State Board of Education shall modify the Performance-Based Licensure Program to provide additional support for initially certified teachers. Initially certified teachers shall receive up to three days of approved paid leave during their second year of employment to work on their performance-based products or to consult with their mentors. If teachers have not successfully completed the performance-based requirements by their third year of employment, the teachers shall receive up to three days of approved paid leave to complete all requirements. Teachers participating in the program shall take paid leave only with the approval of their supervisors.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2003

S D

SENATE BILL 931
PROPOSED COMMITTEE SUBSTITUTE S931-CSRH-31 [v.1]

4/29/2003 8:32:19 PM

Short Title: No Portfolio Required/Teacher Certification. (Public)

Sponsors:

Referred to:

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 achievement. These rigorous standards shall not include a portfolio requirement for teachers.

The State Board of Education, in consultation with local boards of education and the Board of Governors of The University of North Carolina, shall reevaluate and enhance the requirements for renewal of teacher certificates. The State Board shall consider modifications in the certificate renewal achievement and to make it a mechanism for teachers to renew continually their knowledge and professional skills. The State Board shall adopt new standards for the renewal of teacher certificates by May 15, 1998.

The standards for approval of institutions of teacher education shall require that teacher education programs for students who do not major in special education include demonstrated competencies in the identification and education of children with learning disabilities. The State Board of Education shall incorporate the criteria developed in accordance with G.S. 116-74.21 for assessing proposals under the School Administrator Training Program into its school administrator program approval standards.

All North Carolina institutions of higher education that offer teacher education programs, masters degree programs in education, or masters degree programs in school administration shall provide performance reports to the State Board of Education. The performance reports shall follow a common format, shall be submitted according to a plan developed by the State Board, and shall include the information required under the plan developed by the State Board."

SECTION 2. The State Board, in consultation with the Board of Governors of The University of North Carolina, shall revise the standards for continuing certification so that the portfolio requirement for teachers is no longer required. The standards shall continue to be rigorous and aligned with the State's priorities for improving student achievement.

SECTION 3. Section 28.19(b) of S.L. 2001-424 is repealed.

SECTION 4. No new requirement added by the State Board of Education to the teacher certification process as the result of the violation of the rules of the legislature in 2002 may be required for licensure now or in the future without explicit legislative authorization.

SECTION 5. This act is effective when it becomes law.

SENATE BILL 951:
Student Advisor to Local Board of Education

BILL ANALYSIS

Committee:	Senate Education/Higher Education	**Introduced by:**	Senator Lucas
		Summary by:	Shirley Iorio
Date:	April 30, 2003		Committee Staff
Version:	First		

SUMMARY: ***House Bill 951 would require local boards of education to appoint a student to serve as an advisor to the board.***

The act would become effective when it becomes law.

CURRENT LAW: G.S. 115C-35 establishes how local boards of education are constituted.

BILL ANALYSIS: House Bill 951 would amend G.S. 115C-35 by adding a new subsection requiring local boards of education to appoint a student advisor to the board. The student would have to be enrolled in the local school administrative unit and would participate in board deliberations in an advisory capacity only. The board would have discretion to exclude the student advisor from executive sessions.

S951-SMSF-001

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2003

S 1

SENATE BILL 949

Short Title:	Link Principal's Bonus to 4-year Grad. Rate.	(Public)
Sponsors:	Senator Lucas.	
Referred to:	Education/Higher Education.	

April 3, 2003

A BILL TO BE ENTITLED

AN ACT TO PROVIDE AN ANNUAL BONUS TO HIGH SCHOOL PRINCIPALS IF THE FOUR-YEAR GRADUATION RATE INCREASES BY MORE THAN TEN PERCENT FROM THE PREVIOUS SCHOOL YEAR OR IF THE FOUR-YEAR GRADUATION RATE EXCEEDS EIGHTY PERCENT.

Whereas, during the 2000-2001 school year, nearly forty-three percent (43%) of North Carolina's high school graduation-aged students did not graduate from their high schools within four years; and

Whereas, eighteen counties across North Carolina had four-year high school graduation rates below fifty percent (50%) in the 2000-2001 school year, and only one county exceeded an eighty percent (80%) high school graduation rate; and

Whereas, approximately fourteen percent (14%) of young North Carolinians between the ages of 18 and 24 still had not completed high school as of school year 2000-2001; and

Whereas, economic well-being and employment prospects are profoundly diminished for young adults who have not completed high school, and their economic, social and employment status predictably will become worse in the years ahead; and

Whereas, the federal No Child Left Behind Education Act requires four-year graduation rates far above those presently achieved across North Carolina; and

Whereas, the current statewide four-year graduation rate is so low as to undermine the right of every young North Carolinian to a sound basic education; and

Whereas, those youth and young adults who have not graduated from high school in four years are more likely to be involved in the juvenile justice system or adult criminal justice system and to disproportionately need and use public social, health, and mental health services, institutions, and assistance; and

Whereas, it is in the best interests of the young people themselves, their communities, the State's economy, and the taxpayers of North Carolina to encourage high school graduation in four years; and

Whereas, effective high school principals play a key role in the four-year high school graduation rate and would give this outcome greater priority were there to be an incentive bonus for significantly improving this rate; Now, therefore,

The General Assembly of North Carolina enacts:

SECTION 1. For the 2003-2004 State fiscal year and/or for the 2004-2005 state fiscal year, any North Carolina public high school principal shall receive a one-time bonus payment equal to:

(1) One percent (1%) of her/his State-paid salary for the prior school year if the four-year graduation rate at the principal's high school has increased by more than ten percent (10%) during that prior school year or

(2) One percent (1%) of her/his State-paid salary for the prior school year if the four-year graduation rate continues to exceed (eighty percent) 80% during that prior school year.

The definition of "four-year graduation rate" shall conform entirely with the "complex" definition established in the No Child Left Behind Education Act of 2001 and regulations adopted pursuant to that act.

The annual lump sum bonus shall be paid in accordance with the guidelines and procedures established by the State Board of Education.

SECTION 2. This act becomes effective July 1, 2003.

SENATE BILL 949:
Link Principal's Bonus to 4-year Grad. Rate.

BILL ANALYSIS

Committee:	Senate Education/Higher Ed.	**Introduced by:**	Sen. Lucas
Date:	April 30, 2003	**Summary by:**	Sara Kamprath
Version:	First Edition		Committee Analyst

BILL ANALYSIS: Senate Bill 949 would allow a high school principal to receive a one-time bonus in the 2003-04 fiscal year or the 2004-05 fiscal year if either of the following conditions is met:

- The four-year graduation rate during the prior school year increased by more than 10% or
- The four-year graduation rate during the prior school year still exceeds 80%.

The one-time bonus would be equal to 1% of the principal's prior school year State-paid salary. The annual lump sum bonus shall be paid in accordance with guidelines and procedures adopted by the State Board of Education. The definition of "four-year graduation rate" shall conform with the definition in the federal No Child Left Behind Act.

The bill becomes effective July 1, 2003.

S949-SMRJ-001

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2003

S D

SENATE BILL 431
PROPOSED COMMITTEE SUBSTITUTE S431-CSLE-4 [v.1]

4/7/2003 11:59:36 AM

Short Title: Teacher Assistant Salary Schedule (Public)

Sponsors:

Referred to:

March 17, 2003

A BILL TO BE ENTITLED

AN ACT TO ESTABLISH A SALARY SCHEDULE FOR TEACHER ASSISTANTS.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 115C-12(16) reads as rewritten:

"**§ 115C-12. Powers and duties of the Board generally.**

The general supervision and administration of the free public school system shall be vested in the State Board of Education. The State Board of Education shall establish policy for the system of free public schools, subject to laws enacted by the General Assembly. The powers and duties of the State Board of Education are defined as follows:

...

(16) Power with Regard to Salary Schedules. – The Board shall provide for sick leave with pay for all public school employees in accordance with the provisions of this Chapter and shall promulgate rules and regulations providing for necessary substitutes on account of sick leave and other teacher absences.

a. Support personnel refers to all public school employees who are not required by statute or regulation to be certified in order to be employed. The State Board of Education is authorized and empowered to adopt all necessary rules for full implementation of all schedules to the extent that State funds are made available for support personnel.

b. Salary schedules for the following public school support personnel shall be adopted by the State Board of Education: school finance officer, office support personnel, ~~teacher assistants,~~ maintenance supervisors, custodial personnel, and transportation personnel. The Board shall classify these support

positions in terms of uniform pay grades included in the salary schedule of the State Personnel Commission.

~~By the end of the third payroll period of the 1995-96 fiscal year, local~~Local boards of education shall place State-allotted office support personnel, ~~teacher assistants,~~ and custodial personnel on the salary schedule adopted by the State Board of Education so that the average salary paid is the State-allotted amount for the category. In placing employees on the salary schedule, the local board shall consider the education, training, and experience of each employee, including experience in other local school administrative units. It is the intent of the General Assembly that a local school administrative unit not fail to employ an employee who was employed for the prior school year in order to implement the provisions of this sub-subdivision. A local board of education is in compliance with this sub-subdivision if the average salary paid is ~~at least ninety-five percent (95%) of the State-allotted amount for the category at the end of the third payroll period of the 1995-96 fiscal year, and~~ at least ninety-eight percent (98%) of the State-allotted amount for the category at the end of the third payroll period of each ~~subsequent~~ fiscal year. The Department of Public Instruction shall provide technical assistance to local school administrative units regarding the implementation of this sub-subdivision.

c. Salary schedules for other support personnel, excluding teacher assistants and including but not limited to maintenance and school food service personnel, shall be adopted by the State Board of Education. The Board shall classify these support positions in terms of uniform pay grades included in the salary schedule of the State Personnel Commission. These schedules shall apply if the local board of education does not adopt a salary schedule of its own for personnel paid from other than State appropriations.

d. The State Board of Education shall adopt guidelines for the implementation of the teacher assistant salary schedule enacted by the General Assembly.

...."

SECTION 2.(a) Placement of the Teacher Assistants Salary Schedule. – A teacher assistant shall be placed on the salary schedule set out in subsection (b) of this section in accordance with the teacher assistant's years of experience and qualification level as of July 1 prior to the beginning of the school year. The professional qualification levels used in the salary schedule are as follows:

(1) "NCLB Criteria Not Met" is the qualification level of a teacher assistant who has not met the employment criteria set out in the No Child Left Behind Law of 2001.

(2) "Work Keys Occ. Profile" is the qualification level of a teacher assistant who has successfully completed the Work Keys Occupational Profile for Teacher Assistants, Level I assessment.

(3) "Dept. of Labor Prog./Prof. Development Plan" is the qualification level of a teacher assistant who has successfully completed the North Carolina Department of Labor Teacher Assistant Apprentice Program; or the North Carolina Teacher Assistant's Professional Development Plan.

(4) "AA Degree" is the qualification level of a teacher assistant who (i) has an associate's degree from a community college or (ii) has completed at least two years of study at a college or community college with at least 48 semester hours of credit.

The State Board of Education shall adopt policies defining years of experience and professional qualifications for teacher assistants. The State Board shall also adopt forms for documentation of education levels and years of experience. It is the responsibility of each teacher assistant to provide the documentation to the Department of Public Instruction on forms adopted by the State Board and in accordance with Department policies.

SECTION 2.(b) Teacher Assistants Salary Schedule. –

Years of Experience	NCLB Criteria Not Met	Work Keys Occ. Profile	Dept. of Labor Prog./ Prof. Development Plan	AA Degree
0	$15,050	$15,300	$16,050	$17,050
1	$15,231	$15,484	$16,243	$17,255
2	$15,413	$15,669	$16,438	$17,462
3	$15,598	$15,857	$16,635	$17,671
4	$15,786	$16,048	$16,834	$17,883
5	$15,975	$16,240	$17,036	$18,098
6	$16,167	$16,435	$17,241	$18,315
7	$16,361	$16,632	$17,448	$18,535
8	$16,557	$16,832	$17,657	$18,757
9	$16,756	$17,034	$17,869	$18,982
10	$16,957	$17,238	$18,083	$19,210
11	$17,160	$17,445	$18,300	$19,441
12	$17,366	$17,655	$18,520	$19,674
13	$17,575	$17,866	$18,742	$19,910
14	$17,785	$18,081	$18,967	$20,149
15	$17,999	$18,298	$19,195	$20,391
16	$18,215	$18,517	$19,425	$20,635
17	$18,433	$18,740	$19,658	$20,883
18	$18,655	$18,964	$19,894	$21,134

19	$18,878	$19,192	$20,133	$21,387
20	$19,105	$19,422	$20,374	$21,644
21	$19,334	$19,655	$20,619	$21,904
22	$19,566	$19,891	$20,866	$22,166
23	$19,801	$20,130	$21,117	$22,432
24	$20,039	$20,372	$21,370	$22,702
25	$20,279	$20,616	$21,627	$22,974
26	$20,522	$20,863	$21,886	$23,250
27	$20,769	$21,114	$22,149	$23,529
28	$21,018	$21,367	$22,415	$23,811
29	$21,270	$21,624	$22,683	$24,097
30	$21,525	$21,883	$22,956	$24,386

SECTION 2.(c) Notwithstanding the provisions of this section, no teacher assistant shall be paid less under this section than that teacher assistant was paid during the prior school year.

SECTION 2.(d) Teacher assistants who drive school buses or are assigned to tasks that require fewer skills than their professional level shall be paid on the teacher assistant salary schedule; however, if a teacher assistant who drives a school bus is employed for more than 40 hours a week, that teacher assistant shall receive time and one-half for the additional hours of employment based on the salary of a school bus driver.

SECTION 2.(e) Nothing in this act shall be construed to modify the provisions of G.S. 115C-105.25(b)(1). If a school transfers funds allocated for a teacher assistant position pursuant to G.S. 115C-105.25(b)(1) or any other law in order to reduce class size, the amount transferred shall equal the average teacher assistant salary.

SECTION 2.(f) Effective July 1, 2003, State funds for teacher assistants shall be allocated as a position allotment based on years of experience and education.

SECTION 3. There is appropriated from the General Fund to State Aid to Local School Administrative Units the sum of forty million dollars ($40,000,000) for the 2003-2004 fiscal year and the sum of forty million dollars ($40,000,000) for the 2004-2005 fiscal year to implement Section 2 of this act.

SECTION 4. This act becomes effective July 1, 2003.

SENATE BILL 431:
Teacher Assistant Salary Schedule

BILL ANALYSIS

Committee:	Senate Education/Higher Education	**Introduced by:**	Senator Holloman
		Summary by:	Shirley Iorio
Date:	April 30, 2003		Committee Staff
Version:	PCS 431-CSLE-4[v.1]		

SUMMARY: The Proposed Committee Substitute (PCS) to Senate Bill 431 would establish a salary schedule for teacher assistants. The responsibility for adopting a salary schedule for teacher assistants would be moved from the State Board of Education to the General Assembly. The PCS would require the State Board of Education to adopt guidelines for the implementation of the teacher assistant salary schedule enacted by the General Assembly. The PCS would set out a teacher assistant salary schedule based on years of experience and professional qualifications.

The PCS for Senate Bill 431 would appropriate $40,000,000 for the 2003-2004 fiscal year and $40,000,000 for the 2004-2005 fiscal year to implement this act.

The act would become effective July 1, 2003.

CURRENT LAW: G.S. 115C-12(16)(b) gives the State Board of Education the authority to adopt salary schedules for the following public school support personnel: school finance officer, office support personnel, teacher assistants, maintenance supervisors, custodial personnel, and transportation personnel. The State Board must classify these support positions in terms of uniform pay grades included in the salary schedule of the State Personnel Commission.

Local boards of education must place State-allotted office support personnel, teacher assistants, and custodial personnel on the salary schedule adopted by the State Board of Education so that the average salary paid is the State-allotted amount for the category.

G.S. 155C-12(16)(c) requires the State Board of Education to adopt salary schedules for other support personnel, including but not limited to maintenance and school food service personnel.

BILL ANALYSIS:

Section 1. G.S. 115C-12(16)(b) and (c) would be amended by removing teacher assistants from the group of public school support personnel for whom the State Board of Education adopts salary schedules. Teacher assistants would also be removed from the groups that local boards are required to place on the salary schedule adopted by the State Board of Education so that the average salary paid is the State-allotted amount for the category. There would also be a technical change to remove unnecessary language.

The PCS would amend G.S. 155C-12(16) by requiring the State Board of Education to adopt guidelines for the implementation of the teacher assistant salary schedule enacted by the General Assembly.

Section 2.(a) Teacher assistants would be placed on the proposed salary schedule according to the teacher assistant's years of experience and qualification level as of July 1 prior to the beginning of the school year. There would be four qualification levels used in the proposed salary schedule. The State Board of Education would have to adopt policies defining years of experience and professional qualifications for

teacher assistants, and forms for documentation of this information. It would be the responsibility of the teacher assistant to provide the documentation to the Department of Public Instruction.

Section 2.(b) This section sets out the proposed teacher assistant salary schedule.

Section 2.(c) No teacher assistant would be paid less under this act than that teacher assistant was being paid during the previous school year.

Section 2.(d) Teacher assistants who drive school buses or are assigned to tasks that require fewer skills than their professional level would be paid on the teacher assistant salary schedule. However, a teacher assistant who drives a school bus and is employed for more than 40 hours a week would receive time and one-half for the additional hours of employment based on the salary of a school bus driver.

Section 2.(e) This section clarifies that there is nothing in this act that would modify the current law that allows schools to transfer funds allocated for teacher assistants to reduce class size or to reduce the student-teacher ratio in kindergarten through third grade. However, if a school does transfer those funds to reduce class size, the amount transferred must equal the average teacher assistant salary.

Section 2.(f) State funds for teacher assistants would be allocated as a position allotment based on years of experience and education.

Section 3. This act would be implemented with an appropriation from the General Fund to State Aid to Local School Administrative Units of forty million dollars the 2003-2004 fiscal year and forty million dollars for the 2004-2005 fiscal year.

Section 4. This act would become effective July 1, 2003.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2003

S D

SENATE BILL 431
PROPOSED COMMITTEE SUBSTITUTE S431-CSLE-4 [v.1]

4/7/2003 11:59:36 AM

Short Title: Teacher Assistant Salary Schedule (Public)

Sponsors:

Referred to:

March 17, 2003

A BILL TO BE ENTITLED

AN ACT TO ESTABLISH A SALARY SCHEDULE FOR TEACHER ASSISTANTS.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 115C-12(16) reads as rewritten:

"**§ 115C-12. Powers and duties of the Board generally.**

The general supervision and administration of the free public school system shall be vested in the State Board of Education. The State Board of Education shall establish policy for the system of free public schools, subject to laws enacted by the General Assembly. The powers and duties of the State Board of Education are defined as follows:

...

(16) Power with Regard to Salary Schedules. – The Board shall provide for sick leave with pay for all public school employees in accordance with the provisions of this Chapter and shall promulgate rules and regulations providing for necessary substitutes on account of sick leave and other teacher absences.

a. Support personnel refers to all public school employees who are not required by statute or regulation to be certified in order to be employed. The State Board of Education is authorized and empowered to adopt all necessary rules for full implementation of all schedules to the extent that State funds are made available for support personnel.

b. Salary schedules for the following public school support personnel shall be adopted by the State Board of Education: school finance officer, office support personnel, ~~teacher assistants,~~ maintenance supervisors, custodial personnel, and transportation personnel. The Board shall classify these support

positions in terms of uniform pay grades included in the salary schedule of the State Personnel Commission.

~~By the end of the third payroll period of the 1995-96 fiscal year, local~~Local boards of education shall place State-allotted office support personnel, ~~teacher assistants,~~ and custodial personnel on the salary schedule adopted by the State Board of Education so that the average salary paid is the State-allotted amount for the category. In placing employees on the salary schedule, the local board shall consider the education, training, and experience of each employee, including experience in other local school administrative units. It is the intent of the General Assembly that a local school administrative unit not fail to employ an employee who was employed for the prior school year in order to implement the provisions of this sub-subdivision. A local board of education is in compliance with this sub-subdivision if the average salary paid is ~~at least ninety-five percent (95%) of the State-allotted amount for the category at the end of the third payroll period of the 1995-96 fiscal year, and~~ at least ninety-eight percent (98%) of the State-allotted amount for the category at the end of the third payroll period of each ~~subsequent~~ fiscal year. The Department of Public Instruction shall provide technical assistance to local school administrative units regarding the implementation of this sub-subdivision.

c. Salary schedules for other support personnel, excluding teacher assistants and including but not limited to maintenance and school food service personnel, shall be adopted by the State Board of Education. The Board shall classify these support positions in terms of uniform pay grades included in the salary schedule of the State Personnel Commission. These schedules shall apply if the local board of education does not adopt a salary schedule of its own for personnel paid from other than State appropriations.

d. The State Board of Education shall adopt guidelines for the implementation of the teacher assistant salary schedule enacted by the General Assembly.

...."

SECTION 2.(a) Placement of the Teacher Assistants Salary Schedule. – A teacher assistant shall be placed on the salary schedule set out in subsection (b) of this section in accordance with the teacher assistant's years of experience and qualification level as of July 1 prior to the beginning of the school year. The professional qualification levels used in the salary schedule are as follows:

(1) "NCLB Criteria Not Met" is the qualification level of a teacher assistant who has not met the employment criteria set out in the No Child Left Behind Law of 2001.

(2) "Work Keys Occ. Profile" is the qualification level of a teacher assistant who has successfully completed the Work Keys Occupational Profile for Teacher Assistants, Level I assessment.

(3) "Dept. of Labor Prog./Prof. Development Plan" is the qualification level of a teacher assistant who has successfully completed the North Carolina Department of Labor Teacher Assistant Apprentice Program; or the North Carolina Teacher Assistant's Professional Development Plan.

(4) "AA Degree" is the qualification level of a teacher assistant who (i) has an associate's degree from a community college or (ii) has completed at least two years of study at a college or community college with at least 48 semester hours of credit.

The State Board of Education shall adopt policies defining years of experience and professional qualifications for teacher assistants. The State Board shall also adopt forms for documentation of education levels and years of experience. It is the responsibility of each teacher assistant to provide the documentation to the Department of Public Instruction on forms adopted by the State Board and in accordance with Department policies.

SECTION 2.(b) Teacher Assistants Salary Schedule. –

Years of Experience	NCLB Criteria Not Met	Work Keys Occ. Profile	Dept. of Labor Prog./ Prof. Development Plan	AA Degree
0	$15,050	$15,300	$16,050	$17,050
1	$15,231	$15,484	$16,243	$17,255
2	$15,413	$15,669	$16,438	$17,462
3	$15,598	$15,857	$16,635	$17,671
4	$15,786	$16,048	$16,834	$17,883
5	$15,975	$16,240	$17,036	$18,098
6	$16,167	$16,435	$17,241	$18,315
7	$16,361	$16,632	$17,448	$18,535
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9	$16,756	$17,034	$17,869	$18,982
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12	$17,366	$17,655	$18,520	$19,674
13	$17,575	$17,866	$18,742	$19,910
14	$17,785	$18,081	$18,967	$20,149
15	$17,999	$18,298	$19,195	$20,391
16	$18,215	$18,517	$19,425	$20,635
17	$18,433	$18,740	$19,658	$20,883
18	$18,655	$18,964	$19,894	$21,134

19	$18,878	$19,192	$20,133	$21,387
20	$19,105	$19,422	$20,374	$21,644
21	$19,334	$19,655	$20,619	$21,904
22	$19,566	$19,891	$20,866	$22,166
23	$19,801	$20,130	$21,117	$22,432
24	$20,039	$20,372	$21,370	$22,702
25	$20,279	$20,616	$21,627	$22,974
26	$20,522	$20,863	$21,886	$23,250
27	$20,769	$21,114	$22,149	$23,529
28	$21,018	$21,367	$22,415	$23,811
29	$21,270	$21,624	$22,683	$24,097
30	$21,525	$21,883	$22,956	$24,386

SECTION 2.(c) Notwithstanding the provisions of this section, no teacher assistant shall be paid less under this section than that teacher assistant was paid during the prior school year.

SECTION 2.(d) Teacher assistants who drive school buses or are assigned to tasks that require fewer skills than their professional level shall be paid on the teacher assistant salary schedule; however, if a teacher assistant who drives a school bus is employed for more than 40 hours a week, that teacher assistant shall receive time and one-half for the additional hours of employment based on the salary of a school bus driver.

SECTION 2.(e) Nothing in this act shall be construed to modify the provisions of G.S. 115C-105.25(b)(1). If a school transfers funds allocated for a teacher assistant position pursuant to G.S. 115C-105.25(b)(1) or any other law in order to reduce class size, the amount transferred shall equal the average teacher assistant salary.

SECTION 2.(f) Effective July 1, 2003, State funds for teacher assistants shall be allocated as a position allotment based on years of experience and education.

SECTION 3. There is appropriated from the General Fund to State Aid to Local School Administrative Units the sum of forty million dollars ($40,000,000) for the 2003-2004 fiscal year and the sum of forty million dollars ($40,000,000) for the 2004-2005 fiscal year to implement Section 2 of this act.

SECTION 4. This act becomes effective July 1, 2003.

BLIC BILL

S.B. 951

SESSION LAW _____

A BILL TO BE ENTITLED

AN ACT TO PROVIDE FOR A STUDENT ADVISOR TO EACH LOCAL BOARD OF EDUCATION.

Introduced by Senator(s) Lucas

Principal Clerk's Use Only

FILED APR 2 2003

PASSED 1st READING

APR 3 2003

AND REFERRED TO COMMITTEE

ON Ed / Higher Ed

BLIC BILL

SESSION LAW _____

S.B. 949

A BILL TO BE ENTITLED

AN ACT TO PROVIDE AN ANNUAL BONUS TO HIGH SCHOOL PRINCIPALS IF THE FOUR-YEAR GRADUATION RATE INCREASES BY MORE THAN TEN PERCENT FROM THE PREVIOUS SCHOOL YEAR OR IF THE FOUR-YEAR GRADUATION RATE EXCEEDS EIGHTY PERCENT.

Introduced by Senator(s) Lucas Lucas

Principal Clerk's Use Only

FILED APR 2 2003

PASSED 1st READING

APR 8 2003

AND REFERRED TO COMMITTEE

Ed / Higher Ed

SEQUENTIAL REFERRAL:

Approp / Base Bud

LIC BILL

H873

S.B. 618

SESSION LAW _____

A BILL TO BE ENTITLED

AN ACT TO REQUIRE THAT HEALTH EDUCATION COURSES OFFERED IN PUBLIC SCHOOLS PROVIDE MEDICALLY AND FACTUALLY ACCURATE INFORMATION.

Introduced by Senator(s) Daniels / Lucas Lucas Malone / Gilbert Gilbert Kinnaird / Hallman Hallman

Principal Clerk's Use Only

FILED MAR 27 2003

PASSED 1st READING

MAR 31 2003

AND REFERRED TO COMMITTEE

Ed/Higher Ed

779

NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
Senate Bill 779

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

S779-ARQ-9 [v.8]

Date _____,2003

Comm. Sub. [YES]
Amends Title [NO]
S779-CSRQ-14[v.1]

Senators Stevens, Hagan, Garrou, Tillman, and Shubert

moves to amend the bill on page 1, lines 22-23, by rewriting those lines to read:
"**SECTION 2.** This act becomes effective beginning with the 2004-2005 school year and applies to all local school administrative units except for the Wake County Public School System, the Guilford County School System, the Winston-Salem-Forsyth County School System, the Randolph County School System, the Asheboro City School System, the Montgomery County School System, the Scotland School System, the Richmond School System, the Anson School System, the Stanly School System, the Wilson School System, the Edgecombe School System, the Bertie School System, the Martin School System, the Washington School System, the Tyrell School System, the Pitt School System, and the Union County School System.".

SIGNED _____
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED _____ FAILED _____ TABLED _____

WAKE COUNTY PUBLIC SCHOOL SYSTEM

10 Month 1980-1981 School Day Calendar

LEGEND

- ■ First and Last Days of School Year
- [Q] End of First, Second and Third Nine Week Periods
- [W] Teacher Workday
- [RW] Regional Workday
- [V] Teacher Vacation Day
- [H] Teacher Holiday
- [17] No School for Students when Numbers are in Orange

JEWISH HOLIDAYS

9/11-12/80 - Rosh Hashanah
9/20/80 - Yom Kippur
12/3/80 - Hanukkah

SUMMER SCHOOL 1981

6/22/81 - First Day, 1st Semester
7/6/81 - Holiday
7/10/81 - Last Day, 1st Semester
7/13/81 - First Day, 2nd Semester
7/30/81 - Last Day, 2nd Semester

SNOW MAKE-UP DAYS

1/26/81
3/6/81
4/3/81
6/8/81
6/9/81

All Vocational Education teachers will observe the same Vacation and Holidays as regular teachers during the school year (Aug. 20, 1980 - June 9, 1981).

The number of teacher workdays will not be reduced because of inclement weather. Workdays, holidays, and vacation days for teachers will be rescheduled as lost days occur because of inclement weather.

Aug. 80

M	T	W	T	F
				1
4	5	6	7	8
11	12	13	14	15
18	19	20 W1	21 RW2	22 W3
25 W4	26 W5	27 W6	28 W7	29 W/V

Sep.

M	T	W	T	F
9 1 H	■	3	4	5
8	9	10	11	12
15	16	17	18	19
22	23	24	25	26
29	30			

Oct.

M	T	W	T	F
		1	2	3
6	7	8	9	10
13	14	15	16	17 W
20	21	22	23	24
27	28	29	30	31

Nov.

M	T	W	T	F
3	4 Q	5	6	7
10	11 W9	12	13	14
17	18	19	20	21
24	25	26	27 H10	28 V13

Dec.

M	T	W	T	F
1	2	3	4	5
8	9	10	11	12
15	16	17	18	19
22 V14	23 V15	24 V16	25 H17	26 H18
29 V19	30 V20	31 V21		

Jan. 81

M	T	W	T	F
			21 H1	22 W2
5	6	7	8	9
12	13	14	15	16
19	20	21	22	23 Q
26 W	27	28	29	30

Feb.

M	T	W	T	F
2	3	4	5	6
9	10	11	12	13
16	17	18	19	20
23	24	25	26	27

Mar.

M	T	W	T	F
2	3	4	5	6 W
9	10	11	12	13
16	17	18	19	20
23	24	25	26	27
30	31 Q			

Apr.

M	T	W	T	F
		1	2	3 W
6	7	8	9	10
13	14	15	16	17 H
20 H	21	22	23	24
27	28	29	30	

May

M	T	W	T	F
				1
4	5	6	7	8
11	12	13	14	15
18	19	20	21	22
25	26	27	28	29

Jun.

M	T	W	T	F
1	2	3	4	■
28 W	29 W	30 H	31 H	32 H
34 15 V	35 16 V	36 17 V	37 18 V	38 19 V
22	23	24	25	26
29	30			

04-01-03:09:32AM:COMMUNICATIONS

AGENDA

Senate Education/Higher Education Committee

Wednesday, April 30, 2003
8:30 a.m. – 11:00 a.m., Room 643

Senator Steve Metcalf, Presiding

Welcome
Senator Metcalf

- **SB 698** Advisory Members on State Board of Education
  Sen. Metcalf
- **SB 795** Character Educ. to Include Anti-Violence Info.
  Sen. Queen
- **SB 977** Limit Use of Restraints/Seclusion in Schools
  Sen. Dorsett
- **SB 994** School Suspension for Sale of Alcohol/Drug.
  Sen. Garrou
- **SB 431** 4th Senatorial District Local Act
  Sen. Holloman
- **SB 955** Modify Law/Contracts for School Principals.
  Sen. Tillman
- **SB 618** Health Education Courses/Accurate Info.
  Sen. Lucas
- **SB 949** Link Principal's Bonus to 4-Year Grad. Rate
  Sen. Lucas
- **SB 951** Student Advisor to Local Board of Education
  Sen. Lucas
- **SB 779** Schools Begin After Labor Day
  Sen. Dannelly
- **SB 931** Portfolio Requirement for Teacher Certification
  Sen. Shubert

Adjournment

AGENDA

Senate Education/Higher Education Committee

Wednesday, April 30, 2003
8:30 a.m. – 11:00 a.m., Room 643

Senator Steve Metcalf, Presiding

Welcome
Senator Metcalf

Fav. PCS (5)
- **SB 698** — **Advisory Members on State Board of Education**
  Sen. Metcalf

Fav PCS (2)
- **SB 795** — **Character Educ. to Include Anti-Violence Info.**
  Sen. Queen

next week (1)
- **SB 977** — **Limit Use of Restraints/Seclusion in Schools**
  Sen. Dorsett

Fav. PCS (3)
- **SB 994** — **School Suspension for Sale of Alcohol/Drug.**
  Sen. Garrou

Removed
- **SB 431** — **4th Senatorial District Local Act**
  Sen. Holloman

Fav. (4)
- **SB 955** — **Modify Law/Contracts for School Principals.**
  Sen. Tillman

(7)
Removed
- **SB 618** — **Health Education Courses/Accurate Info.**
  Sen. Lucas

Removed
- **SB 949** — **Link Principal's Bonus to 4-Year Grad. Rate**
  Sen. Lucas

Removed
- **SB 951** — **Student Advisor to Local Board of Education**
  Sen. Lucas

(6)
Fav. As Amended PCS
- **SB 779** — **Schools Begin After Labor Day**
  Sen. Dannelly

Favorable — S.B. 931 Pass this Report — Shubert

Adjournment

VISITOR REGISTRATION SHEET

Senate Education/Higher Education — April 30, 2003, PM
Name of Committee — Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Tim Kelley	Coca Cola Consolidated Raleigh, NC
Lauren Stuh	NCSDA
Charlene Barbour	NCAPA
Diane Pons	Capt. Bill's Restaurant Morehead City, NC
John Pons	Capt. Bill's Restaurant Morehead City,
Mary W Bassett Martin	Blockade Runner, Holiday Inn Boone NC
Ronnie Watson	Holiday Trav-L-Park Resort
Caro Lohr	Carteret Co. Tourism Authority
Stephanie Simpson	NC Assn. of Realtors
James Andrews	NC State AFL-CIO

VISITOR REGISTRATION SHEET

Senate Education/Higher Education — **April 30, 2003, PM**
Name of Committee — **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Susan Harris	WCPSS
Peggy Wing	
ANN LEE	DUHS
Dallas Baker	Intern - Sen. Galloway
Marc Finlayson	Finlayson Consulting, LLC
Anne Wine	
ELIZABETH D. WICKHAM	LIFETREE
Carol Lauver	EGLS
John Cyrus	N.C. State Treasurer
[illegible]	NCICU
Rez Sawatt	NCCCS

VISITOR REGISTRATION SHEET

Senate Education/Higher Education — **April 30, 2003, PM**
Name of Committee — **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Ann McArthur	Governor's Office
[illegible]	NCPAPA
[illegible]	Mallon Co
[illegible]	NCRA
Brian Lewis	Planned Parenthood
Erica Behrens	Charlotte Observer
Ann Cooley	
[illegible]	Capitol Group
Sarah Langer	DPI -
PO PALACIO	NC JUSTICE Center
Rick Zechini	NC Assoc. of REALTORS

VISITOR REGISTRATION SHEET

Senate Education/Higher Education — **April 30, 2003, PM**
Name of Committee — **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
MT Burnette	GACPD
Linda Guzman	The Arc of NC
Lisa Bateman	DJJDP- Center for the Prevention of School Violence
[illegible]	[illegible]
AL DEITCH	BOARD
Sarah Karges	NARAL in NC
Mavis Davis	NCAE
John Holleman	NCAE
Michael Harper	NCAE
EDDIE DAVIS	NCAE
Jan Ramsey	NCATA
Gene Causby	NC GLA

VISITOR REGISTRATION SHEET

Senate Education/Higher Education — **April 30, 2003, PM**
Name of Committee — **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
J Ann Norris	Public School Forum
Katherine Joyce	NCASA
Hugh T Wallace	Hunter Huss/Hoyle School Gastonia
Cathy Beshamer	Gaston Co. Schools, Dept. for Exc. Children
Cynthia Tarchenko	GACPD
John Rustin	NC Family Policy Council
Allison Bowen	Governors Advocacy Council for Persons with Disabilities (GACPD)
Christine O Trotter	Carolina Legal Assistance (CLA)
Renee Palmer	" " " Special Needs Federation
Ellen Russell	The Arc of NC, Raleigh NC
Diann Irwin	DPI - Exceptional Children.

AGENDA

Senate Education/Higher Education Committee

Wednesday, May 7, 2003
10:00 a.m., Room 643

Senator Jeanne Lucas, Presiding

Welcome
Senator Lucas

- **SB 977** **Limit Use of Restraints/Seclusion in Schools**
  Sen. Dorsett
- **SB 700** **Teacher Assistant Salary/Tuition Funds**
  Sen. Metcalf
- Removed **SB 949** **Link Principal's Bonus to 4-Year Grad. Rate**
  Sen. Lucas
- **SB 957** **K-8 Testing Reform Act of 2003**
  Sen. *Apodaca*
- **SB 431** **4th Senatorial District Local Act**
  Sen. Holloman

Adjournment

SENATE EDUCATION/HIGHER EDUCATION COMMITTEE

Wednesday, May 7, 2003, 10:00 a.m.
Room 643 Legislative Office Building
Minutes

The Senate Education/higher Education Committee met Wednesday, May 7, 2003 at 10:00 in Room 643 of the Legislative Office Building. Senator Jeanne Lucas, Presiding Chair, called the meeting to order with twenty members present.

After introduction of the Pages, she stated that Senate Bill 700, "Teacher Assistant Salary/Tuition Funds," SB 949, "Link Principal's Bonus to 4-Year Graduation Rate," and SB 431, "4th Senatorial District Local Act" would be removed from today's Agenda.

Senator Lucas recognized Senator Dorsett to explain SB 977 – "Limit Use of Restraints/Seclusion in Public Schools." Senator Dorsett moved the acceptance of the Proposed Committee Substitute for discussion. The motion carried by unanimous voice vote. Senator Dorsett moved to amend the PCS on page 1, lines 22-23. After Committee discussion, Senator Purcell moved the adoption of the amendment. The motion carried by unanimous voice vote. Senator Shubert moved an unfavorable report of the bill; that the amendment be rolled into the PCS and a favorable report as to the committee substitute. The motion carried by unanimous voice vote.

Senator Lucas recognized Senator Apodaca to explain Senate Bill 957, "K-8 Testing Reform Act of 2003." After Committee discussion, Lou Perzzo, Director of Division of Accountability Services, Department of Public Instruction was recognized to speak on the bill. He stated that DPI testing is very controversial and complex. The number of days of testing, and preparing for tests, varies depending on the grade level. Senator Smith moved that SB 957 receive a favorable report and re-referred to the Committee on Appropriations. The motion passed by unanimous voice vote.

The meeting was adjourned at 10:55 a.m.

Senator Jeanne H. Lucas, Presiding Chair

Joyce Crews Hodge, Committee Assistant

NORTH CAROLINA GENERAL ASSEMBLY
SENATE

EDUCATION/HIGHER EDUCATION COMMITTEE REPORT
Senator John A. Garwood, Co-Chair
Senator Jeanne Hopkins Lucas, Co-Chair
Senator Stephen M. Metcalf, Co-Chair

Thursday, May 08, 2003

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

UNFAVORABLE AS TO BILL, BUT FAVORABLE AS TO COMMITTEE SUBSTITUTE BILL

S.B. **977** Limit Use of Restraints/Seclusion in Schools.

Draft Number:	PCS40041
Sequential Referral:	None
Recommended Referral:	None
Long Title Amended:	Yes

TOTAL REPORTED: 1

Committee Clerk Comments:

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2003

S 1

SENATE BILL 977

Short Title:	Limit Use of Restraints/Seclusion in Schools.	(Public)
Sponsors:	Senators Dorsett; Dannelly, Holloman, Jenkins, Kinnaird, Lucas, Malone, Metcalf, Moore, and Purcell.	
Referred to:	Education/Higher Education.	

April 3, 2003

A BILL TO BE ENTITLED

AN ACT PERTAINING TO THE USE OF RESTRAINTS AND SECLUSION IN PUBLIC SCHOOLS.

The General Assembly of North Carolina enacts:

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

"**§ 115C-390.1. Limitations on the use of physical restraint or seclusion of a student.**

(a) Physical restraint or seclusion of a student shall be employed only as a necessary and last resort for the protection of persons or property. The duration of the physical restraint or seclusion shall be only as long as necessary for the student to regain control of his or her behavior. Only school personnel who have been trained in the proper use of restraints and seclusion may employ them. Any incident of restraint or seclusion and the detailed reasons for such action shall be documented in the student's discipline records with copies of the documentation form provided to the principal and to the student's parents. School personnel shall immediately notify the student's parents and the school administration when the use of restraint or seclusion is employed. Each student who is restrained or secluded shall be continually observed, and a written notation of the observation shall be made in the student's record.

(b) A school that employs physical restraint or seclusion shall collect data on the use of the restraints and seclusion. The data shall reflect, for each incidence, the type of procedure used, the length of time employed, alternatives considered or employed, and the effectiveness of the procedure or alternative employed. The school shall analyze the data on at least a quarterly basis to monitor effectiveness, determine trends, and make corrective action where necessary. The school shall make the required data available to the local board of education. The data shall also be available to the State Superintendent and the State Board of Education, upon request.

(c) Local boards of education shall implement policies and practices that emphasize the use of alternatives to physical restraint and seclusion. Physical restraint and seclusion may be employed only by school personnel who have been trained and have demonstrated competence in the proper use of and alternatives to these procedures. School personnel who employ restraint and seclusion must have annual training and certification.

(d) The State Board of Education shall adopt policies to implement this section. These policies shall provide for:

(1) School personnel training and competence in:

a. The use of positive behavioral supports.

b. Communication strategies for defusing and de-escalating potentially dangerous behavior.

c. Monitoring vital indicators.

d. Administration of CPR.

e. Debriefing with student, parent, and school personnel.

f. Documentation in student's discipline records.

g. Methods for determining school personnel competence, including qualifications of trainers and training curricula.

(2) Immediate notification to the parent of the type and duration of the restraint or seclusion.

(3) Other matters relating to the use of physical restraint or seclusion necessary to ensure the safe and appropriate use of restraints and seclusion.

(e) Upon the death or serious injury requiring medical attention of any student in a public school, the school shall immediately notify the local board of education, the State Superintendent, and the State Board of Education if and when it is determined that the death or serious injury occurred as a result of the use of physical restraint or seclusion of the student.

(f) The State Superintendent shall establish a standard reporting format for reporting incidents of restraint and seclusion pursuant to this section, including incidents resulting in death or serious injury requiring medical attention. The State Superintendent shall provide the form to the schools that are subject to this subsection for the schools' use in complying with this subsection.

(g) Nothing in this section abrogates State or federal law or other legal requirements pertaining to confidentiality, privilege, or other prohibition against disclosure of information provided to the local board of education, the State Superintendent, and the State Board of Education under this section. In reviewing data requested under this section, the local board of education, State Superintendent and State Board of Education shall adhere to State or federal law and other legal requirements of confidentiality, privilege, and other prohibition against disclosure and release applicable to the information received under this section."

SECTION 2. This act becomes effective July 1, 2003.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2003

S D

SENATE BILL 977
PROPOSED COMMITTEE SUBSTITUTE S977-CSRH-20 [v.3]

5/6/2003 12:53:43 PM

Short Title: Study Use of Restraints/Seclusion in Schools. (Public)

Sponsors:

Referred to:

April 3, 2003

A BILL TO BE ENTITLED

AN ACT ESTABLISHING THE PHYSICAL RESTRAINTS AND SECLUSION IN PUBLIC SCHOOLS STUDY COMMISSION.

The General Assembly of North Carolina enacts:

SECTION 1. There is created the Physical Restraints and Seclusion in Public Schools Study Commission. The Commission shall be composed of 24 members as follows:

(1) The President Pro Tempore of the Senate shall appoint the following 12 members:
   a. Four members of the Senate, one of whom the President Pro Tempore shall designate as cochair.
   b. Four members upon the recommendation of the Special Needs Federation.
   c. Two school administrators upon the recommendation of the North Carolina Association of School Administrators.
   d. Two directors of programs for exceptional children upon the recommendation of the Superintendent of Public Instruction.

(2) The Speaker of the House of Representatives shall appoint the following 12 members:
   a. Four members of the House of Representatives, one of whom the Speaker shall designate as cochair.
   b. Four members upon the recommendation of organizations that advocate for the needs of students with disabilities.
   c. Two teachers of students with disabilities upon the recommendation of the North Carolina Association of Educators.
   d. Two members upon the recommendation of the North Carolina School Boards Association.

SECTION 2. The Commission shall study issues pertaining to the use of physical restraints and seclusion of students. As part of this study, the Commission shall examine the following issues:

(1) The incidents of physical restraint or seclusion of students, including those involving serious physical injury or death.

(2) The circumstances under which physical restraint or seclusion is appropriate and inappropriate.

(3) Whether school personnel receive appropriate training in the effective and appropriate use of physical restraint or seclusion.

(4) Whether schools and local school administrative units maintain appropriate records or other documentation related to incidents of physical restraint or seclusion of students, including those involving serious physical injury or death.

(5) The extent to which and the means by which parents and guardians are notified of incidents involving physical restraint or seclusion of students.

(6) Other states' laws, rules, and policies related to physical restraint and seclusion of students.

(7) Any other issue the Committee considers appropriate.

SECTION 3. With the prior approval of the Legislative Services Commission, the Legislative Services Officer shall assign professional staff to assist in the work of the Commission. With the prior approval of the Legislative Services Commission, the Commission may hold its meetings in the State Legislative Building or the Legislative Office Building.

SECTION 4. The Commission shall submit a final written report of its findings and recommendations by March 30, 2004. The report shall be filed with the President Pro Tempore of the Senate and the Speaker of the House of Representatives, the Principal Clerks of the Senate and the House of Representatives, the Joint Legislative Education Oversight Committee, and the Legislative Librarian. Upon filing its final report, the Commission shall terminate.

SECTION 5. Members of the Commission shall be paid per diem, subsistence, and travel allowances as follows:

(1) Commission members who are also members of the General Assembly, at the rate established in G.S. 120-3.1.

(2) Commission members who are officials or employees of the State or local government agencies, at the rate established in G.S. 138-6.

(3) All other Commission members, at the rate established in G.S. 138-5.

SECTION 6. This act becomes effective July 1, 2003.

NORTH CAROLINA GENERAL ASSEMBLY AMENDMENT

(Please type or use ballpoint pen)

EDITION No. _____

H. B. No. _____ DATE _____

S. B. No. 977 Amendment No. _____
(to be filled in by Principal Clerk)

COMMITTEE SUBSTITUTE S977-CSRH-20(V.3)

Rep.)
) Dorsett
Sen.)

1 moves to amend the bill on page 1, line 22-23

2 ( ) WHICH CHANGES THE TITLE

3 by rewriting the lines to read:

4 "b. Four members upon the recommendation

5 of the Governor's Advocacy Council for

6 Persons with Disabilities.".

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SIGNED Faie L Dorsett

ADOPTED _____ FAILED _____ TABLED _____

SENATE BILL 977:
Study Use of Restraints/Seclusion in Schools.

BILL ANALYSIS

Committee:	Senate Education	**Introduced by:**	Senator Dorsett
Date:	May 7, 2003	**Summary by:**	Robin Johnson
Version:	S977-CSRH-20[v.3]		Committee Counsel

SUMMARY: ***Senate Bill 977 would establish the Physical Restraints and Seclusion in Public Schools Study Commission.***

The bill would take effect July 1, 2003.

BILL ANALYSIS: The bill would establish a 24-member study commission, comprised of legislators, school administrators, teachers, directors of programs for exceptional children, and other members recommended by various organizations. The Commission would be directed to study the following issues related to the use of physical restraints and seclusion of students:

- Incidents of restraint and seclusion, including incidents resulting in death or serious injury.
- Circumstances under which restraint or seclusion would be appropriate or inappropriate.
- Whether appropriate training is available for school personnel.
- Whether schools and school systems maintain adequate documentation of incidents.
- Extent to which and the means by which parents are notified of incidents.
- Other states' laws, rules, and policies.
- Other issues considered appropriate.

The Commission would submit a written report of its findings and recommendations by March 30, 2004. The report would be filed with the President Pro Tempore of the Senate, Speaker of the House of Representatives, Principal Clerks of both chambers, Legislative Librarian, and Joint Legislative Education Oversight Committee.

S977-SMRH-004

IC BILL

S.B. 977

SESSION LAW _____

A BILL TO BE ENTITLED

AN ACT PERTAINING TO THE USE OF RESTRAINTS AND SECLUSION IN PUBLIC SCHOOLS.

Introduced by Senator(s)

Dorsett

Principal Clerk's Use Only

FILED APR 2 2003

PASSED 1st READING

APR 3 2003

AND REFERRED TO COMMITTEE

on Ed / Higher Ed

Unfav. Orig Bill

Fav. PCS

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2003

S 1

SENATE BILL 700

Short Title:	Teacher Assistant Salary/Tuition Funds.	(Public)
Sponsors:	Senators Metcalf; and Rand.	
Referred to:	Education/Higher Education.	

April 2, 2003

A BILL TO BE ENTITLED

AN ACT TO INCREASE THE SALARY OF TEACHER ASSISTANTS AND TO PAY TUITION FOR THE COURSES TEACHER ASSISTANTS MUST TAKE TO COMPLY WITH THE NO CHILD LEFT BEHIND ACT OF 2001.

The General Assembly of North Carolina enacts:

SECTION 1. There is appropriated from the General Fund to State Aid to Local School Administrative Units the sum of two million one hundred forty-two thousand dollars ($2,142,000) for the 2003-2004 fiscal year and the sum of two million one hundred forty-two thousand dollars ($2,142,000) for the 2004-2005 fiscal year to increase the average salary for teacher assistants from fourteen thousand dollars ($14,000) a year to eighteen thousand five hundred dollars ($18,500) a year.

SECTION 2. There is appropriated from the General Fund to State Aid to Local School Administrative Units the sum of three million dollars ($3,000,000) for the 2003-2004 fiscal year and the sum of three million dollars ($3,000,000) for the 2004-2005 fiscal year to pay the community college tuition for courses teacher assistants must take to comply with the requirements of the No Child Left Behind Act of 2001.

SECTION 3. This act becomes effective July 1, 2003.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2003

S 1

SENATE BILL 949

Short Title:	Link Principal's Bonus to 4-year Grad. Rate.	(Public)
Sponsors:	Senator Lucas.	
Referred to:	Education/Higher Education.	

April 3, 2003

A BILL TO BE ENTITLED

AN ACT TO PROVIDE AN ANNUAL BONUS TO HIGH SCHOOL PRINCIPALS IF THE FOUR-YEAR GRADUATION RATE INCREASES BY MORE THAN TEN PERCENT FROM THE PREVIOUS SCHOOL YEAR OR IF THE FOUR-YEAR GRADUATION RATE EXCEEDS EIGHTY PERCENT.

Whereas, during the 2000-2001 school year, nearly forty-three percent (43%) of North Carolina's high school graduation-aged students did not graduate from their high schools within four years; and

Whereas, eighteen counties across North Carolina had four-year high school graduation rates below fifty percent (50%) in the 2000-2001 school year, and only one county exceeded an eighty percent (80%) high school graduation rate; and

Whereas, approximately fourteen percent (14%) of young North Carolinians between the ages of 18 and 24 still had not completed high school as of school year 2000-2001; and

Whereas, economic well-being and employment prospects are profoundly diminished for young adults who have not completed high school, and their economic, social and employment status predictably will become worse in the years ahead; and

Whereas, the federal No Child Left Behind Education Act requires four-year graduation rates far above those presently achieved across North Carolina; and

Whereas, the current statewide four-year graduation rate is so low as to undermine the right of every young North Carolinian to a sound basic education; and

Whereas, those youth and young adults who have not graduated from high school in four years are more likely to be involved in the juvenile justice system or adult criminal justice system and to disproportionately need and use public social, health, and mental health services, institutions, and assistance; and

Whereas, it is in the best interests of the young people themselves, their communities, the State's economy, and the taxpayers of North Carolina to encourage high school graduation in four years; and

Whereas, effective high school principals play a key role in the four-year high school graduation rate and would give this outcome greater priority were there to be an incentive bonus for significantly improving this rate; Now, therefore,

The General Assembly of North Carolina enacts:

SECTION 1. For the 2003-2004 State fiscal year and/or for the 2004-2005 state fiscal year, any North Carolina public high school principal shall receive a one-time bonus payment equal to:

(1) One percent (1%) of her/his State-paid salary for the prior school year if the four-year graduation rate at the principal's high school has increased by more than ten percent (10%) during that prior school year or

(2) One percent (1%) of her/his State-paid salary for the prior school year if the four-year graduation rate continues to exceed (eighty percent) 80% during that prior school year.

The definition of "four-year graduation rate" shall conform entirely with the "complex" definition established in the No Child Left Behind Education Act of 2001 and regulations adopted pursuant to that act.

The annual lump sum bonus shall be paid in accordance with the guidelines and procedures established by the State Board of Education.

SECTION 2. This act becomes effective July 1, 2003.

SENATE BILL 949:
Link Principal's Bonus to 4-year Grad. Rate.

BILL ANALYSIS

Committee:	Senate Education/Higher Ed.	**Introduced by:**	Sen. Lucas
Date:	April 30, 2003	**Summary by:**	Sara Kamprath
Version:	First Edition		Committee Analyst

BILL ANALYSIS: Senate Bill 949 would allow a high school principal to receive a one-time bonus in the 2003-04 fiscal year or the 2004-05 fiscal year if either of the following conditions is met:

- The four-year graduation rate during the prior school year increased by more than 10% or
- The four-year graduation rate during the prior school year still exceeds 80%.

The one-time bonus would be equal to 1% of the principal's prior school year State-paid salary. The annual lump sum bonus shall be paid in accordance with guidelines and procedures adopted by the State Board of Education. The definition of "four-year graduation rate" shall conform with the definition in the federal No Child Left Behind Act.

The bill becomes effective July 1, 2003.

S949-SMRJ-001

NORTH CAROLINA GENERAL ASSEMBLY
SENATE

EDUCATION/HIGHER EDUCATION COMMITTEE REPORT
Senator John A. Garwood, Co-Chair
Senator Jeanne Hopkins Lucas, Co-Chair
Senator Stephen M. Metcalf, Co-Chair

Wednesday, May 07, 2003

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

FAVORABLE

S.B. **957** K-8 Testing Reform Act of 2003.
Sequential Referral: None
Recommended Referral: Appropriations/Base Budget

TOTAL REPORTED: 1

Committee Clerk Comments:

H-1015

S.B. 957

SESSION LAW _____

A BILL TO BE ENTITLED

AN ACT TO MODIFY THE STATE SCHOOL TESTING PROGRAM.

Introduced by Senator(s)

Kinnaird Sloan Garwood Soop

Apodaca Forrest Blake Hartsell

Rand Sherron Cowell

Tillman Boseman Hoffman Rucho

Principal Clerk's Use Only

FILED APR 2 2003

PASSED 1st READING

APR 3 2003

AND REFERRED TO COMMITTEE

ON Ed / Higher Ed

Fav

Recommend Referral

App B. Budget

SENATE BILL 957:
K-8 Testing Reform Act of 2003.

BILL ANALYSIS

Committee:	Senate Education/Higher Ed.	**Introduced by:**	Sen. Apodaca
Date:	May 7, 2003	**Summary by:**	Sara Kamprath
Version:	First Edition		Committee Analyst

BILL ANALYSIS:

Changes to Testing in Grades 3-8

Senate Bill 957 would replace the current end-of-grade tests used in grades 3-8 with nationally normed achievement tests developed by a testing company. In grades 3-8, the tests would measure academic progress instead of "progress toward reading, communication skills, and mathematics." The State Board of Education would adopt these tests after consulting with a newly created advisory committee. The tests would not be administered more than 5 days in a school year. Students who scored below the national average in reading or math for the eighth grade shall receive remedial instruction in the ninth grade.

The federal No Child Left Behind Act (NCLB) requires that statewide assessment systems report results that provide reliable and valid comparisons to state content and performance standards. To meet the requirements of NCLB, the State would have to negotiate with the test publishers to modify their existing tests by adding additional items that are aligned with the NC Standard Course of Study.

The State Board shall contract with testing companies to provide broad accommodations and alternate assessments for children in grades 3-8 that are consistent with each child's IEP and Section 504 plans.

Local school administrative units are prohibited from administering any additional standardized tests beyond the nationally normed achievement tests adopted by the State Board for grades 3-8.

Changes to Testing in Grades 9-12

Field testing would only be used in the final design of tests for grades 9-12. The bill makes technical changes in several other statutes dealing with field testing to clarify that only students in grades 9-12 shall be administered field tests.

Other Changes in Testing Program

The State Board shall adopt rules prohibiting schools from using guidance counselors to coordinate or administer the testing program.

Senate Bill 957 establishes an advisory committee to aid the State Board of Education with test selection. The committee shall consist of 14 members:

- 3 Senators appointed by the President Pro Tempore
- 3 Representatives appointed by the Speaker of the House of Representatives
- The chair of the State Board of Education
- The Superintendent of Public Instruction
- 1 representative of higher education, 1 teacher and 1 parent appointed by the President Pro Tempore

- 1 teacher certified in special education, 1 other teacher, and 1 parent appointed by the Speaker of the House

The Legislative Services Office shall provide staff to the advisory committee.

Senate Bill 957 also makes a technical change by deleting the language that refers to a study that was conducted in 2000.

The bill becomes effective July 1, 2003 and applies beginning with the 2003-04 school year.

BACKGROUND:

In June 1996, the State Board of Education implemented the ABC's accountability system that focuses on the performance of public schools with a system of rewards and consequences. The ABC's emphasizes the basic skills or reading, writing and math that all students should master. The ABC's system sets growth and performance standards for each elementary, middle and high school as opposed to a standard that only measures the percentage of students scoring at some selected proficiency level.

Current end-of-grade tests in grades 3-8

The end-of-grade tests in reading and math are multiple-choice standardized achievement tests that are based on the curriculum objectives outlined in the NC Standard Course of Study. The end-of-grade tests are administered during the last 3 weeks of school on consecutive school days.

Other tests administered in grades 3-8

There is a writing assessment in grades 4 and 7. In addition to the writing tests, there is also a computer skills test given in the 8th grade that must be passed in order to graduate from high school.

Students with disabilities who do not participate in the end-of-grade tests or the writing assessments must be administered a state-mandated alternate assessment.

Tests in Grades 9-12

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.

The attached table shows the end-of-course tests and other required tests for the 2002-03 school year.

S957-SMRJ-001

North Carolina Testing Program Required Testing for 2002-03[1]

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]		

[1]Tests 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.

[2]The 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).

[4]Students 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).

[5]The competency tests in reading and mathematics are required for all students entering the ninth grade in 1994-95 and beyond.

[6]The 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.

[7]The 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. [8]The 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.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2003

S 1

SENATE BILL 957

Short Title:	K-8 Testing Reform Act of 2003.	(Public)
Sponsors:	Senators Apodaca, Rand, Tillman; Bingham, Blake, Carpenter, Foxx, Garwood, Hargett, Hartsell, Holloman, Metcalf, Pittenger, Rucho, Shubert, Sloan, Smith, and Stevens.	
Referred to:	Education/Higher Education.	

April 3, 2003

A BILL TO BE ENTITLED

AN ACT TO MODIFY THE STATE SCHOOL TESTING PROGRAM.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 115C-12(9a) reads as rewritten:

"**§ 115C-12. Powers and duties of the Board generally.**

The general supervision and administration of the free public school system shall be vested in the State Board of Education. The State Board of Education shall establish policy for the system of free public schools, subject to laws enacted by the General Assembly. The powers and duties of the State Board of Education are defined as follows:

. . .

(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,~~ measurable 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)~~(vi) be measurable in grades three through eight by nationally normed achievement tests, and (vii) be ~~measurable, whenever possible,~~ measurable 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. 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.

. . . ."

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 academic 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.

The tests adopted for grades three through eight shall be nationally normed achievement tests, developed by a testing company. The State Board shall adopt these tests after consultation with the advisory committee established pursuant to subdivision (1a) of this subsection. These tests shall be administered for no more than five days in a school year.

Students who ~~do not pass the tests adopted~~ score below the national average in reading or mathematics 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 geography and size to participate in the study. If the State Board determines that a standardized test administered in May, 12 months prior to the third grade end-of-grade test, is more reliable than a standardized test administered at the beginning of third grade for the purpose of measuring academic growth, the State Board may change the test date~~

~~for additional local school units. The State Board shall report the results of the study to the Joint Legislative Education Oversight Committee by October 15, 2000.~~

~~Baseline measurements administered in May, 12 months prior to the third grade end-of-grade test, are not public records as provided in Chapter 132 of the General Statutes.~~

(1a) There is hereby established an advisory committee to assist the State Board of Education with test selection. The advisory committee shall consist of:

a. Three Senators, appointed by the President Pro Tempore of the Senate;

b. Three members of the House of Representatives appointed by the Speaker of the House of Representatives;

c. The chair of the State Board of Education;

d. The Superintendent of Public Instruction;

e. One representative of higher education, one teacher, and one parent appointed by the President Pro Tempore of the Senate; and

f. One teacher certified in special education, one other teacher, and one parent appointed by the Speaker of the House of Representatives.

The Legislative Services Office shall provide staff to the advisory committee.

(2) If the State Board of Education finds that additional testing in grades ~~three~~ 9 through 12 is desirable to allow comparisons with national indicators of student achievement, that testing shall be conducted with the smallest size sample of students necessary to assure valid comparisons with other states."

SECTION 3. G.S. 115C-174.12 reads as rewritten:

"**§ 115C-174.12. Responsibilities of agencies.**

(a) The State Board of Education shall establish policies and guidelines necessary for minimizing the time students spend taking tests administered through State and local testing programs, for minimizing the frequency of field testing in grades nine through 12 at any one school, and for otherwise carrying out the provisions of this Article. These policies shall reflect standard testing practices to insure reliability and validity of the sample testing. The results of the field tests shall be used in the final design of each ~~test.~~test for grades nine through 12. The State Board of Education's policies regarding the testing of children with disabilities shall (i) provide broad accommodations and alternate methods of assessment that are consistent with a child's individualized education program and section 504 (29 U.S.C. § 794) plans, (ii) prohibit the use of statewide tests as the sole determinant of decisions about a child's graduation or promotion, and (iii) provide parents with information about the Statewide Testing Program and options for students with disabilities. The State Board shall contract with testing companies to provide broad accommodations and alternate methods of

assessment for children in grades three through eight that are consistent with each child's individualized education program and section 504 (29 U.S.C. § 794) plans. The State Board shall report its proposed policies and proposed changes in policies to the Joint Legislative Education Oversight Committee prior to adoption.

The State Board of Education may appoint an Advisory Council on Testing to assist in carrying out its responsibilities under this Article.

(a1) The State Board of Education shall adopt rules prohibiting schools from using guidance counselors to coordinate or administer the testing program.

(b) The Superintendent of Public Instruction shall be responsible, under policies adopted by the State Board of Education, for the statewide administration of the testing program provided by this Article.

(b1) The Superintendent shall notify local boards of education by October 1 of each year of any field tests in grades nine through 12 that will be administered in their schools during the school year, the schools at which the field tests will be administered, and the specific field tests that will be administered at each school.

(c) Local boards of education shall cooperate with the State Board of Education in implementing the provisions of this Article, including the regulations and policies established by the State Board of Education. Local school administrative units shall use the annual and competency testing programs to fulfill the purposes set out in this Article. Local school administrative units are encouraged to continue to develop local testing programs designed to diagnose student needs ~~further.~~further; however, local school administrative units shall not administer locally adopted standardized tests in addition to the nationally normed achievement tests adopted by the State Board of Education for grades three through eight."

SECTION 4. This act becomes effective July 1, 2003, and applies beginning with the 2003-2004 school year.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2003

S 2

SENATE BILL 977

Education/Higher Education Committee Substitute Adopted 5/8/03

Short Title: Study Use of Restraints/Seclusion in Schools. (Public)

Sponsors:

Referred to:

April 3, 2003

A BILL TO BE ENTITLED

AN ACT ESTABLISHING THE PHYSICAL RESTRAINTS AND SECLUSION IN PUBLIC SCHOOLS STUDY COMMISSION.

The General Assembly of North Carolina enacts:

SECTION 1. There is created the Physical Restraints and Seclusion in Public Schools Study Commission. The Commission shall be composed of 24 members as follows:

(1) The President Pro Tempore of the Senate shall appoint the following 12 members:
   a. Four members of the Senate, one of whom the President Pro Tempore shall designate as cochair.
   b. Four members upon the recommendation of the Special Needs Federation.
   c. Two school administrators upon the recommendation of the North Carolina Association of School Administrators.
   d. Two directors of programs for exceptional children upon the recommendation of the Superintendent of Public Instruction.

(2) The Speaker of the House of Representatives shall appoint the following 12 members:
   a. Four members of the House of Representatives, one of whom the Speaker shall designate as cochair.
   b. Four members upon the recommendation of the Governor's Advocacy Council for Persons with Disabilties.
   c. Two teachers of students with disabilities upon the recommendation of the North Carolina Association of Educators.
   d. Two members upon the recommendation of the North Carolina School Boards Association.

SECTION 2. The Commission shall study issues pertaining to the use of physical restraints and seclusion of students. As part of this study, the Commission shall examine the following issues:

(1) The incidents of physical restraint or seclusion of students, including those involving serious physical injury or death.

(2) The circumstances under which physical restraint or seclusion is appropriate and inappropriate.

(3) Whether school personnel receive appropriate training in the effective and appropriate use of physical restraint or seclusion.

(4) Whether schools and local school administrative units maintain appropriate records or other documentation related to incidents of physical restraint or seclusion of students, including those involving serious physical injury or death.

(5) The extent to which and the means by which parents and guardians are notified of incidents involving physical restraint or seclusion of students.

(6) Other states' laws, rules, and policies related to physical restraint and seclusion of students.

(7) Any other issue the Commission considers appropriate.

SECTION 3. With the prior approval of the Legislative Services Commission, the Legislative Services Officer shall assign professional staff to assist in the work of the Commission. With the prior approval of the Legislative Services Commission, the Commission may hold its meetings in the State Legislative Building or the Legislative Office Building.

SECTION 4. The Commission shall submit a final written report of its findings and recommendations by March 30, 2004. The report shall be filed with the President Pro Tempore of the Senate and the Speaker of the House of Representatives, the Principal Clerks of the Senate and the House of Representatives, the Joint Legislative Education Oversight Committee, and the Legislative Librarian. Upon filing its final report, the Commission shall terminate.

SECTION 5. Members of the Commission shall be paid per diem, subsistence, and travel allowances as follows:

(1) Commission members who are also members of the General Assembly, at the rate established in G.S. 120-3.1.

(2) Commission members who are officials or employees of the State or local government agencies, at the rate established in G.S. 138-6.

(3) All other Commission members, at the rate established in G.S. 138-5.

SECTION 6. This act becomes effective July 1, 2003.

Senate Bill 957 – K-8 Testing Reform Act of 2003

FACT Sheet:

End on Grade Test:

1) Only designed to see if teachers are teaching the NC Course of Study
(Hopefully the NC Course of Study is comparable to other states – WHO KNOWS)

2) Not diagnostic – does not give valuable information to parents & teachers

3) No comparisons to other states

4) Cost of running a testing company – See flow chart

5) Low proficiency cuts –

What Is Grade Level Performance?

Percentage Correct: North Carolina End of Grade Tests

Grade	Achievement Level*	Percentage of Items Correct	
		Reading	*Math*
3	3	51%	60%
	4	75%	81%
5	3	54%	40%
	4	79%	62%
8	3	51%	34%
	4	76%	54%

* Level 3: at grade level expectancy; Level 4: well above grade level expectancy

Source: As reported by Testing and Accountability Section. North Carolina Department of Public Instruction in December 2002

6) Philosophy of testing in NC – "We do not test for facts – but for concepts"
(Example: Fourth Grade standard: Students will be able to know the authors tone and mood - Problem is that we have fourth grade students who can not write sentences. – The NC test do not assess Grammar, Spelling, Sentence Structure. The vast majority of the Math test is done with Calculators in elementary grades)

National Normed Achievement Test:

1) Can be used with the states accountability program (ABC's)
2) Diagnostic in nature – will fit with NCLB (Federal Legislation) (Show comparisons)
   Already test for science and social studies and many other factors currently omitted from NC test
3) Might be cheaper – if we only knew what the current test cost?

...rade Testing
Par... ...acher Report
Public Schools of North Carolina
Regular Test Administration
Spring 2002

Charlotte-Mecklenburg Schools

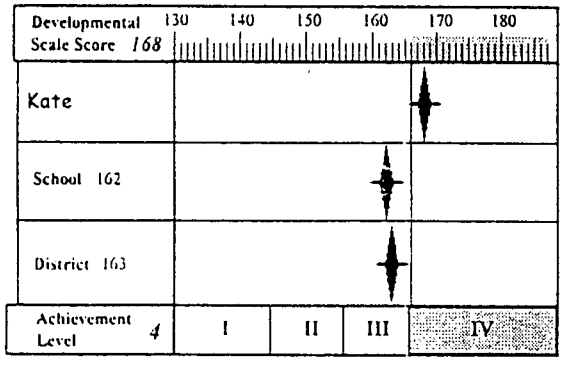
[redacted] MIDDLE SCHOOL

[redacted]

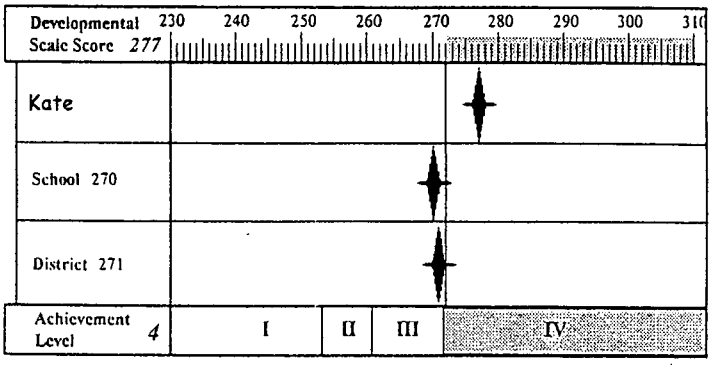
CMS ID # [redacted]
Teacher: [redacted]

Grade 8

Reading (65 questions)



Mathematics (80 questions)



Reading Percentile: 74

Mathematics Percentile: 74

Scores on the N.C. End-of-Grade Tests are grouped into four achievement levels:

Level I..... Well below grade level, Insufficient mastery of knowledge and skills
Level II..... Below grade level, Inconsistent mastery of knowledge and skills
Level III..... On grade level, Consistent mastery of knowledge and skills at grade level
Level IV..... Above grade level, Superior mastery of knowledge and skills beyond grade level

CMS/TA/JMH i:\eog\parentrep8.prg 05/28/02 03:04:53 PM 5304

End-of-Grade Testing
Parent/Teacher Report
Public Schools of North Carolina

Student: [redacted]
Teacher: [redacted]
School: [redacted]
System: CHARLOTTE-MECKLENBURG
Test Date: MAY 2002

Grade 8

Social Studies (60 questions)

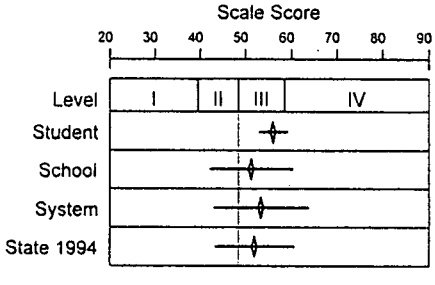
Scale Score

56

This student scored at or above

66

percent of students who took the test during the norming year (1996).



SOCIAL STUDIES GOALS	Number of Questions
The influence of geography on economic, social, and political development	5
Early contacts between European nations and Native Americans	6
Important aspects of life in colonial North America	5
Trace causes and evaluate effects of major events and personalities of the Revolutionary War Era	5
The impact of major events, problems, and personalities on North Carolina and the new nation	6
The role of North Carolina in events of the Antebellum Era	5

SOCIAL STUDIES GOALS	Number of Questions
Trace causes and events and judge the effects of Civil War and Reconstruction on North Carolina	7
The effects of national economic, social, and political change on the South in the late Nineteenth Century	5
Judge the effects of progressivism, war, and religious controversy on North Carolina	4
The extent to which North Carolina and Nation shared in the problems of the Great Depression and World War II	7
Social, economic, and political changes since 1945 and their effects on contemporary life	5

Teacher Comments

The shaded area indicates performance at achievement levels III and IV which is considered to be at or above the expectation for this grade level.

ACHIEVEMENT TEST SERIES, NINTH EDITION
with OTIS-LENNON SCHOOL ABILITY TEST, SEVENTH EDITION

TEACHER: Shi.
SCHOOL: FAITH CHRISTIAN ACAD
DISTRICT: ACSI - 0074061
TEST TYPE: MULTIPLE CHOICE

GRADE: 06
TEST DATE: 04/02

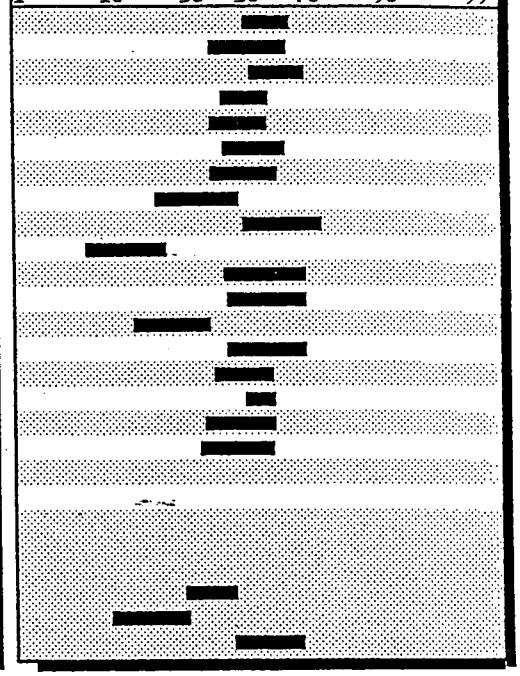
STUDENT REPORT FOR

Age: 13 Yrs 08 Mos

SUBTESTS AND TOTALS	No. of Items	Raw Score	Scaled Score	National PR-S	ACSI PR-S	Grade Equiv	AAC Range
Total Reading	84	60	669	56-5	26-4	7.1	HIGH
Vocabulary	30	21	665	49-5	21-3	6.7	MIDDLE
Reading Comp.	54	39	671	60-6	31-4	7.5	HIGH
Total Mathematics	78	46	654	48-5	16-3	6.6	HIGH
Problem Solving	48	27	644	45-5	16-3	5.9	MIDDLE
Procedures	30	19	669	52-5	19-3	6.9	HIGH
Language	48	28	643	45-5	18-3	6.3	MIDDLE
Lang Mechanics	24	12	627	30-4	10-2	4.6	MIDDLE
Lang Expression	24	16	659	62-6	35-4	8.0	HIGH
Spelling	30	12	606	11-3	2-1	4.0	LOW
Study Skills	30	20	649	55-5	27-4	7.4	HIGH
Science	40	24	652	58-5	28-4	7.5	MIDDLE
Social Science	40	15	601	22-3	6-2	4.6	MIDDLE
Listening	40	29	663	57-5	28-4	7.9	MIDDLE
Using Information	69	39	641	45-5	16-3	5.8	MIDDLE
Thinking Skills	229	139	643	54-5	19-3	7.0	HIGH
Basic Battery	310	195	NA	46-5	18-3	6.8	MIDDLE
Complete Battery	390	234	NA	44-5	17-3	6.8	MIDDLE

OTIS-LENNON SCHOOL ABILITY TEST		Raw Score	SAI	Age PR-S	Age NCE	Scaled Score	Natl Grade PR-S
Total	72	33	88	23-4	34.4	616	34-4
Verbal	36	12	80	11-3	24.2	595	16-3
Nonverbal	36	21	97	43-5	46.3	634	56-5

NATIONAL GRADE PERCENTILE BANDS



CONTENT CLUSTERS	RS/ NP/ NA	Below Average	Average	Above Average
Reading Vocabulary	21/ 30/ 30		✓	
Synonyms	11/ 16/ 16		✓	
Context	4/ 7/ 7		✓	
Multiple Meanings	6/ 7/ 7		✓	
Reading Comprehension	39/ 54/ 54		✓	
Recreational	13/ 18/ 18		✓	
Textual	11/ 18/ 18		✓	
Functional	15/ 18/ 18			✓
Initial Understanding	8/ 12/ 12		✓	
Interpretation	18/ 24/ 24		✓	
Critical Analysis	7/ 9/ 9		✓	
Process Strategies	6/ 9/ 9		✓	
Mathematics: Problem Solving	27/ 48/ 48		✓	
Measurement	3/ 6/ 6		✓	
Estimation	1/ 4/ 4		✓	
Problem-Solving Strategies	3/ 5/ 5		✓	
Number & No. Relationships	4/ 6/ 6		✓	
Number Systems & No. Theory	3/ 5/ 5		✓	
Patterns & Functions	2/ 3/ 3		✓	
Algebra	2/ 3/ 3		✓	
Statistics	4/ 6/ 6		✓	
Probability	3/ 3/ 3			✓
Geometry	2/ 7/ 7		✓	
Mathematics: Procedures	19/ 30/ 30		✓	
Computation/Symbolic Notation	8/ 10/ 10		✓	
Computation in Context	9/ 16/ 16		✓	
Rounding	2/ 4/ 4		✓	
Language	28/ 48/ 48		✓	
Capitalization	5/ 8/ 8		✓	
Punctuation	3/ 8/ 8	✓		
Usage	4/ 8/ 8		✓	
Sentence Structure	7/ 12/ 12		✓	
Content and Organization	9/ 12/ 12		✓	

CONTENT CLUSTERS	RS/ NP/ NA	Below Average	Average	Above Average
Spelling	12/ 30/ 30	✓		
Homophones	1/ 5/ 5	✓		
Phonetic Principles	5/ 10/ 10	✓		
Structural Principles	3/ 10/ 10	✓		
No Mistake	3/ 5/ 5		✓	
Study Skills	20/ 30/ 30		✓	
Library/Reference Skills	12/ 17/ 17		✓	
Information Skills	8/ 13/ 13		✓	
Science	24/ 40/ 40		✓	
Earth & Space Science	9/ 12/ 12		✓	
Physical Science	9/ 14/ 14			✓
Life Science	6/ 14/ 14	✓		
Science Process Skills	19/ 30/ 30		✓	
Social Science	15/ 40/ 40	✓		
History	3/ 10/ 10	✓		
Geography	4/ 9/ 9		✓	
Civics & Government	1/ 8/ 8	✓		
Economics	4/ 8/ 8		✓	
Culture	3/ 5/ 5		✓	
Listening	29/ 40/ 40		✓	
Vocabulary	7/ 10/ 10		✓	
Comprehension	22/ 30/ 30		✓	
Recreational	6/ 10/ 10	✓		
Informational	8/ 10/ 10		✓	
Functional	8/ 10/ 10		✓	
Initial Understanding	9/ 10/ 10			✓
Interpretation	10/ 14/ 14		✓	
Critical Analysis/Strategies	3/ 6/ 6		✓	
Using Information	39/ 69/ 69		✓	
Thinking Skills	139/229/229		✓	

STANFORD LEVEL/FORM: Intermediate 3/V
1995 NORMS: Spring National

OLSAT LEVEL/FORM: F/3
National

Copy 02
Process No. 10244365-1571921-1674-00263-2

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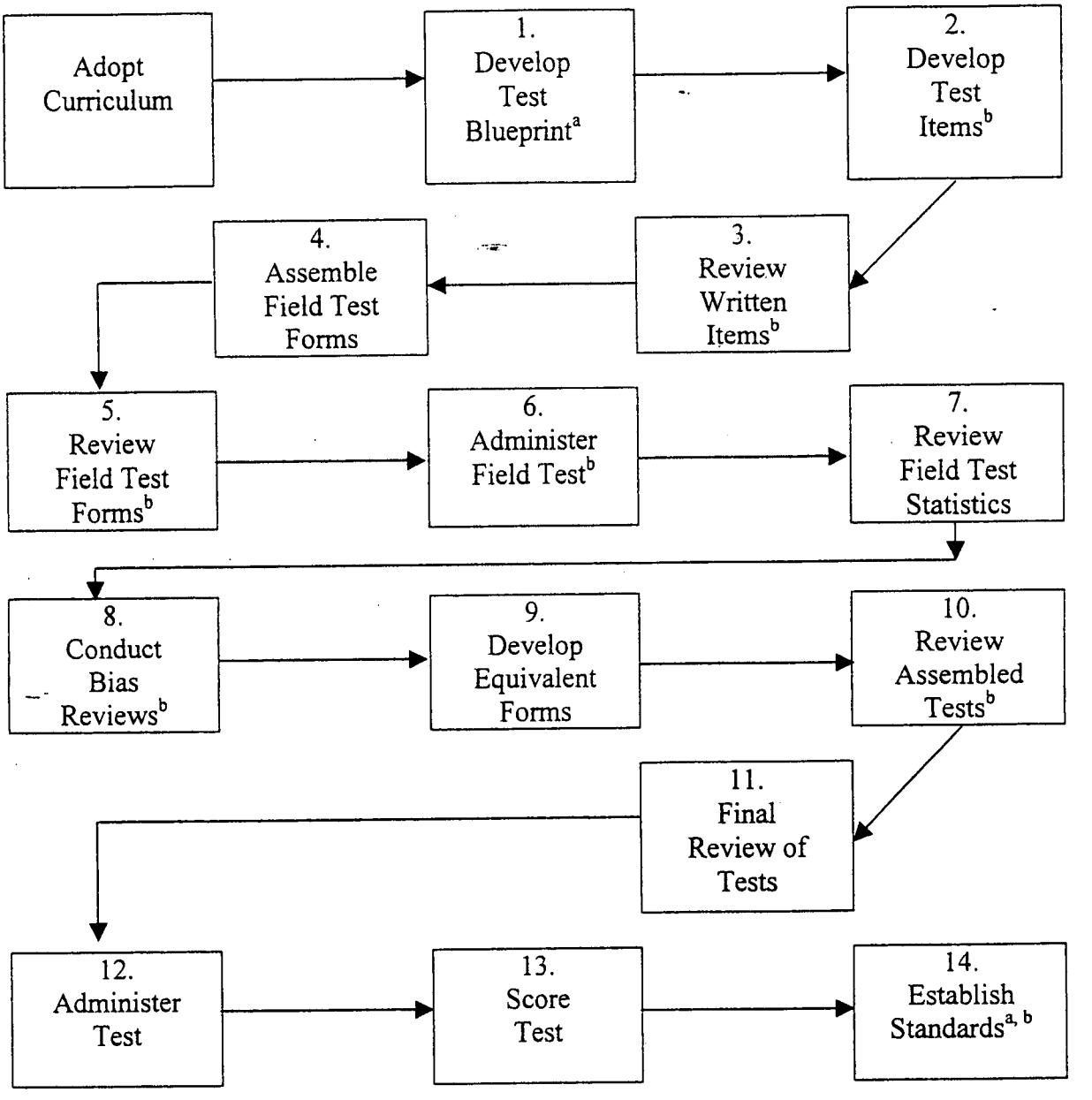
North Carolina Testing Program

The Multiple-Choice Test Development Process Flowchart



a – Activities done only at implementation of new curriculum

b – Activities involving NC teachers

Steps 1-6 take approximately 18-24 months to complete. Steps 7-14 take approximately 15 months to complete.

Notes: 1. Whenever possible, item tryouts should precede field-testing of items.

2. Professional development opportunities are integral and ongoing to the curriculum and test development process.

Testing Reform Act Introduced

State Senator Tom Apodaca of Hendersonville recently introduced a bill to eliminate the state's end-of-grade testing for elementary and middle school students. Apodaca said, "The N.C. Department of Public Instruction is there to educate, not to be a testing agency. And teachers are tired of testing. They're leaving the profession in droves because the system in not working." His plan is to replace the state tests with national tests, which he believes would better meet the guidelines of the No Child Left Behind Act. A committee of parents, educators, and politicians would have to approve the test, and students would only be tested for five days each year. Apodaca said, "If we're going to compete nationally, we have to know how we compare nationally."

The *Asheville Citizen-Times* gauged local sentiment about Apodaca's proposal. Local school administrators agree that students are tested too much, but many don't feel that replacing the state's tests will improve education. Robert Logan, superintendent of Asheville City Schools, said, "I don't have an issue with the ABCs tests. The state has a lot invested in them. They're good, solid assessments. We just have to make sure we don't continue to add, add, add more tests." Some have raised the question of whether a national test would adequately measure what students in North Carolina learn. Another concern is the financial burden of changing what is taught in classrooms so that students will be prepared for a new test. Bobbie Short, assistant superintendent of instructional services for Buncombe County Schools, said, "We are tested to the maximum, there's no doubt about it. But our tests measure whether or not students are learning what they're taught in North Carolina. A national test would not test what we are teaching. We would have to start over from scratch if we threw everything out now." Apodaca said that he expects resistance to his bill from the NC Department of Public Instruction and school superintendents.

This is from the "Friday Report" e letter from the Public School Forum

AS long as we are going to produce the test in NC – we will have to do all the field testing!! –

Why would not an Acheivement Test – test what is being taught? Does the NC third grader achieve like a third grader elsewhere in the country? If a National Test is not testing what we are teaching – WHAT IN THE WORLD ARE WE TEACHING IN NORTH CAROLINA?

S-957

1995	2003
IQ (TCS-2)	IQ 3
EOG	EOG 3-5
writing (beginning)	writing 4
	open-ended 4/5
formerly exempt	AAAL EMD CSL
	AAP severe EMH
Computer Spreadsh. — fail 1st time	NCAT
	Retest I
after 5.5	Retest II
	Upgrade writing
dev. —	Science
	Social Studies

4/9/03

Teachers:

Regretfully i need to let you know that Mr. P and i have been told that i will be testing full time for the rest of the year. When we get back from spring break, we have AAAI and EOG training. Then EOG's, make ups, and retests. Please refer emergencies to me and i will do my best to keep up.

Hugs and kisses to you and the children!
Mich I have the rest of this week if you would like to invite me to help with Easter projects!

3/31/03

March 26, 2003

Senator Virginia Foxx
North Carolina Senate
1120 Legislative Building
Raleigh NC 27601-2808
919-733-5743
Virginiaf@ncleg.net
11468 Highway 105, Banner Elk, NC 28604
828-963-5829

Representative W. Eugene Wilson
North Carolina General Assembly, District 82
1109 Legislative Building
Raleigh, NC 27601-1096
919-733-7727
Genew@ncleg.net
881 Queen St. Boone, NC 28607
828-264-5365

Governor Michael F. Easley
Office of the Governor
20301 Mail Service Center
Raleigh, NC 27699-0301
1-800-662-7952 *valid in North Carolina only*
(919)733-4240, or (919)733-5811.
http://www.governor.state.nc.us/Contact.asp
?

Phil Kirk
Chairman State Board of Education
State Board of Education,
6302 Mail Service Center,
Raleigh, NC 27699-6302

Mike Ward
State Superintendent of Education
State Board of Education
6302 Mail Service Center
Raleigh, NC 27699-6302

Lou Fabrizio
Director NC Education Division of Accountability Services
State Board of Education
6302 Mail Service Center
Raleigh, NC 27699-6302

Mildred Bazemore
Chief of Testing Services
State Board of Education
6302 Mail Service Center
Raleigh, NC 27699-6302
mbasemor@dpi.state.nc.us

Dr. Richard Jones
Superintendent of Watauga County Schools
175 Pioneer Trail
Boone, NC 28607
jonesr@watauga.k12.nc.us

Mike Hurst
Director of Testing and Student Services for Watauga County Schools
175 Pioneer Trail
Boone, NC 28607
hurstm@watauga.k12.nc.us

Mike Sherrill
Acting Principal of Blowing Rock School
P. O. Box 228
Blowing Rock, North Carolina, 28605
sherrillm@watauga.k12.nc.us

Dear Sir or Madam:

While we have barely recovered from a heavy winter here in Watauga County, we have just learned that the state is now requiring additional End of Grade field tests. These field tests provide test data for the state; they provide nothing for the students or teachers locally except added stress. **While we are proud of North Carolina's lead in accountability and standardized testing, the burden of additional field tests crosses the line of reasonableness.** We feel our tax dollars are for educating our students, not for our students to validate the state's testing materials. Whatever data these field tests provide can be obtained or extrapolated from the real EOG tests the students take at the end of the year. If the state feels field tests are important, we suggest field tests be done on Saturdays with the state paying a few students or providing some monetary award to the school(s) for participating. We feel that it is extremely wasteful to have thousands of students and most of our teachers participate in a practice test when statistically, a few students, a few proctors and very few teachers could easily provide the necessary data. After all, the reason statistics are used and polls are taken, is to save the country billions of dollars in the wasted time of testing/polling everyone when a handful of participants would suffice. **We also suggest that legislation be proposed that prohibits the state from mandating field tests – especially to school systems that have incurred a significant number of cancelled or shortened school days due to inclement weather.** Please consider the following:

- Watauga County Schools **did not have a single full week of school in January or February.**
- The **end of our current grading period is 3 weeks behind.** The current grading period is ending March 27; it was originally scheduled for March 7.
- While 16 complete school days were cancelled and 16 school days added to the calendar (13 at the end of the school year), **we have lost approximately one week of instructional time that is not made up and is simply "lost".** This time was lost due to days in which school released early or had one or two hour delays in the morning (see table below).
- Our last day of school is now June 6. The EOG tests are currently scheduled for the week of May 5th. **If EOG testing is not rescheduled to at least the week of May 19th, then we have lost further instructional time prior to EOG testing.**

We are very proud of Blowing Rock School and volunteer in many ways, including being proctors, serving as the Blowing Rock School webmaster for the past three years, teaching 8th graders Web Authoring by programming in HTML and providing online computer vocabulary quizzes on the Blowing Rock School website that dozens of North Carolina schools and other states' schools use. Since we feel that the field tests as currently dictated by the state are a tremendous waste of time for our teachers, volunteers and most of all our students, we respectfully decline to be proctors for these field tests.

Sincerely

Lee Ryan D Ryan

Lee and David Ryan
Blowing Rock School parents
PO Box 1364
Blowing Rock, North Carolina 28605
leervan@boone.net

How winter weather has affected Watauga County Schools for the 2002-2003 school year

Source: Blowing Rock School activity calendar: http://nt.watauga.k12.nc.us/br/calendar2002_2003_past.htm

Days Closed	Unscheduled Early Releases	Morning Delays	Days changed to regular School Days
Dec. 4 closed Dec. 5 closed Dec. 6 closed Jan. 7 closed Jan. 17 closed Jan. 20 closed Jan. 23 closed Jan. 24 closed Jan. 27 closed Jan. 31 closed Feb. 7 closed Feb. 10 closed Feb. 11 closed Feb. 17 closed Feb. 18 closed Feb. 27 closed	Nov. 22 closed at 10 Jan. 6 closed at 12 Jan. 14 closed at 2:15 pm Jan. 30 closed at 9 Feb. 6 closed at 11 Feb. 14 closed at 11 Feb. 26 closed at 1:15	Feb. 12 1 hr. delay Feb. 19 1 hr. delay Jan. 28 2 hr. delay Jan. 29 2 hr. delay	Jan. 20 Mar. 13 Mar. 14 May 21 May 22 May 23 May 26 May 27 May 28 May 29 May 30 June 2 June 3 June 4 June 5 June 6
16 days closed	Approx. 3.5 days of instructional time "lost"	1 day of instructional time "lost"	16 days made up

North Carolina State & Watauga County mandated testing for Grades K – 8 (without any additional "field" testing) for the 2002-2003 school year

Source: Watauga County Schools website (http://www.watauga.k12.nc.us/assesscal02.htm).
Note: Grades 3 – 8 NC Alternate Assessment testing not included.

Test	Grade 2	Grade 3	Grade 4	Grade 5	Grade 6	Grade 7	Grade 8
Grade 3 Pretest		3 days					
CogAT		3 days					
NC Computer Skills Test							4 days
NC Writing Assessment			1 day			1 day	
Watauga Co. Practice Writing Assessment		1 day		1 day	1 day		1 day
Iowa Algebra Aptitude Test						1 day	
Practice Writing Test	1 day						
Uniform Math Assessment	1 day						
End of Grade Tests		3 days	3 days	3 days	3 days	3 days	3 days
Totals	2 days	10 days	4 days	4 days	4 days	5 days	5 days

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Subject: **Why "embedding" test items won't work**

From: **<mcrhodes@bdestiny.net>** Add

Date: **Fri, April 25, 2003 3:04 pm**

To: **<Toma@ncleg.net>**

Cc: **<Carolynj@ncleg.net>**

Priority: **Normal**

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In 1995 when I began working as a school counselor, we administered 3 tests: EOG (math and reading) and TCS2 (IQ) and they began the writing (which remains biased by subjectivity in scoring).

Today we do EOG TCS2, Writing, NNCats, AAAI, Open ended, Retest1 and Retest 2, 3rd Pretest. You cannot embed computer items in an EOG test, nor can you embed AAAI, or on an IQ or on the Writing!
*also for each testing event, who do you think we use to administer all of the special needs settings? The speech teacher (illegal) the title I reading teachers, the ESL teachers, the resource teacher. So for about 19 days (1 school month) these teachers loose instructional time.

* if we add items, the already 2.5 hour reading and math active tests will be even longer. What adult sits and reads for 2 and on half hours for comprehension, without a bathroom break or a snack? The tests are developmentally inappropriate.

PLEASE SUPPORT SB 957 AND HB 1154 which would modify testing and prohibit counselors from being used as test coordinators.(as well as make our masters level salaries equal to that of speech and psychologists with the same requirements for their jobs.

My teachers need me to see students to help classroom behavior and to increase student learning. Not to arrange tests for them.

Thank you so much Michelene C. Rhodes

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DRAFT Testing Calendar for 2002-2003

Last Updated February 21, 2003

Test	Grade	Date
FIRST SEMESTER 2002		
EOG Pretest (year-round)	3	July15-19
NC Alternate Assessment Portfolio (development begins)	3-8	July 15-Aug 16
NC Alternate Assessment Academic Inventory (first evaluation)	3-8	July 15-Aug 16
EOG 3rd Grade Pretest	3	Aug. 19-23
Test of Cognitive Skills	3 & 6	Aug. 19-23
Computer Skills Multiple-Choice Test	8-12	Oct. 29
Computer Skills Performance Test	8-12	Oct. 28-Nov 8
NC Competency Test (students who have not passed competency)	9-12	Dec 3 -4
NC Competency and/or Computer Skills: Seniors who are first semester graduates ONLY (exact dates TBD)	12	Dec. 9-13
End-of-Course including VOCATS (4x4)	9-12	Dec.19-20
SECOND SEMESTER 2003		
NC Alternate Assessment Academic Inventory (mid-year evaluation)	3-8	January
NAEP (Fletcher, Dana, Flat Rock)	4, 8	February / March
Computer Skills Multiple-Choice	8-12	Feb. 11
Computer Skills Performance	8-12	Feb. 10-14
Writing Assessment Field Test (Hend.Mid, Hillandale, Tuxedo, West)	4, 7, 10	Feb 18
NC Writing Assessment	4, 7, 10	March 4
NCCATS Field Test (will involve up to 90 students)	10	March 24 – April 1
High School Comprehensive Field Test (North & West)	10	March 25 - 27
NC Alternate Assessments (AAAI & AAP) final evaluation	3-12	April
NCCATS Field Test (will involve up to 90 students / grade level)	3-8	April 1 – April 11
NC Competency Test (students who have not passed competency)	9-12	April 8-9
High School Comprehensive Test	10	April 23 - 25
EOC Field Test (Flat Rock, North, Hend.High, Hend. Mid)	8-12	April 29
NC Alternate Assessments (AAAI & AAP) Scan Sheets Due	3-12	May 2
Last Month Computer Skills Tests (seniors only)	12	May 4-8
Last Month NC Competency Test (seniors only)	12	May 4-8
EOG Tests	3-5	May 12-16
EOG Retest	3-8	May 19 - 23
End-of-Course (including VOCATS)	8-12	Last two days of school

Nancy Pulley (Sen. Apodaca)

From: Shirley McGee [Shirley_McGee@henderson.k12.nc.us]
Sent: Friday, April 04, 2003 6:57 AM
To: Toma@ncleg.net
Cc: Carolynj@ncleg.net; Trudiw@ncleg.net
Subject: NC Testing

Senator Apodaca:

Thank you for your concern for teachers, students and schools regarding the testing issue. It is true that too much of our instructional time is occupied with testing and assessing. I am enthusiastic and very supportive of your bill regarding the limits on testing and that NC get out of the testing business and use national tests that do not require field tests and huge numbers of days out of the classroom for students and teachers. Know that parents, teachers and students are very supportive of your actions. Thank you on behalf of teachers who are getting less and less time with students in the instructional process. We are sure that other elected officials will see the wisdom in your actions and join in to give this support.

Shirley McGee, Principal
Fletcher Elementary

Nancy Pulley (Sen. Apodaca)

From: Carrie A. Blocker [Carrie_A._Blocker@henderson.k12.nc.us]
Sent: Friday, April 04, 2003 3:51 PM
To: Toma@ncleg.net
Subject: NC educational testing

Senator Apodaca,

Thank you for introducing a bill that proposes that NC get out of the testing business and use national tests instead. Limiting testing to five days would allow schools to educate lifelong learners rather than test takers.

Sincerely,
Carrie Anne

Blocker

Nancy Pulley (Sen. Apodaca)

From: Teresa Hilliard [Teresa_Hilliard@henderson.k12.nc.us]
Sent: Tuesday, April 08, 2003 1:37 PM
To: Toma@ncleg.net
Subject: North Carolina Testing

Dear Mr. Apodaco,
I am so thrilled about the new legislation you have proposed to get North Carolina out of the testing business. I had wrote you several weeks ago and you promised you were working on something that would help our students and teachers and I am thrilled to see that you are a man of your word. Please keep working on this matter until something is passed. Our students and teachers need to be able to teach their curriculum instead of teaching to these crazy tests. Thanks for your time and help in this matter.
Teresa Hilliard

Nancy Pulley (Sen. Apodaca)

From: Marilee Weis [marileeweis@hotmail.com]
Sent: Wednesday, April 23, 2003 6:22 AM
To: Apodacala@ncleg.net
Subject: RE: K-2 Testing

Thank you for listening and activating change.

Marilee Weis

----Original Message Follows----
From: "Nancy Pulley (Sen. Apodaca)"
To: "'Marilee Weis'"
Subject: RE: K-2 Testing
Date: Mon, 21 Apr 2003 11:49:30 -0400
Thank you for your e-mail. I have introduced a bill that I hope will help solve this problem.
-----Original Message-----
From: Marilee Weis [mailto:marileeweis@hotmail.com]
Sent: Monday, April 21, 2003 9:49 AM
To: Toma@ncleg.net
Subject: K-2 Testing
Senator Tom Apodaca,
As a kindergarten teacher of 21 years, I have seen many great and not-so-great changes in teaching. Getting straight to the point, my class - well all the NC kindergarten through second grade classes - cannot have as many learning experiences in the 180 day school year because so many hours - cumulative
days - are spent on the individual quarterly testing of each student. Math has 26 tests and Literacy has 23. As you already realize 49 tests plus the retests take me or my assistant away from teaching.
Yes, some general testing needs to be done on the "average" students. Only the at risk students need to be as closely monitored as the current testing does. In fact the first grade teachers only look at the at risk students folders, the other tests are never seen and are thrown away in third grade. So the majority of our time, being taken away from creating learning experiences for our class, is basically a total waste.
I am depending on you to change testing and allow me to once again be able to do what I am hired to do - create a rich environment that fosters learning for each of my students.
Marilee Weis
Fletcher Elementary

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Nancy Pulley (Sen. Apodaca)

From: Shepherd [gands@charter.net]
Sent: Saturday, April 05, 2003 5:07 AM
To: Toma@ncleg.net
Subject: Testing

Thanks - I have heard that you are stating that the state get out of the testing business. Finally - someone who makes sense. Would it not be better to use this money to reinstate programs such as foreign language and the arts which have been cut? Would it not be better to use this money to reduce the size of classes? The emphasis on testing has redesigned programs in a manner which defies established believes and practices of child development. Kindergarten is no longer kindergarten. These 5 year olds are no longer asked to learn from play but are being asked to write and read. As a result, I see children failing to have the experiences which make true learning possible as they progress through the school system. Rather than helping children, we are hurting them because they are not getting the experiences which help their minds and bodies to grow in a normal, productive manner. Please put an end to this insanity. Thanks - Sandy Shepherd

Nancy Pulley (Sen. Apodaca)

From: samvern@bellsouth.net
Sent: Wednesday, April 02, 2003 8:02 PM
To: Carolynj@ncleg.net
Cc: trudiw@ncleg.net; Toma@ncleg.net
Subject: End Of Grade Testing

My name is Samantha Vernetti. I am the mother of two children that attend Fletcher Elementary. My son is in 3rd grade and my daughter is in 2nd. We just moved back to NC from WI after being gone, and in several different states for the past 3 years. First of all I want to say that I believe that the EOG test is ridiculous. If a child makes good grades all throughout the school year, those grades should be taken into account along with the EOG test. What motivation is there for a child to do homework, classwork, and do the best he/she can do when in all honesty those grades make no difference in the passing to the next grade. My son made EXCELLENT grades before moving here. He also attending Kindergarten (the first time he was in it) in the Haywood county school district. I was looking at his report cards all the way back from then and there were no problems in math at all after leaving NC. Then we moved back here and all of a sudden he's failing this subject. The difference in curriculum and teachers make a huge difference. A child just doesn't go from making all A's in math to failing. In my opinion the EOG test should be done away with. I also feel that the parents should be able to give the teacher a report card every quarter. I understand that the schools get a "report card" but, each individual teacher should be graded by the parents of the child he/she teaches. I grew up in NC, attended school in Buncombe county, and love it here. The school system is absurd though. This state has the worst schools of ANY states my children have attended (AL, MS, WI) I know that I am not the only parent who has this concern about the EOG testing. Teachers try to cram to much into the year to "cover everything on the exam". This is not how I want my children to be taught. It should be taught in steps, to where the child fully understands before moving on to the next chapter. This is not something I see happening here. I appreciate you taking the time to read my concerns, and hope that something can be done to address this problem.

Sincerely,
Samantha Vernetti
684-5873
PO Box 441
Fletcher, NC 28732

571 0369

Sen. Tom Apodaca

From: Peter Hans [Peter.Hans@hmw.com]
Sent: Thursday, April 24, 2003 9:30 AM
To: toma@ncleg.net

Area schools say testing is overloading schedule

By RYAN BURR

Sen. Marc Basnight's office disseminated a survey to school districts statewide this month, asking teachers and administrators a variety of questions about testing procedures, number of tests given, and perhaps most significant, if there is testing overload.

Surveys were still being turned in at Friday's deadline, so they had yet to be compiled. But all testing coordinators for local school districts have at least one complaint about the testing mandates: they chew up too much instructional time.

"It's a lot of testing. There are certain tests that I don't agree with, that I don't think are valid, and others I think are great," said Rita Collie, director of secondary education, testing and accountability for the Elizabeth City-Pasquotank Public Schools. "Providing time for make-up tests adds a lot of difficulty to the process, also, for students who can't be there on the test day."

The number of standardized assessment tests varies from district to district because, in addition to the state-mandated exams, most schools require local tests.

All North Carolina students in grades 3-8 take an end-of-grade reading and math test; high school students taking English, algebra, geometry, biology, chemistry, physical science, physics, history or an elective class must take an end-of-course test.

Also, a writing assessment is given to grades 4, 7 and 10, along with a comprehensive exam in reading and math for 10th-graders. Eighth-graders are tested in computer skills by the state.

Currituck County High School students are tested every nine weeks in preparation for the end-of-course tests, which are given in May. Younger grades are assessed similarly, but every 12 weeks. All districts can give a maximum of two field tests to determine what testing methods work best. Some districts incorporate this objective into regular subject tests.

In Elizabeth City schools, a field test weighed the benefits of online testing versus pencil and paper.

"Computer testing may be a benefit because it would take away the amount of preparation time," Collie said. "I think the state is committed to doing this within the next two to three years."

More time is lost preparing for standardized tests and scoring them than in actual class time, although both are points of contention among many testing coordinators.

According to Collie, Elizabeth City elementary students spent seven hours last school year taking the various assessments; middle school students lost 12 hours; and high-schoolers racked up 36 hours of testing time. Respectively, preparation time was 20 hours for the elementary schools; 35 hours at the middle school; and 60 hours at the high school.

Basnight's initiative is precipitated by a barrage of proposals entering the General Assembly to reform school

testing, including one that would eliminate state tests and use only national achievement tests for performance evaluation.

The state will mandate additional tests by the 2007-08 school year under the No Child Left Behind legislation, including a science assessment exam at the elementary, middle school and high school levels. A test to measure National Assessment Education Progress for grades 4, 8 and 12 is also planned.

S.B. 949 SESSION LAW _____

A BILL TO BE ENTITLED

AN ACT TO PROVIDE AN ANNUAL BONUS TO HIGH SCHOOL PRINCIPALS IF THE FOUR-YEAR GRADUATION RATE INCREASES BY MORE THAN TEN PERCENT FROM THE PREVIOUS SCHO YEAR OR IF THE FOUR-YEAR GRADUATION RATE EXCEEDS EIGHTY PERCENT.

Introduced by Senator(s) Lucas Lucas

Principal Clerk's Use Only

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PASSED 1st READING

APR 3 2003

AND REFERRED TO COMMITTEE

ON Ed / Higher Ed

SEQUENTIAL REFERRAL:

Appro / Base Bud

SENATE BILL 949:
Link Principal's Bonus to 4-year Grad. Rate.

BILL ANALYSIS

Committee:	Senate Education/Higher Ed.	**Introduced by:**	Sen. Lucas
Date:	April 30, 2003	**Summary by:**	Sara Kamprath
Version:	First Edition		Committee Analyst

BILL ANALYSIS: Senate Bill 949 would allow a high school principal to receive a one-time bonus in the 2003-04 fiscal year or the 2004-05 fiscal year if either of the following conditions is met:

- The four-year graduation rate during the prior school year increased by more than 10% or
- The four-year graduation rate during the prior school year still exceeds 80%.

The one-time bonus would be equal to 1% of the principal's prior school year State-paid salary. The annual lump sum bonus shall be paid in accordance with guidelines and procedures adopted by the State Board of Education. The definition of "four-year graduation rate" shall conform with the definition in the federal No Child Left Behind Act.

The bill becomes effective July 1, 2003.

S949-SMRJ-001

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2003

S 1

SENATE BILL 949

Short Title:	Link Principal's Bonus to 4-year Grad. Rate.	(Public)
Sponsors:	Senator Lucas.	
Referred to:	Education/Higher Education.	

April 3, 2003

A BILL TO BE ENTITLED

AN ACT TO PROVIDE AN ANNUAL BONUS TO HIGH SCHOOL PRINCIPALS IF THE FOUR-YEAR GRADUATION RATE INCREASES BY MORE THAN TEN PERCENT FROM THE PREVIOUS SCHOOL YEAR OR IF THE FOUR-YEAR GRADUATION RATE EXCEEDS EIGHTY PERCENT.

Whereas, during the 2000-2001 school year, nearly forty-three percent (43%) of North Carolina's high school graduation-aged students did not graduate from their high schools within four years; and

Whereas, eighteen counties across North Carolina had four-year high school graduation rates below fifty percent (50%) in the 2000-2001 school year, and only one county exceeded an eighty percent (80%) high school graduation rate; and

Whereas, approximately fourteen percent (14%) of young North Carolinians between the ages of 18 and 24 still had not completed high school as of school year 2000-2001; and

Whereas, economic well-being and employment prospects are profoundly diminished for young adults who have not completed high school, and their economic, social and employment status predictably will become worse in the years ahead; and

Whereas, the federal No Child Left Behind Education Act requires four-year graduation rates far above those presently achieved across North Carolina; and

Whereas, the current statewide four-year graduation rate is so low as to undermine the right of every young North Carolinian to a sound basic education; and

Whereas, those youth and young adults who have not graduated from high school in four years are more likely to be involved in the juvenile justice system or adult criminal justice system and to disproportionately need and use public social, health, and mental health services, institutions, and assistance; and

Whereas, it is in the best interests of the young people themselves, their communities, the State's economy, and the taxpayers of North Carolina to encourage high school graduation in four years; and

Whereas, effective high school principals play a key role in the four-year high school graduation rate and would give this outcome greater priority were there to be an incentive bonus for significantly improving this rate; Now, therefore,

The General Assembly of North Carolina enacts:

SECTION 1. For the 2003-2004 State fiscal year and/or for the 2004-2005 state fiscal year, any North Carolina public high school principal shall receive a one-time bonus payment equal to:

(1) One percent (1%) of her/his State-paid salary for the prior school year if the four-year graduation rate at the principal's high school has increased by more than ten percent (10%) during that prior school year or

(2) One percent (1%) of her/his State-paid salary for the prior school year if the four-year graduation rate continues to exceed (eighty percent) 80% during that prior school year.

The definition of "four-year graduation rate" shall conform entirely with the "complex" definition established in the No Child Left Behind Education Act of 2001 and regulations adopted pursuant to that act.

The annual lump sum bonus shall be paid in accordance with the guidelines and procedures established by the State Board of Education.

SECTION 2. This act becomes effective July 1, 2003.

VISITOR REGISTRATION SHEET

Senate Education/Higher Education — **May 7, 2003**
Name of Committee — **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Edna Campos	El Pueblo, Inc Raleigh
Lisa Bateman	DJJDP - Center for the Prevention of School Violence
Estelvan Echeverria	Student Action w/ Farmworkers
[illegible]	Gov's off
[illegible]	WCPSS
[illegible]	NCICU
Carol Lauer	EGHS
[illegible]	TFL
[illegible]	NCTA

VISITOR REGISTRATION SHEET

Senate Education/Higher Education — **May 7, 2003**
Name of Committee — **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
John Bordeish	ADA
Devon White	PEAC
Gem Causby	NC SFSA
John Lynch	NC State Grange
Hal Miller	NCACCT
Amy Dobson	NC StateWatch
John Motley	GOV OFFICE
Louis M. Fabrizio	NCDPI
	NCPAPA
Kathleen W Joyce	NCASA
James Ramseur	NCSTR

VISITOR REGISTRATION SHEET

Senate Education/Higher Education — **May 7, 2003**
Name of Committee — **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Justin Smuggs	North Carolina Community Colleges System (NCCCS
William Bowen	Governor's Advocacy Council for Persons with Disabilities
Cynthia Tiemoshenko	" " " "
MT Burnette	" " " "
Renee Palmer	Carolina Legal Assistance
Ellen Russell	The Arc of NC Raleigh NC
Logan Stewart	NCAE
Tasha Clay	YAIO
Ernestine Durham	Executive Intern, Fiscal Research Division
Yvonne Perry	NCSPA
PGPALACIO	NC Justice Center

AGENDA

Senate Education/Higher Education Committee

Wednesday, May 14, 2003
10:00 a.m., Room 643

Senator Steve Metcalf, Presiding

Welcome
Senator Metcalf

- **SB 700 Teacher Assistant Salary/Tuition Funds**
  Sen. Metcalf
- **SB 431 4th Senatorial District Local Act-2**
  Sen. Holloman
- **HB 103 Increase Science & Math School Trustees**
  Rep. Culpepper
- **HB 223 Voc. Rehab. Students in Community College/Funds-AB**
  Rep. Johnson
- **HB 234 Community College Financial Aid Process Clarified-AB**
  Rep. Tolson
- **HB 1166 Local Flex. Regarding Job Sharing in schools**
  Reps. Bordsen/Nesbitt

Adjournment

SENATE EDUCATION/HIGHER EDUCATION COMMITTEE

Wednesday, May 14, 2003, 10:00 a.m.
Room 643 Legislative Office Building
Minutes

The Senate Education/Higher Education Committee met Wednesday, May 14, 2003 at 10:00 in Room 643 of the Legislative Office Building. Senator Steve Metcalf, Presiding Chair, called the meeting to order with twenty-one members present.

After introduction of the pages, Dominique Lindsay, Garner, sponsored by Senator Malone; and Rachael Farley, Sanford, sponsored by Senator Blake, Senator Metcalf stated that, at the request of the sponsor, Senate Bill 431 would be removed from today's Agenda. Senate Bill 700 will be moved to the end of the Agenda.

Representative Nesbitt was recognized to explain House Bill 1166, "Local Flexibility regarding Job Sharing in Schools." Rep. Bordsen was also present to speak on the bill. Senator Lucas moved a favorable report for House Bill 1166. The motion carried by voice vote.

Representative Tolson was recognized to explain House Bill 234, "Community College Financial Aid Process Clarified –AB." This bill clarifies and simplifies the application process for financial aid. Senator Dannelly moved a favorable report for House Bill 234. The motion passed by unanimous voice vote.

Representative Johnson was recognized to explain House Bill 223, "Vocational Rehabilitation Students in community college/Funds-AB." Senator Malone moved a favorable report for House Bill 223. The motion carried by unanimous voice vote.

Senator Metcalf relinquished the chair to Senator Lucas. Senator Lucas recognized Senator Metcalf to explain Senate Bill 700, teacher Assistant Salary/Tuition Funds." Ms. Carolyn McKinney, President, NCAE, spoke in support of this bill. She also thanked Senator Metcalf for introducing this legislation. Senator Dannelly moved a favorable report for Senate Bill 700 and that it be re-referred to the Committee on Appropriations. The motion carried by unanimous voice vote.

In the absence of Representative Culpepper, Senator Hartsell was recognized to explain House Bill 103, "Increase Science and Math School Trustees." Senator Lucas moved a favorable report for House Bill 103. The motion carried by voice vote.

The meeting was adjourned at 10:45.

Senator Steve Metcalf, Presiding Chair

Joyce Crews Hodge, Committee Assistant

NORTH CAROLINA GENERAL ASSEMBLY
SENATE

EDUCATION/HIGHER EDUCATION COMMITTEE REPORT
Senator John A. Garwood, Co-Chair
Senator Jeanne Hopkins Lucas, Co-Chair
Senator Stephen M. Metcalf, Co-Chair

Wednesday, May 14, 2003

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

FAVORABLE

S.B. **700** Teacher Assistant Salary/Tuition Funds.
Sequential Referral: Appropriations/Base Budget
Recommended Referral: None

H.B. **103** Increase Science & Math School Trustees.
Sequential Referral: None
Recommended Referral: None

H.B. **223** Voc. Rehab. Students in Comm. Coll./Funds.-AB
Sequential Referral: Appropriations/Base Budget
Recommended Referral: None

H.B. **234** Comm. Coll. Financial Aid Process Clarified.-AB
Sequential Referral: None
Recommended Referral: None

H.B.(CS #1) **1166** Local Flex. Regarding Job Sharing in Schools.
Sequential Referral: None
Recommended Referral: Pensions & Retirement and Aging

TOTAL REPORTED: 5

Committee Clerk Comments:

S.B. 700 SESSION LAW _____

A BILL TO BE ENTITLED

AN ACT TO INCREASE THE SALARY OF TEACHER ASSISTANTS AND TO PAY TUITION FOR THE COURSES TEACHER ASSISTANTS MUST TAKE TO COMPLY WITH THE NO CHILD LEFT BEHIN ACT OF 2001.

Introduced by Senator(s) Metcalf

Principal Clerk's Use Only

FILED APR 1 2003

PASSED 1st READING

APR 2 2003

AND REFERRED TO COMMITTEE

ON Ed / Higher Ed

SEQUENTIAL REFERRAL:

Approp / Base Bud.

Favorable

SENATE BILL 700:
Teacher Assistant Salary/Tuition Funds

BILL ANALYSIS

Committee:	Senate Education/Higher Educ.	**Introduced by:**	Senator Metcalf
Date:	May 7, 2003	**Summary by:**	Shirley Iorio
Version:	First Edition		Committee Staff

SUMMARY: ***Senate Bill 700 would appropriate funds to increase the average salary for teacher assistants and to pay the community college tuition for courses teacher assistants take to comply with the requirements of the No Child Left Behind Act of 2001.***

The bill would become effective July 1, 2003.

CURRENT LAW: G.S. 115C-12(16)(b) requires the State Board of Education to adopt salary schedules for the following public school support personnel: school finance officer, office support personnel, teacher assistants, maintenance supervisors, custodial personnel, and transportation personnel. The State Board must classify these support positions in terms of uniform pay grades included in the salary schedule of the State Personnel Commission.

The Department of Public Instruction Allotment Policy Manual indicates that teacher assistants must be paid at least at the minimum of salary grade 54 ($1,427.25 per month) for the 2002-2003 school year.

Local boards of education must place State-allotted office support personnel, teacher assistants, and custodial personnel on the salary schedule adopted by the State Board of Education so that the average salary paid for each personnel classification is at least 98% of the State-allotted amount for the category. The State average salary for a teacher assistant is approximately $16,400 for the 2002-2003 school year.

The No Child Left Behind legislation requires states that receive these federal funds to meet new standards for teacher assistants working in programs supported by Title I funds. The teacher assistants must have a high school diploma or its equivalent, and one of the following: an associate's (or higher) degree **or** two years of higher education **or** a formal assessment of their knowledge of and the ability to assist in instructing reading and writing.

BILL ANALYSIS: There would be an appropriation of $2,142,000 for the 2003-2004 fiscal year and $2,142,000 for the 2004-2005 fiscal year to increase the average salary for teacher assistants from $14,000 a year to $18,500 a year.

There would also be $3,000,000 for the 2003-2004 fiscal year and $3,000,000 for the 2004-2005 fiscal year to pay the community college tuition for the courses teacher assistants take to comply with the No Child Left Behind legislation.

S700-SMSF-001

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2003

S 1

SENATE BILL 700

Short Title:	Teacher Assistant Salary/Tuition Funds.	(Public)
Sponsors:	Senators Metcalf; and Rand.	
Referred to:	Education/Higher Education.	

April 2, 2003

A BILL TO BE ENTITLED

AN ACT TO INCREASE THE SALARY OF TEACHER ASSISTANTS AND TO PAY TUITION FOR THE COURSES TEACHER ASSISTANTS MUST TAKE TO COMPLY WITH THE NO CHILD LEFT BEHIND ACT OF 2001.

The General Assembly of North Carolina enacts:

SECTION 1. There is appropriated from the General Fund to State Aid to Local School Administrative Units the sum of two million one hundred forty-two thousand dollars ($2,142,000) for the 2003-2004 fiscal year and the sum of two million one hundred forty-two thousand dollars ($2,142,000) for the 2004-2005 fiscal year to increase the average salary for teacher assistants from fourteen thousand dollars ($14,000) a year to eighteen thousand five hundred dollars ($18,500) a year.

SECTION 2. There is appropriated from the General Fund to State Aid to Local School Administrative Units the sum of three million dollars ($3,000,000) for the 2003-2004 fiscal year and the sum of three million dollars ($3,000,000) for the 2004-2005 fiscal year to pay the community college tuition for courses teacher assistants must take to comply with the requirements of the No Child Left Behind Act of 2001.

SECTION 3. This act becomes effective July 1, 2003.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2003

HOUSE BILL 103*

Short Title:	Increase Science & Math School Trustees.	(Public)
Sponsors:	Representative Culpepper.	
Referred to:	Rules, Calendar, and Operations of the House.	

February 27, 2003

A BILL TO BE ENTITLED

AN ACT TO INCREASE THE MEMBERSHIP OF THE BOARD OF TRUSTEES OF THE NORTH CAROLINA SCHOOL OF SCIENCE AND MATHEMATICS TO CONFORM TO THE INCREASE IN THE NUMBER OF CONGRESSIONAL DISTRICTS IN THIS STATE, AS RECOMMENDED BY THE GENERAL STATUTES COMMISSION.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 116-233(a) reads as rewritten:

"(a) There shall be a Board of Trustees of the School, which shall consist of ~~26 members:~~ 27 members as follows:

(1) ~~Twelve~~ Thirteen members who shall be appointed by the Board of Governors of The University of North Carolina, one from each congressional ~~district;~~district.

(2) Four members without regard to residency who shall be appointed by the Board of Governors of The University of North ~~Carolina;~~Carolina.

(3) Three members, ex officio, who shall be the chief academic officers, respectively, of constituent institutions. The Board of Governors shall in 1985 and quadrennially thereafter designate the three constituent institutions whose chief academic officers shall so serve, such designations to expire on June 30, 1989, and quadrennially ~~thereafter;~~thereafter.

(4) The chief academic officer of a college or university in North Carolina other than a constituent institution, ex officio. The Board of Governors shall designate in 1985 and quadrennially thereafter which college or university whose chief academic officer shall so serve, such designation to expire on June 30, 1989, and quadrennially ~~thereafter;~~thereafter.

(5) Two members appointed by the General Assembly upon the recommendation of the President Pro Tempore of the Senate in accordance with ~~G.S. 120-121;~~G.S. 120-121.

(6) Two members appointed by the General Assembly upon the recommendation of the Speaker of the House of Representatives in accordance with ~~G.S. 120-121; and~~G.S. 120-121.

(7) Two members appointed by the Governor."

SECTION 2. G.S. 116-233(d) reads as rewritten:

"(d) Members appointed under subdivisions (1) or (2) of subsection (a) of this section shall serve staggered four-year ~~terms.~~ terms expiring June 30 of odd numbered years. ~~Eight of those terms shall expire June 30, 1993, and quadrennially thereafter, and eight of those terms shall expire June 30, 1995, and quadrennially thereafter.~~

(d1) Only an ex officio member shall be eligible to serve more than two successive terms.

(d2) Any vacancy in the membership of the Board of Trustees appointed under G.S. 116-233(a)(1) or (2) shall be reported promptly by the Secretary of the Board of Trustees to the Board of Governors of The University of North Carolina, which shall fill any such vacancy by appointment of a replacement member to serve for the balance of the unexpired term. Any vacancy in members appointed under G.S. 116-233(a)(5) or (6) shall be filled in accordance with G.S. 120-122. Any vacancy in members appointed under G.S. 116-233(a)(7) shall be filled by the Governor for the remainder of the unexpired term. Reapportionment of congressional districts does not affect the right of any member to complete the term for which the member was appointed."

SECTION 3. This act becomes effective July 1, 2003. In order to maintain the current schedule of staggered terms for members appointed under G.S. 116-233(a)(1) and (2), members currently serving shall continue to serve the terms to which they were appointed, and the member appointed to the position created by this act shall be appointed to a term to end June 30, 2007.

PUBLIC BILL

id=6229

0103

B. _____ SESSION LAW _____

A BILL TO BE ENTITLED

AN ACT TO INCREASE THE MEMBERSHIP OF THE BOARD OF TRUSTEES OF THE NORTH CAROLINA SCHOOL OF SCIENCE AND MATHEMATICS TO CONFORM TO THE INCREASE IN THE NUMBER OF CONGRESSIONAL DISTRICTS IN THIS STATE, AS RECOMMENDED BY THE GENERAL STATUTES COMMISSION.

Introduced by Representative(s): Culpepper.

Principal Clerk's Use Only

PASSED 1st READING

FEB 27 2003

AND REFERRED TO COMMITTEE

ON Rules, Calendar

nmittee on Rules, Calendar, and Operations
ouse, a majority being present, having
red this bill, recommend that it do ✓ pass.

Rep. Culpepper
For the Committee

ORTED FAVORABLY MAR 12 2003

PURSUANT TO RULE 36(b)

MAR 12 2003

PLACED ON CALENDAR

OF 3/13/03

101-DEV VV

PASSED 2nd & 3rd READING

MAR 13 2003

ORDERED SENT TO SENATE

Denise Hickman

RECEIVED

MAR 14 2003

From House of Representatives
By Clerk 8:4 AM/PM

PASSED 1st READING

MAR 17 2003

AND REFERRED TO COMMITTEE

On Ed/Higher Ed

Favorable

HOUSE BILL 103:
Increase Science and Math School Trustees

BILL ANALYSIS

Committee:	Senate Education/Higher Education	**Introduced by:**	Rep. Culpepper
		Summary by:	Drupti Chauhan Committee Staff
Date:	May 14, 2003		
Version:	First Edition		

SUMMARY: ***House Bill 103 would increase the membership of the Board of Trustees of the North Carolina School of Science and Math to 27 total members in order to correspond with the increase in congressional districts in North Carolina. The General Statutes Commission has recommended this change and the bill is identical to Senate bill 229.***

CURRENT LAW: Under current law, there are 26 members of the Board of Trustees of the School of Science and Math. The Board of Governors of The University of North Carolina appoints 12 members, one from each congressional district and appoints 4 members without regard to residency. Three ex officio members are the chief academic officers of constituent institutions. One ex officio member is the chief academic officer of a North Carolina college or university that is not a constituent institution. Two members are appointed upon the recommendation of the President Pro Tempore of the Senate and two members are appointed upon the recommendation of the Speaker of the House of Representatives. The Governor also appoints two members.

BILL ANALYSIS: This bill would direct The Board of Governors to now appoint 13 members to the Board of Trustee of the School of Science and Math to conform with the new number of congressional districts in North Carolina.

Section 1 of the bill amends the statute (G.S. 116-233(a)) to increase the total number of the members of the Board of Trustees from 26 to 27 and increase the number of Board of Trustees that are appointed from congressional districts from 12 to 13. The UNC Board of Governors makes these appointments.

Section 2 of the bill provides for the continuation of the staggering of the terms of the UNC Board of Governors' appointees.

Both Sections 1 and 2 make stylistic changes to the statute.

Section 3 states the effective date of the act as July 1, 2003 and provides that the current members appointed by the UNC Board of Governors will continue to serve the terms that they have been appointed to and the new Board member from the new Congressional district will be appointed to serve a term that will expire on June 30, 2007.

EFFECTIVE DATE: This act would become effective on July 1, 2003.

BACKGROUND: As a result of the 2000 Census, North Carolina now has 13 congressional districts. Therefore, this corresponding change is required in the statute to take the new district into account. The same type of change was made in 1992 when the number of board members was increased from 11 to 12 to conform to the increase in the number of congressional districts as a result of the 1990 Census.

HOUSE BILL 103:
Increase Science and Math School Trustees

BILL ANALYSIS

Committee:	Senate Education/Higher Education	**Introduced by:**	Rep. Culpepper
		Summary by:	Drupti Chauhan Committee Staff
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STATE OF NORTH CAROLINA
GENERAL STATUTES COMMISSION
POST OFFICE BOX 629
RALEIGH, NORTH CAROLINA 27602
(919) 716-6800

MEMORANDUM

TO: Senate Committee on Education/Higher Education

FROM: General Statutes Commission

DATE: May 6, 2003

RE: House Bill 103 (Increase Science and Math School Trustees)

This bill amends G.S. 116-233 to increase the membership of the Board of Trustees (Board) of the North Carolina School of Science and Mathematics to conform to the increase in the number of congressional districts in this State from 12 to 13. G.S. 116-233 covers the membership and terms of office of the Board, which currently has 26 members. Of these, 12 are to be appointed by the Board of Governors of The University of North Carolina (Board of Governors), "one from each congressional district" (G.S. 116-233(a)(1)). An additional four members are appointed by the Board of Governors without regard to residency (G.S. 116-233(a)(2)), and the remaining 10 are either ex officio or appointed by the Governor or the General Assembly. Due to the 2000 Census, this State now has 13 congressional districts, requiring some corresponding change in the statute. The proposal in this bill is in keeping with what was done in 1992, when the number of Board members was increased from 11 to 12 to conform to an increase in the number of congressional districts as a result of the 1990 Census.

Specifically, Section 1 of the bill amends G.S. 116-233(a) to increase the total number of Board members from 26 to 27 and to increase from 12 to 13 the number of Board members appointed by the Board of Governors from congressional districts. Section 2 amends G.S. 116-233(d); together with Section 3, it continues the staggering of terms of the Board of Governors' appointees. Both Sections 1 and 2 also make stylistic changes. Section 3 provides an effective date of July 1, 2003. It also provides that the existing Board of Governors' appointees continue to serve the terms to which they were appointed and that the term of the new Board member expires June 30, 2007.

The General Statutes Commission has been informed that the Board supports this legislation.

STATE OF NORTH CAROLINA
GENERAL STATUTES COMMISSION
POST OFFICE BOX 629
RALEIGH, NORTH CAROLINA 27602
(919) 716-6800

MEMORANDUM

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The General Statutes Commission has been informed that the Board supports this legislation.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2003

HOUSE BILL 234

Short Title:	Comm. Coll. Financial Aid Process Clarified.-AB	(Public)
Sponsors:	Representatives Tolson and Alexander.	
Referred to:	Education.	

March 6, 2003

A BILL TO BE ENTITLED

AN ACT TO CLARIFY THE APPLICATION PROCESS FOR COMMUNITY COLLEGE STUDENTS REQUESTING FINANCIAL ASSISTANCE.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 115D-40.1(c) reads as rewritten:

"(c) Administration of Program. – The State Board shall adopt rules and policies for the disbursement of the financial assistance provided in this section. ~~Students must apply for either federal Pell Grants or complete a Free Application for Federal Student Aid (FAFSA) to be eligible for consideration for financial assistance.~~ Degree, diploma, and certificate students must complete a Free Application for Federal Student Aid (FAFSA) to be eligible for financial assistance. The State Board may contract with the State Education Assistance Authority for administration of these financial assistance funds. These funds shall not revert at the end of each fiscal year but shall remain available until expended for need-based financial assistance.

The State Board shall ensure that at least one counselor is available at each college to inform students about federal programs and funds available to assist community college students including, but not limited to, Pell Grants and HOPE and Lifetime Learning Tax Credits and to actively encourage students to utilize these federal programs and funds."

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

IBLIC BILL

0223

H.B. _____ SESSION LAW _____

A BILL TO BE ENTITLED

AN ACT TO PERMIT THE STATE BOARD OF COMMUNITY COLLEGES TO USE CERTAIN FUNDS TO PROVIDE FINANCIAL ASSISTANCE TO STUDENTS WITH DISABILITIES.

Introduced by Representative(s): L. Johnson.

Johnson

Principal Clerk's Use Only

ED 1st READING
MAR 5 2003
AND REFERRED TO COMMITTEE
ON Education

The Committee/Subcommittee on Education refers a bill to Sub. com. on Comm. Colleges, Rep. Bonner
For the Committee
Allen
Warner
Wood

rred to Committee/Subcommittee
om. Colleges
MAR 17 '03

mmittee on Community Colleges
present, having considered
end that it do V pass.
Rep. McLawhorn
For the Committee
Rep. Sutton

REPORTED FAVORABLY MAR 20 2003

PURSUANT TO RULE 36(b)
MAR 20 2003
PLACED ON CALENDAR
OF 3/25/03

117-0 EV VV
PASSED 2nd & 3rd READING
MAR 25 2003
ORDERED SENT TO SENATE
Annie Weeks

RECEIVED
MAR 26 2003
of Representatives
By Clerk

PASSED 1st READING
MAR 26 2003
AND REFERRED TO COMMITTEE
ON Ed / Higher Ed

SEQUENTIAL REFERRAL:
Approp / Base Bud
favorable

HOUSE BILL 223:
Voc. Rehab. Students in Comm. Coll./Funds-AB

BILL ANALYSIS

Committee:	Senate Education/Higher Education	**Introduced by:**	Representative L. Johnson
		Summary by:	Drupti Chauhan* Committee Staff
Date:	May 14, 2003		
Version:	First		

SUMMARY: ***House Bill 223 would permit the State Board of Community Colleges to use certain funds to provide financial assistance to students with disabilities.***

House Bill 223 is an agency bill and would become effective July 1, 2003.

CURRENT LAW: G.S. 115D-40.1 contains the current need-based financial assistance program for community college students. In order to qualify, a student must apply for either federal Pell Grants or complete a Free Application for Federal Student Aid (FAFSA). The program is targeted to the most needy students who are not eligible for other financial aid programs that fully cover the required educational expenses. The State grants are designed to supplement any federal financial aid that might otherwise be available to a student, and some of the funds may be used for short term loans for students who anticipate receiving either federal HOPE or Lifetime Learning Tax Credits. In the Targeted Assistance Program, the State Board may allocate no more than 10% of the funds to students who do not qualify for need-based assistance but who enroll in low-enrollment programs that prepare students for high-demand occupations. The State Board of Community Colleges may contract with the State Education Assistance Authority to administer the financial assistance funds. The funds appropriated do not revert. The State Board must ensure at least one counselor is at each college to inform students of the federal programs and assistance that are available.

BILL ANALYSIS: House Bill 223 would make eligible for the targeted assistance a second group of students. Students with disabilities who have been referred by the Division of Vocational Rehabilitation and are enrolled in a community college would qualify for the Targeted Assistance program. The intent is to provide some financial assistance so that these students do not drop out because of cost, thus enabling them to continue their education at the community college.

Dr. Shirley Iorio, Committee Analyst, wrote this summary.
H223-SMRQ-002

JBLIC BILL

H.B. 0234

SESSION LAW _____

A BILL TO BE ENTITLED

AN ACT TO CLARIFY THE APPLICATION PROCESS FOR COMMUNITY COLLEGE STUDENTS REQUESTING FINANCIAL ASSISTANCE.

Introduced by Representative(s): Tolson.

Meyer

Principal Clerk's Use Only

PASSED 1st READING
MAR 6 2003
AND REFERRED TO COMMITTEE
ON Education

The Committee/Subcommittee on Education refers the bill to Subcomm. on Community Colleges
Reps. Benny Hilton, Daniel Wood
For the Committee

referred to Committee/Subcommittee
Com. Colleges
MAR 17 '03

The Committee on Community Colleges
majority being present, having considered the bill recommend that it do ✓ pass.
Rep. McLawhorn
For the Committee
Rep. Tolson

REPORTED FAVORABLY MAR 20 2003

PURSUANT TO RULE 36(b)
MAR 20 2003
PLACED ON CALENDAR
OF 3/25/03

117-0 EV VV
PASSED 2nd & 3rd READING
MAR 25 2003
ORDERED SENT TO SENATE

Denise Weeks

RECEIVED
MAR 26 2003
From House of Representatives
By Clerk 9:10 AM

PASSED 1st READING
MAR 26 2003
AND REFERRED TO COMMITTEE
ON Ed / Higher Ed

Favorable

HOUSE BILL 234:
Comm. Coll. Financial Aid Process Clarified-AB

BILL ANALYSIS

Committee:	Senate Education/Higher Education Committee	**Introduced by:**	Representatives Tolson and Alexander
Date:	May 14, 2003	**Summary by:**	Drupti Chauhan* Committee Staff
Version:	First		

SUMMARY: ***House Bill 234 would limit the requirement to apply for a Federal Pell Grant or to complete a Free Application for Federal Student Aid (FAFSA) to degree, diploma, and certificate students.***

The bill would become effective when it becomes law.

CURRENT LAW: To be eligible for consideration for financial assistance, students must apply for either federal Pell Grants or complete a Free Application for Federal Student Aid (FAFSA).

BILL ANALYSIS: House Bill 234 would require only students who are enrolled in degree, diploma or certificate programs to complete a Free Application for Federal Student Aid (FAFSA) to be eligible for financial assistance. Students who go to the community college to take non-credit continuing education courses would **not** be required to complete the FAFSA application because they are not eligible for Federal financial aid.

Dr. Shirley Iorio, Committee Analyst, contributed significantly to this summary.

H234-SMRQ-002

HOUSE BILL 234:
Comm. Coll. Financial Aid Process Clarified-AB

BILL ANALYSIS

Committee:	Senate Education/Higher Education Committee	**Introduced by:**	Representatives Tolson and Alexander
Date:	May 14, 2003	**Summary by:**	Drupti Chauhan* Committee Staff
Version:	First		

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Dr. Shirley Iorio, Committee Analyst, contributed significantly to this summary.

H234-SMRQ-002

UBLIC BILL

posed Committee Substitute For
H.B. 1166 SESSION LAW

A BILL TO BE ENTITLED

AN ACT TO FACILITATE JOB SHARING BY PUBLIC SCHOOL EMPLOYEES.

Introduced by Representative(s): Bordsen and Nesbitt (Primary Sponsors)

Principal Clerk's Use Only

Sub
he/Committee on Preschool, Elementary & Secondary Education
m ity being present, having considered
ni commend that it do pass.
Reps Warren & Dockham
For the Committee

RECEIVED
APR 30 2003
From House of Representatives
By Clerk 4:7:45 AM/PM

FAVORABLE TO COMM. SUB
UNFAVORABLE TO BILL
APR 29 2003
AND PLACED ON CALENDAR FOR
3rd
4-30-03

PASSED 1st READING
MAY 1 2003
AND REFERRED TO COMMITTEE
Ed/Higher Ed

Favorable
Parmon / Rabon

III-2 EV VV
PASSED 2nd & 3rd READING
APR 30 2003
ORDERED SENT TO SENATE

Special Message
Denise Weeks

HOUSE BILL 1166:
Local Flex. Regarding Job Sharing in Schools.

BILL ANALYSIS

Committee:	Senate Education/Higher Education	**Introduced by:**	Reps. Bordsen and Nesbitt
		Summary by:	Shirley Iorio* Committee Staff
Date:	May 14, 2003		
Version:	Second Edition		

SUMMARY: ***House Bill 1166 would delete G.S. 115C-302.2 which provides for job sharing by classroom teachers and would create a new part in Chapter 115C which would provide for job sharing by school employees. The State Board of Education would be required to adopt rules to facilitate job sharing by these employees, including receiving on a pro rata basis the holidays and leave benefits that they would be entitled to receive if they were employed on a full-time basis. The bill would also amend the creditable service section of the Teachers' and State Employees' Retirement System for a school employee in a job-sharing position as defined in G.S. 115C-302.2(b). The bill would also amend the eligibility criteria of the Comprehensive Major Medical Plan to allow coverage on a partially contributory basis for those employees.***

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 (TSERS) 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 were specifically excluded.

BILL ANALYSIS:

Section 1. House Bill 1166 deletes the job sharing by classroom teachers provisions in G.S. 115C-302.2.

Section 2. House Bill 1166 creates a new Part in Chapter 115C that provides for job sharing by school employees who choose not to work full time. Under rules adopted by the State Board of Education, these job sharing school employees will have on a pro rata basis the paid legal holidays, annual vacation leave, sick leave and personal leave that they would be entitled to if they were employed on a full-time basis. A job sharing school employee will also receive service credit under the Teachers' and State Employees' Retirement System and insurance benefits. A school employee in a job-sharing position is defined as a person who is employed by a local board of education as a public school employee for 50% of the applicable workweek.

Section 3. House Bill 1166 rewrites G.S. 135-4 regarding creditable service in the TSERS to allow a school employee in a job-sharing position as defined in G.S. 115C-302.2(b) to receive credit at the rate of one-half year for each regular school year that the individual was employed.

Section 4. House Bill 1166 amends G.S. 135-40.2 to allow a 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 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.

**Sara Kamprath and Robin Johnson, Education Committee staff, contributed substantially to this summary.*

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2003

H 2

HOUSE BILL 1166

Committee Substitute Favorable 4/29/03

Short Title: Local Flex. Regarding Job Sharing in Schools. (Public)

Sponsors:

Referred to:

April 10, 2003

A BILL TO BE ENTITLED

AN ACT TO FACILITATE JOB SHARING BY PUBLIC SCHOOL EMPLOYEES.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 115C-302.2 is repealed.

SECTION 2. Article 22 of Chapter 115C of the General Statutes is amended by adding a new Part to read:

"Part 3A. Job Sharing by School Employees.

"**§ 115C-326.5. Job sharing by school employees.**

(a) The General Assembly finds that there is a shortage of qualified public school employees available in certain geographical areas of the State. The elimination of administrative and fiscal limitations on job-sharing arrangements would make employment in a public school an attractive option for well-qualified persons who do not wish to work full time.

(b) A "school employee in a job-sharing position" is a person who is employed by a local board of education as a public school employee for at least fifty percent (50%) of the applicable workweek, as defined by that local board of education.

(c) The State Board of Education shall adopt rules to facilitate job sharing by public school employees. These rules shall provide that an employee in a job-sharing position shall receive paid legal holidays, annual vacation leave, sick leave, and personal leave on a pro rata basis. Such 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."

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

SECTION 5. 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.

VISITOR REGISTRATION SHEET

Senate Education/Higher Education — **May 14, 2003**
Name of Committee — **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Kenneth L. Whitehurst	NC Community College System Office
Christie Scruggs	NC Community College System Office
Susan Hassen	WCPSS
Tom Woodell	NCICU
Gene Causby	NCSCCT
J. L. Miller	Miller C-
P. Bly Hall	General Statutes Commission
Hal Miller	NCACCT
John Cyrus	NC State Grange
Jim Ayers	SBE
J. Bumgarner	NCATA

VISITOR REGISTRATION SHEET

Senate Education/Higher Education — **May 14, 2003**
Name of Committee — **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Micky M Bays	NCCCS
Tinker B. Willins	"
Elizabeth Grossenstein	OSBM
Pam Deardorff	Retirement
Deborah Metcalf Yelton	Hubb Insurance
DON YELTON	Citizen
Dallas Baker	Intern - Sen. Stevens
Elizabeth Self	Intern - Sen. Metcalf
Tasha Clay	VAIO
Carolyn McKinney	NCAE
Marcus Downs	NCAE

VISITOR REGISTRATION SHEET

Senate Education/Higher Education — **May 14, 2003**
Name of Committee — **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Steve Breckheimer	NC School Psychology Association
Yvonne Perry	NCSPA
~~Katherine~~ Joyce	NCASA
John Norris	Public School Forum
Leanne Winner	NCSBA
Bill R	Wake Co.
Doug Lanier	NCSTA
John Withrow	NC Statewatch

AGENDA

Senate Education/Higher Education Committee

Wednesday, May 21, 2003
10:00 a.m., Room 643

Senator John Garwood, Presiding

Welcome and Introductions
Senator Garwood

- **HB 317** **State Assistance to Low-Performing LEA's-AB**
  Reps. Bell, Preston, Warren
- **HB 319** **Charter School Law Changes-AB**
  Reps. Bonner, Preston,
  Reps. Warren, Yongue
- **HB 421** **Veterans Day A Holiday for School Staff**
  Rep. McLawhorn
- **HB 1016** **UNC/Add Nonsmoking Areas.**
  Rep. Haire
- **HB 1135** **Education Instead of Long-Term Suspension**
  Reps. Preston, Johnson,
  Rep. Nesbitt
- **SJR 365** **Confirmation/State Board of Education**
  Sen. Lucas

Adjournment

SENATE EDUCATION/HIGHER EDUCATION COMMITTEE

Wednesday, May 21, 2003, 10:00 a.m.
Room 643 Legislative Office Building
Minutes

The Senate Education/higher Education Committee met Wednesday, May 21, 2003 at 10:00 in Room 643 of the Legislative Office Building. Senator John Garwood, Presiding Chair, called the meeting to order with twenty-one members present.

Senator Garwood welcomed the visitors and introduced the page: (DeShekia, sponsored by Senator Jenkins). He stated that House Bill 317, 'State Assistance to Low-performing LEA's-AB," has been removed from today's Agenda. House Bill 319, "Charter School law Changes – AB" is on the Agenda for discussion only.

Senator Garwood recognized Rep. McLawhorn to explain House Committee Substitute #1 for House Bill 421, "Veterans Day A Holiday for School Staff." Representative McLawhorn stated that the bill does not add any new holidays to the school year. Senator Dannelly moved that House Committee Substitute for House Bill 421 be given a favorable report. The motion was seconded by Senator Moore and carried by unanimous voice vote.

Senator Lucas was recognized to explain Senate Joint Resolution 365, "Confirmation/State Board of Education". Senator Lucas moved the adoption of the Proposed Committee Substitute. The motion carried by unanimous vote. She stated that this resolution provides for the confirmation of the Governor's appointments to the State Board of Education. The names of the three appointees are Robert Tom Speed, Kathy A. Taft and John A. Tate, III. Senator Dannelly moved a favorable report to the Proposed Committee Substitute for Senate Joint Resolution 365 and an unfavorable report to the original bill. The motion carried by unanimous voice vote.

In the absence of Representative Haire, staff was recognized to explain House Bill 1016, "UNC/Add Nonsmoking Areas." Senator Apodaca also answered questions from the Committee. Chancellor John Perdo, Western Carolina University, spoke on the bill. He stated that a number of residence halls are currently designated as non-smoking while others are smoking. Senator Lucas moved a favorable report for House Bill 1016. The motion was seconded by Senator Apodaca and carried by unanimous voice vote.

Representative Preston was recognized to explain House Bill 1135, "Education Instead of Long Term Suspension". Senator Lucas moved to amend the bill on page 1, line 25 by inserting after the word "education" the following new sentence, "The Superintendent of Public Instruction or his designee shall convene and chair the meetings'. The motion carried by voice vote. Senator Gulley moved to amend the bill on page 1, line 23, by deleting the word "developing" and substituting the words "study the feasibility and cost of"; and on page 1, line 25 by deleting the words "developing the plan" and substituting the words "this study". Senator Hagan stated that the language on pages 3 and 4 should be also reviewed. The Chair stated that the bill would be removed from today's Agenda to allow staff and the Bill Sponsor to develop the proper language.

Rep. Warren was recognized to explain House Bill 319, "Charter School Law Changes-AB". Senator Lucas suggested that the bill be removed from today's Agenda to allow the Co-Chairs and Senator Gulley review this bill.

The meeting was adjourned at 10:55 a.m.

Senator John Garwood, Presiding Chair

Joyce Crews, Hodge, Committee Assistant

PUBLIC BILL

~~Proposed~~ Committee Substitute For
H.B. 317

SESSION LAW _____

A BILL TO BE ENTITLED

AN ACT AUTHORIZING THE STATE BOARD OF EDUCATION TO IDENTIFY AND PROVIDE ASSISTANCE TO LOW-PERFORMING SCHOOL ADMINISTRATIVE UNITS.

Introduced by Representative(s): Bell, Preston and Warren (Primary Sponsors)

Principal Clerk's Use Only

Committee on Education
a[illegible] being present, having considered
bill, recommend that it do ✓ pass.
Reps. Bonner, Hilton, Warner, Wood
For the Committee

[illegible] TO COMM. SUB
UNFAVORABLE TO BILL
APR 16 2003
AND PLACED ON CALENDAR FOR
3rd
4-23-03

PASSES 2nd READING
112-0 EV
APR 23 2003
AND PLACED ON THE CALENDAR

PASSED 3rd READING
112-0 EV (adjusted)
APR 24 2003
ORDERED SENT TO SENATE

Denise Weeks

RECEIVED
APR 25 2003
From House of Representatives
By Clerk 9:15 AM/PM

PASSED 1st READING
APR 28 2003
AND REFERRED TO COMMITTEE
Ed / Higher Ed

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2003

H 2

HOUSE BILL 317*

Committee Substitute Favorable 4/16/03

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 systemwide assistance team to the local school administrative unit to assist the local board in identifying systemwide 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 systemwide 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 assign a systemwide assistance team to any continually low-performing local

school administrative unit. When assigned to a continually low-performing local school administrative unit, the systemwide assistance team shall:

(1) Review and investigate all facets of school system operations and assist in developing recommendations for improving student performance in that local school administrative unit.

(2) As deemed necessary by the systemwide assistance team, evaluate any central office or school-based administrators.

(3) Collaborate with the staffs of the local board, central office, and local schools to design, implement and monitor a plan that, if fully implemented, can reasonably be expected to alleviate identified problems and improve student performance in the local school administrative unit.

(4) Make continuing recommendations as the plan is developed and implemented.

(5) Review the progress of the local school administrative unit.

(6) Report, as appropriate, to the local board, the community, and the State Board on the local school administrative unit's progress under the plan.

(d) If a continually low-performing local school administrative unit fails to improve student performance after assistance is provided under subsection (c) of this section, the assistance team may recommend that the assistance continue to that local school administrative unit or that the State Board take further action under G.S. 115C-105.39(c)(3).

(e) The State Board may direct the Department of Public Instruction staff to provide support to a systemwide assistance team.

(f) The State Board shall annually review the progress made in identified low-performing local school administrative units."

SECTION 2. G.S. 115C-105-39(c) reads as rewritten:

"(c) The State Board may appoint an interim superintendent in a local school administrative unit:

(1) Upon the identification of more than half the schools in that unit as low-performing under ~~G.S. 115C-105.37; or~~G.S. 115C-105.37;

(2) Upon the recommendation from an assistance team assigned to a school located in that unit that has been identified as low-performing under G.S. 115C-105.37. This recommendation shall be based upon a finding that the superintendent has failed to cooperate with the assistance team or has otherwise hindered that school's ability to ~~improve.~~improve; or

(3) Upon the recommendation from a systemwide assistance team assigned to a continually low-performing local school administrative unit under G.S. 115C-105.42. This recommendation shall be based upon a finding that the superintendent has failed to cooperate with the assistance team or has otherwise hindered the local school administrative unit's ability to improve.

The State Board may assign any of the powers and duties of the local superintendent and the local finance officer to the interim superintendent that the Board considers are necessary or appropriate to improve student performance in the local school administrative unit. The interim superintendent shall perform all of these assigned powers and duties. The State Board of Education may terminate the contract of any local superintendent entered into on or after July 1, 1996, when it appoints an interim superintendent. The Administrative Procedure Act shall apply to that decision. Neither party to that contract is entitled to damages."

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

HOUSE BILL 317:
State Assistance to Low-Performing LEAs.-AB

BILL ANALYSIS

Committee:	Senate Education	**Introduced by:**	Rep. Bell
Date:	May 21, 2003	**Summary by:**	Drupti Chauhan*
Version:	Second Edition		Committee Co-Counsel

SUMMARY: ***House Bill 317 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 317 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

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.

Both House and Senate versions of the Budget bill currently have an appropriation of $500,000 for the fiscal years 2003-2004 to provide assistance to the State's low-performing LEAs.

**Robin Johnson, Committee Counsel, contributed significantly to this summary.*
H317-SMRQ-001

PUBLIC BILL

~~Proposed~~ Committee Substitute For
H.B. 421

SESSION LAW _____

A BILL TO BE ENTITLED

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

Introduced by Representative(s): McLawhorn

Principal Clerk's Use Only

The Committee on Education
a majority being present, having considered
this bill, recommend that it do ✓ pass.

Rep. Hilton
For the Committee

FAVORABLE TO COMM. SUB.
UNFAVORABLE TO BILL

APR 1 2003

AND PLACED ON
CALENDAR FOR
3&6

4-2-03

motion of Rep. McLawhorn

POST PONED
UNTIL 4-8-03

APR 2 2003

AMENDMENT NO. 1 APR 8 2003
ADOPTED
112-5 EV

113-4 EV VV

Passed 2nd & 3rd Readings

APR 8 2003

AND ORDERED ENGROSSED
AND SENT TO SENATE

Denise Weeks

RECEIVED

APR 10 2003

House of Representatives
Clerk 4:10:11 AM/PM

PASSED 1st READING

APR 10 2003

AND REFERRED TO COMMITTEE
ON

Ed / Higher Ed

Favorable
more

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2003

H 3

HOUSE BILL 421
Committee Substitute Favorable 4/1/03
Third Edition Engrossed 4/8/03

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 2005-2006 school year.

HOUSE BILL 421:
Veterans Day a Holiday for School Staff

BILL ANALYSIS

Committee:	Senate Education	**Introduced by:**	Rep McLawhorn
Date:	May 21, 2003	**Summary by:**	Sara Kamprath*
Version:	Third Edition		Committee Staff

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

The bill would apply beginning with the 2005-2006 school year.

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.

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, but would be included in the calendar in place of another day designated as a holiday. The bill would become effective when it becomes law, and would apply to all school years beginning with the 2005-2006 school year.

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.

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".

Federal and State employees annually observe Veterans Day on November 11. When the holiday falls on Saturday the holiday is usually observed on Friday and when the holiday falls on Sunday the holiday is usually observed on Monday.

**Shirley Iorio contributed significantly to this summary*

H421-SMRJ-004

HOUSE BILL 421:
Veterans Day a Holiday for School Staff

BILL ANALYSIS

Committee:	Senate Education	**Introduced by:**	Rep McLawhorn
Date:	May 21, 2003	**Summary by:**	Sara Kamprath*
Version:	Third Edition		Committee Staff

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

The bill would apply beginning with the 2005-2006 school year.

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.

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, but would be included in the calendar in place of another day designated as a holiday. The bill would become effective when it becomes law, and would apply to all school years beginning with the 2005-2006 school year.

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.

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".

Federal and State employees annually observe Veterans Day on November 11. When the holiday falls on Saturday the holiday is usually observed on Friday and when the holiday falls on Sunday the holiday is usually observed on Monday.

**Shirley Iorio contributed significantly to this summary*

H421-SMRJ-004

PUBLIC BILL

~~Proposed~~ Committee Substitute For
H.B. 1016
JDS880

SESSION LAW _____

A BILL TO BE ENTITLED

AN ACT TO ADD PARTICULAR UNIVERSITY FACILITIES AS NONSMOKING AREAS.

Introduced by Representative(s): Howe

Principal Clerk's Use Only

Committee on Universities
being present, having considered
recommend that it do ✓ pass.
Rep. Bowie + McAllister
For the Committee

FAVORABLE TO COMM. SUB.
UNFAVORABLE TO BILL

APR 24 2003

AND PLACED ON CALENDAR FOR
36b

4-29-03

97-6 EV VV

PASSED 2nd & 3rd READING

APR 30 2003

ORDERED SENT TO SENATE

Special Message

RECEIVED

APR 30 2003

From House of Representatives
By Clerk 4:55 AM/PM

PASSED 1st READING

MAY 1 2003

AND REFERRED TO COMMITTEE
on Ed/Higher Ed

Favorable
A Pdsum

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2003

H 2

HOUSE BILL 1016

Committee Substitute Favorable 4/24/03

Short Title: UNC/Add Nonsmoking Areas. (Public)

Sponsors:

Referred to:

April 10, 2003

A BILL TO BE ENTITLED

AN ACT TO ADD PARTICULAR UNIVERSITY FACILITIES AS NONSMOKING AREAS.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 143-597(a) reads as rewritten:

"(a) All of the following areas may be designated as nonsmoking in buildings owned, leased, or occupied by State government:

(1) Any library open to the public.

(2) Any museum open to the public.

(3) Any area established as a nonsmoking area, so long as at least twenty percent (20%) of the interior space of equal quality to that of the nonsmoking area shall be designated as a smoking area, unless physically impracticable. If physically impracticable, the person in charge of the facility shall provide an adequate smoking area within the facility as near as feasible to twenty percent (20%) of the interior space.

(4) Any indoor space in a State-controlled building such as an auditorium, arena, or coliseum, or an appurtenant building thereof; except that a designated area for smoking shall be established in lobby areas.

(5) Any educational buildings primarily involved in health care instruction.

(6) University of North Carolina health services facilities, wellness centers, physical education facilities, student recreational centers, laboratories, or residence halls, provided that each constituent institution shall make a reasonable effort to provide smoking rooms in residence halls in proportion to student demand for those rooms."

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

HOUSE BILL 1016:
UNC/Add Nonsmoking Areas.

BILL ANALYSIS

Committee:	Senate Education/Higher Education	**Introduced by:**	Rep. Haire
		Summary by:	Robin Johnson Committee Counsel
Date:	May 21, 2003		
Version:	Second Edition		

SUMMARY: ***House Bill 1016 would allow all or part of UNC health services facilities, wellness centers, physical education facilities, student recreational centers, laboratories, or residence halls to be designated as nonsmoking areas.***

The bill would be effective when it becomes law.

CURRENT LAW: Article 64 of Chapter 143 of the General Statutes specifies the specific areas in buildings owned, leased, or occupied by State government that may be designated as nonsmoking areas. All or part of these specific areas may be designated as nonsmoking. If an area is designated as nonsmoking, then the use or possession of a lighted cigarette, lighted cigar, lighted pipe, or other lighted tobacco product is prohibited. Any person who continues to smoke in a designated area following notice by the person in charge of the building or area, or by that person's designee, that smoking is not permitted is guilty of an infraction, which is punishable by a maximum fine of $25.00.

BILL ANALYSIS: House Bill 1016 would add the following to the list of specific areas in State–controlled buildings that may be designated as nonsmoking areas: UNC health facilities, wellness centers, physical education facilities, student recreational centers, laboratories, or residence halls. Each constituent institution is required to provide smoking rooms in residence halls in proportion to student demand for those rooms.

The bill is effective when it becomes law.

H1016-SMRH-002

PUBLIC BILL

~~Proposed~~ Committee Substitute For
H.B. 1135

SESSION LAW _____

A BILL TO BE ENTITLED

AN ACT TO ENSURE THAT STUDENTS RECOMMENDED FOR LONG-TERM SUSPENSION RECEIVE A FREE AND APPROPRIATE EDUCATION.

Introduced by Representative(s): Preston, L. Johnson, Parmon, Nesbitt (Primary Sponsor)

Principal Clerk's Use Only

RECEIVED
APR 30 2003
From House of Representatives
By Clerk AP 7:45 AM PM

ie Committee on Education
n being present, having considered
is recommend that it do ✓ pass.
Lepa. Bonner, Hilton, Warmus
For the Committee Wood

FAVORABLE TO COMM. SUB
UNFAVORABLE TO BILL
APR 24 2003
AND PLACED ON
CALENDAR FOR
366
4-30-03

PASSED 1st READING
MAY 1 2003
AND REFERRED TO COMMITTEE
on Ed / Nightwatch Ed

T, 11 non
Removed

112-2 EV VV
PASSED 2nd & 3rd READING
APR 30 2003
ORDERED SENT TO SENATE

Special Message
Denise Weeks

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2003

H 2

HOUSE BILL 1135

Committee Substitute Favorable 4/24/03

Short Title: Education Instead of Long-Term Suspension. (Public)

Sponsors:

Referred to:

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. The Department of Public Instruction, in conjunction with the Department of Juvenile Justice and Delinquency Prevention and the Division of Mental Health, Developmental Disabilities, and Substance Abuse Services, 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, these agencies 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 committee shall consider and report on whether and to what extent North Carolina should mandate the following:

(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 April 15, 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.

SECTION 4. It is the intent of the General Assembly to implement a plan beginning with the 2004-2005 school year to ensure that students recommended for long-term suspension receive a free and appropriate education.

SECTION 5. This act is effective when it becomes law.

HOUSE BILL 1135:
Education Instead of Long-Term Suspension

BILL ANALYSIS

Committee:	Senate Education/Higher Education	**Introduced by:**	Reps. Preston, L. Johnson, Parmon, and Nesbitt
Date:	May 21, 2003	**Summary by:**	Robin Johnson* Robin
Version:	Second Edition		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) and the Division of Mental Health, Developmental Disabilities, and Substance Abuse Services (DMHDDSAS) to develop a State plan that 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 by April 15, 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 covers school discipline and provides for when students can be expelled or suspended. 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.

A short-term suspension is for no more than 10 days. A long-term suspension is generally for more than 10 days, but no longer than the end of the current school year. Local board or school policies generally specify the types of conduct that can lead to short-term and long-term suspensions.

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. (Students who physically assault school personnel or other students may first be removed to alternative educational settings. If no appropriate alternative educational settings are available, then the student may be suspended for up to a year.)

Schools may opt to provide educational services in alternative settings to students who are suspended. Federal law requires children with disabilities to be offered appropriate educational services if they are removed from their regular placement for more than 10 days. The Individualized Education Plan (IEP) Committee must meet and the child's IEP must be modified to continue to offer the child appropriate educational services.

The statutes further provide appeal procedures for students who are expelled or suspended for 10 or more days.

BILL ANALYSIS: This bill requires DPI, DJJDP, and DMHDDSAS 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 State plan to ensure that students recommended for long-term suspensions receive free and appropriate education. The committee must consider and report on whether and to what extent the following should be mandated:

- 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.
- 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.

H1135-SMRH-002: Drupti Chauhan, Committee Counsel, contributed substantially to this summary.

1st Ed Summary

PUBLIC BILL 113

~~Proposed~~ Committee Substitute For
H.B. 319

SESSION LAW _____

A BILL TO BE ENTITLED

AN ACT TO AMEND THE LAW REGARDING CHARTER SCHOOLS.

Introduced by Representative(s): Bonner, Preston, Warren, and Sprague (Primary Sponsors).

Principal Clerk's Use Only

The Committee on Education
a majority being present, having considered this bill, recommend that it do ✓ pass,
Bonner, Hilton, Warner & Wood
For the Committee
and be re-referred to the Committee on Pensions and Retirement.

~~FAVORABLE TO COMM. SUB.~~
~~UNFAVORABLE TO BILL.~~

APR 23 2003

~~AND PLACED ON CALENDAR FOR~~
re-referred to
Pensions & Retirement

Committee on Pensions & Retirement
jority being present, having considered
ill, recommend that it do ✓ pass.
G. Wilson & Bell
For the Committee

PORTED FAVORABLY APR 30 2003

PURSUANT TO RULE 36(b)

APR 30 2003

PLACED ON CALENDAR
OF 5/1/03

VV
PASSED 2nd & 3rd READING
110-0 EV
MAY 1 2003

ORDERED SENT TO SENATE

~~Special Message~~
Denise Thuke
RW

RECEIVED
MAY 1 2003

From House of Representatives
By Clerk JK 4:01 AM/PM

PASSED 1st READING
MAY 5 2003
AND REFERRED TO COMMITTEE
ON Ed / Pensions Ed

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2003

H 2

HOUSE BILL 319*

Committee Substitute Favorable 4/23/03

Short Title: Charter School Law Changes.-AB (Public)

Sponsors:

Referred to:

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 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;
(5) The charter school meets generally accepted standards of fiscal management; and
(6) It is otherwise appropriate to approve the enrollment growth."

SECTION 2. G.S. 135-3(8)c. reads as rewritten:

"c. **(Effective until June 30, 2004 – See note)** 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%).

The computation of postretirement earnings of a beneficiary under this sub-subdivision, G.S. 135-3(8)c., 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, shall not include earnings while the beneficiary is employed to teach on a substitute, interim, or permanent basis in a public ~~school.~~school or a charter school. The Department of Public Instruction shall certify to the Retirement System that a beneficiary is employed to teach by a local school administrative unit or a charter school under the provisions of this sub-subdivision and as a retired teacher as the term is defined under the provisions of G.S. 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 2

HOUSE BILL 319*
Committee Substitute Favorable 4/23/03

Short Title: Charter School Law Changes.-AB (Public)

Sponsors:

Referred to:

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 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;
(5) The charter school meets generally accepted standards of fiscal management; and
(6) It is otherwise appropriate to approve the enrollment growth."

SECTION 2. G.S. 135-3(8)c. reads as rewritten:

"c. **(Effective until June 30, 2004 – See note)** 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%).

The computation of postretirement earnings of a beneficiary under this sub-subdivision, G.S. 135-3(8)c., 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, shall not include earnings while the beneficiary is employed to teach on a substitute, interim, or permanent basis in a public ~~school.~~school or a charter school. The Department of Public Instruction shall certify to the Retirement System that a beneficiary is employed to teach by a local school administrative unit or a charter school under the provisions of this sub-subdivision and as a retired teacher as the term is defined under the provisions of G.S. 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.

HOUSE BILL 319:
Charter School Law Changes. - AB

BILL ANALYSIS

Committee:	Senate Education	**Introduced by:**	Reps. Bonner, Preston, Warren, & Yongue
Date:	May 21, 2003		
Version:	Second Edition	**Summary by:**	Sara Kamprath* Committee Analyst

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. At least once every 5 years, the State Board of Education shall review each charter school's operations to ensure that the school is meeting the expected academic, financial, and governance standards. 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 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.

*Robin Johnson contributed significantly to this summary.

H319-SMRJ-003

NORTH CAROLINA GENERAL ASSEMBLY AMENDMENT

(Please type or use ballpoint pen)

EDITION No. _____

H. B. No. _____ DATE _____

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

COMMITTEE SUBSTITUTE _____

Rep.)
) _____
Sen.)

moves to amend the bill on page 1, line 25

( ) WHICH CHANGES THE TITLE

by inserting after the word "education." the following new sentence:

"The ~~Department~~ Superintendent of Public Instruction or his designee shall convene the ~~meetings~~ and chair the meetings."

SIGNED _____

ADOPTED _____ FAILED _____ TABLED _____

GA-33-A

PRINCIPAL CLERK'S OFFICE (FOR ENGROSSMENT)

NORTH CAROLINA GENERAL ASSEMBLY AMENDMENT

(Please type or use ballpoint pen)

EDITION No. _____

H. B. No. _____ DATE _____

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

COMMITTEE SUBSTITUTE _____

Rep.)
) Gulley
Sen.)

moves to amend the bill on page 1, line 23

( ) WHICH CHANGES THE TITLE

by deleting "develop" and substituting "study the feasibility and cost of";

& on p. 1, l. 25, by deleting "developing the plan," & by substituting "this study,",

SIGNED _____

ADOPTED _____ FAILED _____ TABLED _____

GA-33-A

PRINCIPAL CLERK'S OFFICE (FOR ENGROSSMENT)

NORTH CAROLINA GENERAL ASSEMBLY
SENATE

EDUCATION/HIGHER EDUCATION COMMITTEE REPORT
Senator John A. Garwood, Co-Chair
Senator Jeanne Hopkins Lucas, Co-Chair
Senator Stephen M. Metcalf, Co-Chair

Wednesday, May 21, 2003

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

FAVORABLE

H.B.(CS #1) **421** Veterans Day a Holiday for School Staff.
Sequential Referral: None
Recommended Referral: None

H.B.(CS #1) **1016** UNC/Add Nonsmoking Areas.
Sequential Referral: None
Recommended Referral: None

TOTAL REPORTED: 2

Committee Clerk Comments:

NORTH CAROLINA GENERAL ASSEMBLY
SENATE

EDUCATION/HIGHER EDUCATION COMMITTEE REPORT
Senator Jeanne Hopkins Lucas, Co-Chair
Senator Stephen M. Metcalf, Co-Chair
Senator John A. Garwood, Co-Chair

Monday, June 02, 2003

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

UNFAVORABLE AS TO JOINT RESOLUTION, BUT FAVORABLE AS TO COMMITTEE SUBSTITUTE JOINT RESOLUTION

S.JR. **365** Confirmation/State Board of Education

Draft Number:	PCS 35289
Sequential Referral:	None
Recommended Referral:	None
Long Title Amended:	Yes

TOTAL REPORTED: 1

Committee Clerk Comments:

JBLIC BILL

S.J.R. 365 RESOLUTION _____

A JOINT RESOLUTION PROVIDING FOR CONFIRMATION OF THREE APPOINTMENTS BY THE GOVERNOR OF NEW MEMBERS TO THE STATE BOARD OF EDUCATION.

Introduced by Senator(s) Lucas Garwood Metcalf

Principal Clerk's Use Only

FILED MAR 10 2003

PASSED 1st READING

MAR 11 2003

AND REFERRED TO COMMITTEE

ON Ed/Higher Ed

Committee on Ed/Higher Ed to whom this bill referred, a majority being present and g, has carefully considered the same and nmended that it do pass.

Lucas

For the Committee

ED FAVORABLY APR 15 2003

WITH UNANIMOUS CONSENT WITHDRAWN FROM

Calendar

APR 16 2003

RE-REFERRED TO

Ed/Higher Ed

Unfavorable B.11
Fav. Bill

HOLP

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2003

S 1

SENATE JOINT RESOLUTION 365

Sponsors: Senators Lucas, Garwood, and Metcalf.

Referred to: Education/Higher Education.

March 11, 2003

A JOINT RESOLUTION PROVIDING FOR CONFIRMATION OF THREE APPOINTMENTS BY THE GOVERNOR OF NEW MEMBERS TO THE STATE BOARD OF EDUCATION.

Whereas, under the provisions of the Constitution of North Carolina and G.S. 115C-10, appointments by the Governor to membership on the State Board of Education are subject to confirmation by the General Assembly in joint session; and

Whereas, the Governor has transmitted to the presiding officers of the Senate and the House of Representatives the names of his appointees to fill the terms of membership on the State Board of Education which expire March 31, 2011; Now, therefore,

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

SECTION 1. The appointments of three persons to membership on the State Board of Education for terms to expire March 31, 2011, are confirmed.

SECTION 2. This resolution is effective upon ratification.

Michael F. Easley
Governor

State of North Carolina
Office of the Governor

For Release: **IMMEDIATE**
Date: May 15, 2003

Contact: Kasey Bensinger
Phone: (919) 733-5612

GOV. EASLEY APPOINTS ONE AND REAPPOINTS TWO TO BOARD OF EDUCATION

RALEIGH – Gov. Mike Easley has appointed **Robert Thomas Speed** of Boone and reappointed **Kathy Arnold Taft** of Greenville and **John A. Tate, III** of Charlotte to the North Carolina State Board of Education. Speed, Taft and Tate now go before the General Assembly for confirmation. Former State Senator Howard Lee was recently appointed by Gov. Mike Easley to fill the term of Phillip J. Kirk and elected Chairman of the State Board of Education.

"I am pleased to recommend Speed, Tate and Taft to serve on the State Board of Education," Easley said. "They have all demonstrated a strong commitment to education through their work in their communities and I know they will serve our state with the same dedication."

Speed is a criminal and civil case attorney in private practice, licensed in North Carolina since 1983. He is a member of the Yosef Club (Appalachian State University Athletic Boosters), the Fraternal Order of Police and the Winston-Salem Scottish Rite Bodies. Speed received his bachelor of science degree in business administration in 1973 and his master's degree in economics and business in 1978 from Appalachian State University. He received his juris doctorate from Campbell University School of Law in 1982.

Tate is senior vice president at Wachovia Bank. He currently is on the Communities in Schools board of directors, Success by Six board of directors, UNC-Chapel Hill School of Social Work board of advisors, Chapel of Christ the King Weekday School board of directors and the Habitat for Humanity of Charlotte. Tate received his bachelor of arts degree from the University of North Carolina at Chapel Hill in 1969 and his master's degree in finance from Georgia State University.

Taft is a board representative on the N.C. Compliance Commission for Accountability and the N.C. Charter School Advisory Committee. She is a founding board member of the Pitt County Communities in Schools program and has chaired the North Carolina Ad Hoc Writing Committee. Taft is currently the chair the Governmental Affairs Committee for the National Association of State Boards of Education. She is an a recent inductee into the East Carolina University School of Education Educators Hall of Fame. Taft received her bachelor of science degree in education cum laude from East Carolina University.

-more-

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

The Board of Education supervises and administers the public school system and the educational funds provided for its support. Members must be jointly confirmed by the General Assembly. The board consists of 15 members who serve eight-year terms with student appointments serving two-year terms.

###

SENATE JOINT RESOLUTION 365: Providing for Confirmation of the Governor's Appointments to the State Board of Education

BILL ANALYSIS

Committee:	Senate Education	**Introduced by:**	Senators Lucas, Garwood, and Metcalf
Date:	May 21, 2003		
Version:	PCS to First Edition S365-CSSF-17 [v.1]	**Summary by:**	Shirley Iorio Committee Staff

SUMMARY: ***The Proposed Committee Substitute for Senate Joint Resolution 365 provides for confirmation of the appointments by the Governor of Robert Tom Speed, Kathy A. Taft, and John A. Tate, III to the State Board of Education.***

The PCS is different from the First Edition:

-the names of the Governor's appointees have been added, and

-the second whereas phrase, mistakenly omitted from the First Edition, was added.

CURRENT LAW: Section 4(1) of Article IX of the NC Constitution says that the State Board of Education shall consist of the Lieutenant Governor, the Treasurer, and eleven members appointed by the Governor. This section directs the Governor to appoint 11 members to the State Board of Education for overlapping terms of eight years. Eight members represent the eight educational districts set out in G.S. 115C-65 and three members are at-large. These appointments are subject to confirmation by the General Assembly in joint session. G.S. 115C-10 requires the Governor to submit the names of his appointees to the presiding officers of each chamber on or before the 60th legislative day, and the General Assembly, pursuant to joint resolution, to meet in joint session to consider the appointments.

BACKGROUND: This year, there are three members whose terms expired March 31, 2003:

1. Ronald Deal, 7th Education District, which includes Alexander, Alleghany, Ashe, Avery, Burke, Caldwell, Catawba, Davie, Iredell, Rowan, Surry, Watauga, Wilkes, and Yadkin Counties.
2. Kathy Taft, 1st Education District, which includes Beaufort, Bertie, Camden, Chowan, Currituck, Dare, Gates, Hertford, Hyde, Martin, Pasquotank, Perquimans, Pitt, Tyrrell, and Washington Counties.
3. John Tate, Member-at-Large, who was appointed in January 2003 to fill the unexpired term of Zoe Locklear.

Appointments are made for eight years, and there is no limit on the number of terms an individual may serve. The following individuals are ineligible for appointments to the State Board:

- Public school employees[1] paid from State or local funds and their spouses;
- Employees of the Department of Public Instruction and their spouses; and
- Individuals who already hold two appointive offices in State or local government or who hold one elective[2] and one appointive State or local office.

[1] Not more than one public school employee may serve as an appointed member of the Board.
[2] The term 'elective' means filled by an election of the people.

BILL ANALYSIS: The Governor has appointed and reappointed the following people to the North Carolina State Board of Education and has submitted their names for confirmation by the North Carolina General Assembly:

- Mr. Robert Tom Speed represents Education Region 7 and will fill the seat currently held by Mr. Ronald Deal – New Appointment
- Ms. Kathy A. Taft represents Education Region 1 and has served since April 1995 – Reappointment
- Mr. John A. Tate, III fills an At-Large Seat and has served since January 2003 - Reappointment

REFERRED TO
Ed / Higher Ed
5-13-03

STATE OF NORTH CAROLINA
OFFICE OF THE GOVERNOR
20301 MAIL SERVICE CENTER • RALEIGH, NC 27699-0301

MICHAEL F. EASLEY
GOVERNOR

RECEIVED
MAY 13 2003
RESEARCH DIVISION

May 8, 2003

Ms. Janet Pruitt
Principle Clerk of the Senate
NC General Assembly
2020 Legislative Building
Raleigh, NC 27601

Dear Ms. Pruitt:

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
The Honorable James Black
The Honorable Richard Morgan
Ms. Denise Weeks

MAY 9 2003

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

Period:	June 1, 1980 to August 1, 1980
Employer:	NC Department of Agriculture
Position:	Legal Research Assistant
Duties:	Research of State Statues 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 Raleigh, North Carolina	1974 - 1977
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

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.

Michael F. Easley
Governor

State of North Carolina
Office of the Governor

For Release: **IMMEDIATE**
Date: May 15, 2003

Contact: Kasey Bensinger
Phone: (919) 733-5612

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-more-

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

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###

5/8/03 - 3/31/11

NORTH CAROLINA BOARD OF ETHICS

MAIL SERVICE CENTER 1324
RALEIGH, NC 27699-1324
WWW.DOA.STATE.NC.US/DOA/ETHICS

GEORGE F. BASON
CHAIRMAN

PERRY Y. NEWSON
EXECUTIVE DIRECTOR

May 9, 2003

The Honorable Michael F. Easley
Governor of North Carolina
Raleigh, North Carolina 27699

Re: Evaluation of Statement of Economic Interest filed by
Robert T. Speed, Board of Education

Dear Governor Easley:

In accordance with Section 5 (b) of Executive Order Number One ("the Order"), we have completed our evaluation of the statement of economic interest mentioned above.

We did not find an actual conflict of interest or a potential for conflict of interest.

Section 7 of the Order addresses rules of conduct for all covered Public Officials. Specifically, Public Officials must perform their duties in a manner to promote the best interests of the public. This includes avoiding both conflicts of interest and appearances of conflict. Because conflicts of interest may arise while performing their public duties, public officials should not participate in any proceedings in which their impartiality might reasonably be questioned due to their financial, familial, personal, or professional relationship with a participant in the proceeding. We recommend that all Public Officials remain aware of these sections while performing their official duties.

We are sending a copy of this letter to the Chairman of the Board so that our findings can be recorded in the Board's minutes pursuant to section 6 (c) of the Order.

Sincerely,

George F. Bason/md

George F. Bason
Chairman

cc: Mr. Robert T. Speed
Chairman of the Board

PHONE: 919-733-2780 FAX: 919-733-2785 E-MAIL PERRY.NEWSON@NCMAIL.NET

"Long Form"
Statement of Economic Interest

for Executive Order Number One

Office Use Only
Bd Code 120
Appt by Gov
Date filed: 5/9/03

NORTH CAROLINA BOARD OF ETHICS
For assistance call 919-733-2780 Fax 919-733-2785
e-mail nc.boardofethics@ncmail.net www.doa.state.nc.us/doa/ethics

Mail form to: Board of Ethics, 1324 Mail Service Center, Raleigh, N.C. 27699-1324
If you can use State Government Courier, use Courier 51-01-00
Office location: Administration Building, 116 West Jones Street, Room 2009G, Raleigh

Name of Person Filing: Robert Thomas Speed
Name of Spouse: Sara Earp Speed
Home Address: 294 Howards Knob Road Boone, North Carolina 28607
Home Telephone: (828)265-3144

Name of Employer: Self-Employed
Your Title: Attorney
Business Address: 825 West King Street (P.O. Box 432) Boone, North Carolina 28607
Business Telephone: (828)264-1191
Business Fax: (828)265-0441
Business Activity: Civil and Criminal Trial Practice

Spouse's Employer and Business Activity: Appalachian State University Boone, North Carolina
Registrar for Distance Education

If you are filing because you are serving on or being considered for appointment to a State "board" (as defined in the attached cover sheet), please state the full legal **name of the Board:**
North Carolina State Board of Education

By whom were you appointed or are you being considered for appointment (Governor, Speaker of the House, President Pro Tempore of the Senate): Governor

Are you, your employer, your spouse, or spouse's employer licensed or regulated by the Board on which you are/will be serving, or have business relationships with the Board? No XX Yes ___ Please explain:

NOTE: Executive Order Number One requires you to list assets and liabilities with a value of $10,000 or more for yourself and spouse as set forth below. You are NOT required to include an estimated value of th assets and liabilities. For all questions, please indicate "None" or "Not Applicable" where appropriate.

1. List all parcels of **real estate** located in North Carolina in which you, or your spouse, have an ownership interest valued at $10,000 or more. Give street address or other description adequate to determine the location of each parcel. State the specific interest held in each identified parcel.

Residence and 3(three) acres - 294 Howards Knob Road Boone, North Carolina
Office Building - 825 West King Street Boone, North Carolina
38(thirty-eight) acres - Watauga County,Brushy Fork Township 1/3(one third)fee simp
102(one hundred two) acres - Franklin County, NC Sandy Creek Township

Identify real estate that is currently leased or rented to a State Government Agency, and identify the Agency. If persons other than your spouse have an ownership interest in the property, state the type of ownership and name of the person having the interest. **Please indicate "None" or "Not Applicable" where appropriate.**

None

If any parcels are located in an area over which the Board you are serving on has regulatory authority or could otherwise be affected by Board decisions, please explain. **Please indicate "None" or "Not Applicable" if appropriate.**

None

2. Identify **personal property** sold to or bought from the State within the preceding two years and personal property currently leased or rented to the State by you or your spouse. Indicate whether the transactions are in accordance with the provisions of the Division of Purchase and Contract. If not, please explain.

None

3. List the name of each **publicly-owned company** in which the value of securities held by you or your spouse is $10,000 or more. You may attach a list from your broker. **Please indicate "None" or "Not Applicable" if appropriate.**

None

4. List the name and business activity of each **non-publicly-owned company or business entity** in which the value of securities or other equity interests held by you or your spouse is $10,000 or more, including but not limited to, interests held in partnerships, limited partnerships, joint ventures, limited liability companies or partnerships, and closely held corporations. **Please indicate "None" or "Not Applicable" if appropriate.**

None

With respect to the entities listed above, should any of the entities own securities or equity interests of $10,000 or more in other companies or business entities, list the name of the company or business entity and a brief description of the business activity of each. **Please indicate "None" or "Not Applicable" if appropriate.**

None

Are you, your spouse, or any of the entities listed above licensed by, regulated by, or have business relationships with the same area of State Government with which you are associated? No XX Yes ___ If so, please explain.

None

5. You are required to make a good faith effort to list any individual or business entity with which you or your spouse have a financial or professional relationship provided:

(1) The nature of the relationship presents a conflict of interest or the appearance of a conflict of interest for you while performing your official duties, or

(2) Any separate financial or professional interest of such individual or business entity would present a conflict of interest or appearance of a conflict of interest for you while performing your official duties. For each individual or business entity listed, generally describe the financial or professional relationship and provide a brief explanation of why the individual or business entity has been listed. **Please indicate "None" or "Not Applicable" if appropriate.**

None

6. List all **directorships** on all boards on which you are serving. Please explain any situation that could appear to be a conflict of interest with your official duties. **Please indicate "None" or "Not Applicable" if appropriate.**

Director- Appalachian Athletic Foundation, Inc.

This is a non-profit foundation which exists to seek and solicit donations for use by the Athletic Department at Appalachian State University.

7. Are you an **elected official** at the local government level? XX No ___ Yes If so, please explain.

8. If you, your spouse, or your dependent children are the **beneficiary of a trust** created, established or controlled by you, list the name and address of the trustee and a description of the trust. To the extent such information is available to you, include a list of businesses in which the trust has an ownership interest of $10,000 or more. **Please indicate "None" or "Not Applicable" if appropriate.**

None

9. List each **asset** with a valuation of $10,000 or more, held by you or your spouse, which have not been listed elsewhere. Some examples are mutual funds, certificates of deposit, bank accounts and retirement accounts. It is not necessary to list furniture, jewelry, automobiles, and other personal effects. **Please indicate "None" or "Not Applicable" if appropriate.**

Individual Retirement Account - Approximate Value $90,000.00(Ninety Thousand)

Business Account - Approximately $40,000.00 (Forty Thousand)

10. List each **liability** with a valuation of $10,000 or more for you and your spouse. Give the name of the creditor, and describe the nature of the liability. It is not necessary to list credit card debts, mortgage for personal residence, and automobile loans. **Please indicate "None" or "Not Applicable" if appropriate.**

Bank of America (Mortgage on office building) $30,000.00(Thirty Thousand) Balance

11. List each **source of income** for you and your spouse where $10,000 or more was received. For each source listed, describe the type of income received, and state the name of the business entity or individual from which the income was received. Some examples of income are salary or wages, professional fees, honoraria, interest, stock dividends, capital gains, and business profits.

Sources for Person Filing:

Law Practice Taxable Income of $187,880.00
(One Hundred Eighty-seven Thousand Eight Hundred Eighty)

Sources for Spouse:

Employment-Appalachian State University - Salary $17,154.00
(Seventeen Thousand One Hundred Fifty-Four)

Please explain if any of the sources of income are regulated by, receive permits from, or otherwise are connected with the same area of State Government with which you are connected.

None Known

12. Are you a **practicing attorney**? No ___ Yes XX If so, please check each category of legal representation in which you and/or the law firm with which you are associated has, during any single year of the past five years, earned legal fees of $10,000 or more from any of the following categories of legal representation:

( ) Admiralty ( ) Taxation ( ) Decedent's estates ( ) Corporation law (XX) Real property

(XX) Negligence (representing plaintiffs) (XX) Negligence (representing defendants)

(XX) Criminal law ( ) Labor law (XX) Insurance law ( ) Administrative law

( ) Utilities regulation or representation of regulated utilities ( ) Representation of local governments

13. If the information has not been included in previous questions, list all **non-publicly owned businesses** you have been associated with during the past five years as an employee, officer, director, partner, or owner. For each business listed, state your association, and the time period of your association. To the best of your knowledge, state whether any of the businesses listed does business with the same area of State Government with which you are associated. State the nature of business, and whether you or the business is licensed by, regulated by, receive permits, grants or other funding from the same area of State Government with which you are associated. **Please indicate "None" or "Not Applicable" if appropriate.**

None

14. List all **gifts** received with a value exceeding **$200** during the twelve months preceding the date of this statement from sources other than your spouse or relatives.

None

List all **gifts** received with a value exceeding **$100** during the twelve months preceding the date of this statement from any source having business with or regulated by the State.

None

15. List all **bankruptcies** filed during the preceding five years by you, your spouse, or any entity in which you or your spouse has been associated financially. Provide a brief summary of the facts and circumstances regarding each listed bankruptcy. **Please indicate "None" or "Not Applicable" if appropriate.**

None

16. Having read Executive Order Number One, state any problems or conflicts of interest you may have that are not fully covered in previous questions. Include an explanation of how you would propose to resolve the matter.

None That I Can Recall

VERIFICATION

I hereby do certify that I have read this Statement of Economic Interest and to the best of my knowledge and belief it is true, correct, and complete. I hereby do certify that I have not transferred, and will not transfer, any asset, interest or property for the purpose of concealing it from disclosure while retaining an equitable interest therein. I acknowledge that I am under a continuing obligation to avoid conflicts of interest and the appearance of conflicts of interest. If I believe a potential for conflict exists, I will inquire of the Board of Ethics as to that potential conflict.

5-9-03
Date

Robert Thomas Reed
Signature of Person Filing

STATE OF NORTH CAROLINA
COUNTY OF Watauga

Subscribed and sworn to before me this the 9 day of May, 2003.

My Commission Expires: 3-8-07

Signature of Notary Public

REFERRED TO
Ed / Higher Ed
5-13-03

STATE OF NORTH CAROLINA
OFFICE OF THE GOVERNOR
20301 MAIL SERVICE CENTER • RALEIGH, NC 27699-0301

MICHAEL F. EASLEY
GOVERNOR

May 8, 2003

Ms. Janet Pruitt
Principle Clerk of the Senate
NC General Assembly
2020 Legislative Building
Raleigh, NC 27601

Dear Ms. Pruitt:

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,

Mike Easley

Michael F. Easley

MFE:bc

Enclosures

c: The Honorable Beverly Perdue
The Honorable Marc Basnight
The Honorable James Black
The Honorable Richard Morgan
Ms. Denise Weeks

MAY 9 2003

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 Raleigh, North Carolina	1974 - 1977
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

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.

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

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: Pate 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 Statues 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.

MAY 09 2003

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 Marc Basnight
President Pro Tempore
NC General Assembly
2007 Legislative Building
Raleigh, NC 27601

Dear President Pro Tem Basnight:

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 James Black
The Honorable Richard Morgan
Ms. Denise Weeks
Ms. Janet Pruitt

VISITOR REGISTRATION SHEET

Senate Education/Higher Education — **May 21, 2003**
Name of Committee — **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Blake Huffman	John Locke Foundation
Patricia A. Yancey	APPCNC
John Bowdish	AstraZeneca
Chad Essick	Edmisten & Webb
Gardner Payne	McGuireWoods
Elizabeth Grossmann	OSBM
Clifton B. Metcalf	WCU
Ken Bando	WCU
Ann McArthur	Governor's Off
Hal Miller	NCACCT

VISITOR REGISTRATION SHEET

Senate Education/Higher Education — **May 21, 2003**
Name of Committee — **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
ROGER GERBER	The League of Charter Schools
Liz Hoey	The League of Charter Schools
Paula A. Wolf	Covenant w/ NC's Children
Jessica Bellamy	" "
Jack A. Laffis	Mayor - Mount Airy N.C.
Don Brookshire	City Mgr - " " "
PG PALACIO	NC Justice Center
Amy Ross	Sen. Dalton
Kim Howes	NCCAI
Laurie Dammack	NCCAI
Lisa Bateman	DJJDP - Center for the Prevention of School Violence
Trish Dyer	SBE

AGENDA

Senate Education/Higher Education Committee

Wednesday, May 28, 2003
10:00 a.m., Room 643

Senator Jeanne Lucas, Presiding

Welcome
Senator Lucas

- **HB 317 - State Assistance to Low-Performing LEAs.-AB**
  Reps. Warren, Preston and Bell

- **HB 1135 Education Instead of Long Term Suspension**
  Reps. Parmon, Preston, Johnson
  Rep. Nesbitt

- **HB 797 Assistance to LEA's on Implementation of NCLB**
  Rep. Ross, Yongue, Preston,
  Rep. Womble

- **HB 801 Alternatives to School Competency Test**
  Rep. Warner

Adjournment

Meeting Cancelled

VISITOR REGISTRATION SHEET

Senate Education/Higher Education — May 28, 2003

Name of Committee — Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Ann McArthur	Governor's Office
Elizabeth Groventeen	OSBM
Yvonne Perry	NCSPA
Meeting Cancelled	

AGENDA

Senate Education/Higher Education Committee

Wednesday, June 4, 2003
10:00 a.m., Room 643

Senator Jeanne Lucas, Presiding

Welcome and Introductions
Senator Lucas

- **HB 317 - State Assistance to Low-Performing LEAs.-AB**
  Reps. Warren, Preston and Bell
- **HB 1135 Education Instead of Long Term Suspension**
  Reps. Parmon, Preston, Johnson, Nesbitt
- **HB 797 Assistance to LEA's on Implementation of NCLB**
  Reps. Ross, Yongue, Preston, Womble
- **HB 801 Alternatives to School Competency Test**
  Rep. Warner
- **HB 975 UNC Purchasing Flexibility**
  Rep. Brubaker
- **HB 1070 Purchase Contracts/Increase UNC Benchmark.**
  Rep. McComas, Rep. Miner
- **HB 38 Probationary Period shortened/Career Teachers**
  Rep. Adams

Adjournment

SENATE EDUCATION/HIGHER EDUCATION COMMITTEE

Wednesday, June 4, 2003, 10:00 a.m.
Room 643 Legislative Office Building
Minutes

The Senate Education/Higher Education met Wednesday, June 4, 2003 at 10:00 a.m. in Room 643 of the Legislative Office Building. In the absence of Senator Lucas, Senator Steve Metcalf, Presiding Chair, called the meeting to order with twenty-five members present.

Senator Metcalf recognized Representative Bell was recognized to explain House Bill 317, "State Assistance to Low-Performing LEAs.-AB." Senator Purcell moved the adoption of the Proposed Committee Substitute for House Bill 317 for discussion. The motion passed by voice vote. Deputy State Superintendent Brad Sneed, Department of Public Instruction was present to speak in support of the bill. He stated that the Department of Public Instruction fully supports this bill. He also noted that resources would be adequately identified. Senator Gulley moved a favorable report for the Proposed Committee Substitute for House Bill 317 and an unfavorable report to the original bill. The motion carried by unanimous voice vote.

The Chair was relinquished to Senator Lucas. She recognized Representative Preston to explain House Bill 1135, "Education Instead of Long Term Suspension." Senator Metcalf moved the adoption of the Proposed Committee Substitute for house Bill 1135 for discussion. The motion carried by voice vote. Senator Garwood moved a favorable report for the Proposed Committee Substitute for House Bill 1135 and an unfavorable report for the original bill. The motion was seconded by Senator Swindell and carried by voice vote.

Representative Ross was recognized to explain House Bill 797, "Assistance to LEAs on Implementation of NCLB." Mr. Brad Sneed, Deputy Superintendent, Department of Public Instruction, stated that this bill focuses on the subgroups that are not performing well. He stated that this would align very conveniently with House Bill 317, "State Assistance to Low-performing LEAs." Senator Stevens moved a favorable report for House Bill 797, the motion carried by voice vote. Senator Metcalf moved that House Bill 317 be re-referred to the Committee on Appropriations. The motion carried by voice vote.

Representative Warner was recognized to explain House Bill 801, "Alternatives to School Competency test." Senator Garwood moved the adoption of the Proposed Committee Substitute for House Bill 801, for discussion. The motion carried by voice vote. Senator Garwood moved a favorable report for the Proposed Committee Substitute and an unfavorable report for the original bill. Senator Purcell seconded the motion. The motion carried by voice vote.

Representative Brubaker was recognized to explain House Bill 975, "UNC Purchasing Flexibility." Former Senator Leslie Winner, UNC, and Mr. James Smith, Vice President of Finance, UNC, spoke in support of this bill and endorsed representative Burbaker's explanation. Senator Hartsell moved a favorable report for House Bill 975. The motion carried by voice vote.

Rep. McComas was recognized to explain House Bill 1070, Purchase Contracts/Increase UNC Benchmark. Senator Metcalf moved the adoption of a technical amendment. The amendment is clarifying amendment to Subsection B. The motion carried by voice vote. Senator Apodaca moved a favorable report to House Bill 1070 as amended, rolled into a Committee Substitute, favorable to the Committee Substitute, unfavorable to the original bill. The motion carried by unanimous voice vote.

Representative Adams was recognized to explain House Bill 38, "Probationary Period Shortened/Career Teachers." Mr. Eddie Davies, Vice President, NCAE was recognized to speak on the bill. He stated that NCAE supports this legislation. This bill allows school districts the opportunity to bring persons with career status from other districts into their districts with a maximum of one year of review. He said that career status could be granted immediately. Due to the time, Senator Metcalf requested that this bill be placed on the Agenda for the next meeting.

The Chair recognized the members of the Alpha Kappa Alpha Sorority, Inc. present today. The meeting adjourned at 11:00 a.m.

Senator Jeanne H. Lucas, Presiding Chair.

Joyce Crews Hodge, Committee Assistant

NORTH CAROLINA GENERAL ASSEMBLY
SENATE

EDUCATION/HIGHER EDUCATION COMMITTEE REPORT

Senator Jeanne Hopkins Lucas, Co-Chair
Senator Stephen M. Metcalf, Co-Chair
Senator John A. Garwood, Co-Chair

Thursday, June 05, 2003

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

UNFAVORABLE AS TO BILL, BUT FAVORABLE AS TO SENATE COMMITTEE SUBSTITUTE BILL

H.B. **801** Alternatives to School Competency Test.

Draft Number:	PCS30367
Sequential Referral:	None
Recommended Referral:	None
Long Title Amended:	No

H.B. **1070** Purchase Contracts/Increase UNC Benchmark.

Draft Number:	PCS45155
Sequential Referral:	None
Recommended Referral:	Appropriations/Base Budget
Long Title Amended:	No

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

H.B.(CS #1) **317** State Assistance to Low-Performing LEAs.-AB

Draft Number:	PCS60369
Sequential Referral:	None
Recommended Referral:	Appropriations/Base Budget
Long Title Amended:	No

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

H.B.(CS #1) **1135** Education Instead of Long-Term Suspension.

Draft Number:	PCS30365
Sequential Referral:	None
Recommended Referral:	None
Long Title Amended:	No

TOTAL REPORTED: 4

Committee Clerk Comments:

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2003

H 2

HOUSE BILL 38

Committee Substitute Favorable 4/29/03

Short Title: Probationary Period Shortened/Career Tchrs. (Public)

Sponsors:

Referred to:

February 20, 2003

A BILL TO BE ENTITLED

AN ACT TO SHORTEN THE PROBATIONARY PERIOD FOR CAREER TEACHERS WHEN THEY CHANGE SCHOOL SYSTEMS OR RETURN TO TEACHING AFTER LEAVING THE PROFESSION.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 115C-325(c)(2) reads as rewritten:

"(2) Employment of a Career Teacher. – A teacher who has obtained career status in any North Carolina public school system need not serve another probationary period of more than ~~two years.~~ one year. The board may grant career status immediately upon employing the teacher, or after the first ~~or second~~ year of employment. If a majority of the board votes against granting career status, the teacher shall not teach beyond the current term. If after ~~two consecutive years~~ one year of employment, the board fails to vote on the issue of granting career status:

a. It shall not reemploy the teacher for a ~~third~~ second consecutive year;

b. As of June 16, the teacher shall be entitled to one month's pay as compensation for the board's failure to vote upon the issue of granting career status; and

c. The teacher shall be entitled to one additional month's pay for every 30 days beyond June 16 that the board fails to vote upon the issue of granting career status."

SECTION 2.(a) Section 1 of this act applies to all teachers, irrespective of date of offer or acceptance of employment, whose duties in new employment begin on or after July 1, 2004.

SECTION 2.(b) Section 1 of this act does not apply to a teacher who (i) has obtained career status as a teacher in a North Carolina public school system and (ii) is serving a probationary period as a teacher on the date this act becomes law. The

employing board shall vote upon whether to grant such a teacher career status near the end of the teacher's current year of employment. In any event, if the person is reemployed for an additional consecutive year, the person shall automatically become a career teacher.

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

NORTH CAROLINA GENERAL ASSEMBLY
SENATE

EDUCATION/HIGHER EDUCATION COMMITTEE REPORT
Senator Jeanne Hopkins Lucas, Co-Chair
Senator Stephen M. Metcalf, Co-Chair
Senator John A. Garwood, Co-Chair

Wednesday, June 04, 2003

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

FAVORABLE

H.B.(CS #1) **797** Assistance to LEAs on Implementation of NCLB.
Sequential Referral: None
Recommended Referral: None

H.B.(CS #1) **975** UNC Purchasing Flexibility.
Sequential Referral: None
Recommended Referral: None

TOTAL REPORTED: 2

Committee Clerk Comments:

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2003

H 2

HOUSE BILL 975

Committee Substitute Favorable 4/29/03

Short Title: UNC Purchasing Flexibility. (Public)

Sponsors:

Referred to:

April 9, 2003

A BILL TO BE ENTITLED

AN ACT TO PROVIDE PURCHASING FLEXIBILITY FOR THE UNIVERSITY OF NORTH CAROLINA.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 116-13 reads as rewritten:

"**§ 116-13. Powers of Board regarding ~~property~~ property and services subject to general law.**

(a) The power and authority granted to the Board of Governors with regard to the acquisition, operation, maintenance and disposition of real and personal property and services shall be subject to, and exercised in accordance with, the provisions of Chapters 143 and 146 of the General ~~Statutes.~~Statutes and related sections of the North Carolina Administrative Code, except when a purchase is being made that is not covered by a State term contract and either:

(1) The funds used to procure personal property or services are not moneys appropriated from the General Fund or received as tuition or, in the case of multiple fund sources, moneys appropriated from the General Fund or received as tuition do not exceed thirty percent (30%) of the total funds; or

(2) The funds used to procure personal property or services are contract and grant funds or, in the case of multiple fund sources, the contract and grant funds exceed fifty percent (50%) of the total funds.

When a special responsibility constituent institution makes a purchase under subdivision (1) or (2) of this subsection, the requirements of Chapter 143, Article 3 shall apply, except the approval or oversight of the Secretary of Administration, the State Purchasing Officer, or the Board of Awards shall not be required, regardless of dollar value.

(b) Special responsibility constituent institutions shall have the authority to purchase equipment, materials, supplies, and services from sources other than those

certified by the Secretary of Administration on term contracts, subject to the following conditions:

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

(2) The items are the same or substantially similar in quality, service, and performance as items available under State term contracts;

(3) The cost of the purchase shall not exceed the benchmark established under G.S. 116-31.10; and

(4) The special responsibility constituent institution notifies the Department of Administration of purchases consistently being made under this provision so that State term contracts may be improved."

SECTION 2. This act becomes effective July 1, 2003.

HOUSE BILL 797:
Assistance to LEAs on Implementation of NCLB

BILL ANALYSIS

Committee:	Senate Education/Higher Education	**Introduced by:**	Reps. Ross, Yongue, Preston, Womble
Date:	May 28, 2003	**Summary by:**	Shirley Iorio Committee Staff
Version:	Second Edition		

SUMMARY: ***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 act would become effective when it becomes law.

BILL ANALYSIS: 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 University of North Carolina, 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 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 12^{th} grade and graduates seniors. If a school does not have a 12^{th} grade and/or does not graduate seniors, then the attendance rate will be used as the other indicator.

[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.

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

Development, shall assist the State Board of Education in developing these models; and

d. Offer technical assistance based on these assistance models to local school administrative units not meeting adequate yearly progress, giving priority to those local school administrative units with high concentrations of schools that are not meeting adequate yearly progress. The State Board of Education shall determine the number of local school administrative units that can be served effectively in the first two years. This technical assistance shall include peer assistance and professional development by teachers, support personnel, and administrators in schools with subgroups that are meeting adequate yearly progress.

...."

SECTION 2. The State Board of Education and the Department of Public Instruction shall report to the Joint Legislative Education Oversight Committee by June 15, 2004, and December 15, 2005, on the implementation of Section 1 of this act. The report shall include:

(1) The number and locations of schools meeting adequate yearly progress with the subgroups specified in the No Child Left Behind Act of 2001;

(2) The assistance models developed for each subgroup;

(3) Technical assistance provided to a local school administrative unit or a school; and

(4) The need for additional resources to implement this act on a statewide basis to comply with the requirements of the No Child Left Behind Act of 2001.

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

NORTH CAROLINA GENERAL ASSEMBLY
SENATE

EDUCATION/HIGHER EDUCATION COMMITTEE REPORT
Senator Jeanne Hopkins Lucas, Co-Chair
Senator Stephen M. Metcalf, Co-Chair
Senator John A. Garwood, Co-Chair

Thursday, June 05, 2003

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

UNFAVORABLE AS TO BILL, BUT FAVORABLE AS TO SENATE COMMITTEE SUBSTITUTE BILL

H.B. **801** Alternatives to School Competency Test.

Draft Number:	PCS30367
Sequential Referral:	None
Recommended Referral:	None
Long Title Amended:	No

H.B. **1070** Purchase Contracts/Increase UNC Benchmark.

Draft Number:	PCS45155
Sequential Referral:	None
Recommended Referral:	Appropriations/Base Budget
Long Title Amended:	No

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

H.B.(CS #1) **317** State Assistance to Low-Performing LEAs.-AB

Draft Number:	PCS60369
Sequential Referral:	None
Recommended Referral:	Appropriations/Base Budget
Long Title Amended:	No

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

H.B.(CS #1) **1135** Education Instead of Long-Term Suspension.

Draft Number:	PCS30365
Sequential Referral:	None
Recommended Referral:	None
Long Title Amended:	No

TOTAL REPORTED: 4

Committee Clerk Comments:

PUBLIC BILL

H.B. 0801

SESSION LAW _____

A BILL TO BE ENTITLED

AN ACT TO MODIFY THE STATE COMPETENCY TESTING PROGRAM TO ENSURE THAT HIGH SCHOOL STUDENTS WHO DO NOT PASS THE COMPETENCY TEST ARE GIVEN AN OPPORTUNITY TO TAKE AN ALTERNATIVE TEST.

Introduced by Representative(s): Warner (AW)

Lucas

Principal Clerk's Use Only

PASSED 1st READING
MAR 31 2003
AND REFERRED TO COMMITTEE
ON Education

The Committee/Subcommittee on Education refers the bill to Subcom. on Pre-School, Elem. & Sec. Educ.
Reps. Bonner, Dalton
For the Committee
Warner, Wood

referred to Committee/Subcommittee
Pre-School, El- & Sec. Ed
Committee on Preschool, Elementary & Secondary Education APR 29 03
majority being present, having considered bill, recommend that it do ✓ pass.
Reps. Warner & Dorsham
For the Committee

REPORTED FAVORABLY APR 29 2003

PURSUANT TO RULE 36(b)
APR 29 2003
PLACED ON CALENDAR
OF 4-30-03

113-0 Adopted
112-1 EV

PASSED 2nd & 3rd READING VV
APR 30 2003
ORDERED SENT TO SENATE

Special Message
D Sheek
pw

RECEIVED
APR 30 2003
From House of Representatives
By Clerk 4:45 AM/PM

PASSED 1st READING
MAY 1 2003
AND REFERRED TO COMMITTEE
Ed/Higher Ed

fav. PCS

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2003

HOUSE BILL 801

Short Title:	Alternatives to School Competency Test.	(Public)
Sponsors:	Representatives Warner; and Lucas.	
Referred to:	Education.	

March 31, 2003

A BILL TO BE ENTITLED

AN ACT TO MODIFY THE STATE COMPETENCY TESTING PROGRAM TO ENSURE THAT HIGH SCHOOL STUDENTS WHO DO NOT PASS THE COMPETENCY TEST ARE GIVEN AN OPPORTUNITY TO TAKE AN ALTERNATIVE TEST.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 115C-174.11(b) reads as rewritten:

"(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~~ shall:

a. Adopt one or more nationally standardized tests or other nationally standardized equivalent measures that measure competencies in the verbal and quantitative areas; or

b. Develop and validate alternate means and standards for demonstrating minimum competence. These ~~standards, which~~standards must be ~~more~~ as difficult ~~than~~ as the tests adopted pursuant to subdivision (1) of this ~~subsection,~~ subsection.

One of these tests may be passed by students in lieu of the testing requirement of subdivision (2) of this subsection.

(3a) Students with disabilities who fail to pass the competency test adopted pursuant to subdivision (2) of this subsection after two attempts shall be given the opportunity to take and pass one of the alternate tests adopted pursuant to subdivision (3) of this subsection.

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

SECTION 2. This act becomes effective July 1, 2003.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2003

H D

HOUSE BILL 801
PROPOSED SENATE COMMITTEE SUBSTITUTE H801-CSRJ-26 [v.1]

5/27/2003 2:02:18 PM

Short Title: Alternatives to School Competency Test. (Public)

Sponsors:

Referred to:

March 31, 2003

A BILL TO BE ENTITLED

AN ACT TO MODIFY THE STATE COMPETENCY TESTING PROGRAM TO ENSURE THAT HIGH SCHOOL STUDENTS WHO DO NOT PASS THE COMPETENCY TEST ARE GIVEN AN OPPORTUNITY TO TAKE AN ALTERNATIVE TEST.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 115C-174.11(b) reads as rewritten:

"(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~~ shall:

a. Adopt one or more nationally standardized tests or other nationally standardized equivalent measures that measure competencies in the verbal and quantitative areas; or

b. Develop and validate alternate means and standards for demonstrating minimum competence. These ~~standards, which~~standards must be ~~more~~ as difficult ~~than~~ as the tests adopted pursuant to subdivision (1) of this ~~subsection,~~ subsection.

The State Board of Education shall adopt a policy to identify which students and under what circumstances students may pass one of these tests ~~may be passed by students~~ in lieu of the testing requirement of subdivision (2) of this subsection.

(3a) Students with disabilities who fail to pass the competency test adopted pursuant to subdivision (2) of this subsection after two attempts shall be given the opportunity to take and pass one of the alternate tests adopted pursuant to subdivision (3) of this subsection.

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

SECTION 2. This act becomes effective July 1, 2003.

HOUSE BILL 801:
Alternatives to School Competency Test

BILL ANALYSIS

Committee:	Senate Education	**Introduced by:**	Rep. Warner
Date:	May 28, 2003	**Summary by:**	Sara Kamprath
Version:	PCS for First Edition H801-CSRJ-26[v.1]		Committee Staff

SUMMARY: ***House Bill 801 would modify the State Competency Testing Program so that high school students who do not pass the Competency Test are given the opportunity to take an alternative test. The State Board of Education (State Board) would be required to adopt one or more nationally standardized tests or equivalent measures that test verbal and quantitative skills, or develop alternate means and standards for demonstrating minimum competence.***

The bill would become effective July 1, 2003.

Difference between the Proposed Committee Substitute (PCS) and the First Edition

The PCS adds new language in G.S. 115C-174.11(b)(3) directing the State Board of Education to adopt a policy that identifies the students and the circumstances under which a student may pass one of the alternative tests adopted in lieu of the competency test.

BILL ANALYSIS: This bill requires the State Board to either adopt one or more nationally standardized tests or equivalent measures that evaluate competencies in verbal and quantitative areas or develop and validate alternate means to demonstrate minimum competence. These tests or measures must be as difficult as the current required competency test. A student would be permitted to pass one of these alternate tests in lieu of the competency test.

House Bill 801 would also require that students with disabilities who fail the current competency test after two attempts be given the opportunity to take and pass one of the alternate tests that the State Board adopts.

CURRENT LAW: G.S. 115C-174.11(b) establishes the Competency Testing Program. The State Board of Education (State Board) is required to adopt tests or other measures that can be used to assure that high school graduates have the skills and knowledge necessary to function independently and successfully as responsible citizens. The tests must be administered annually to all ninth grade students in the public schools. Students who fail the test must be given remedial instruction and additional opportunities to take the test up to and including the last month of twelfth grade. Students who fail parts of the tests must be retested on only those parts that they fail. Special education students in ninth grade may be excluded from the testing programs. The State Board may develop and validate alternative means and standards for demonstrating minimum competence that must be more difficult than the Competency Test and may be passed by students in lieu of the testing requirement of all ninth graders in the public schools.

BACKGROUND: In 1995 the State Board adopted the eighth grade end-of-grade (EOG) reading and mathematics tests as the competency requirement, and established Achievement Level III or above as the standard for each test. If the eighth grade student scores a Level III or above on the EOG in reading and math, that student has met the competency requirement.

Students who do not meet the standard at the end of the eighth grade are required to meet the standard on the North Carolina Competency Tests of reading and mathematics to receive a North Carolina high school diploma. The standard for the competency tests of reading and mathematics is equivalent to Achievement Level III on the eighth grade EOG.

Students who don't pass the competency requirements receive additional instructional opportunities designed to help them learn the reading and mathematics skills needed to improve their performance and assist them in passing the competency tests. These students will have the opportunity to retake the tests at least once a year from ninth grade through twelfth grade. School systems may choose to offer the competency tests at least three times each year: once in the fall, once in the spring, and once during summer school session. Seniors are offered an extra opportunity to retake the tests during the last month of school.

Students with disabilities and students identified as limited English proficient may receive testing accommodations. These students also may be exempt from participation in one or both competency tests. However, the student will not receive a North Carolina high school diploma if the competency requirement is not met. A parent, guardian, or student (if 18 years of age or older) must sign a statement indicating that the consequences of exemption from the competency tests were explained. This signed statement must become a part of the student's permanent record.

Students who satisfy all state and local graduation requirements but who fail the competency tests receive a certificate of achievement.

Students following the occupational course of study are not required to pass the competency tests in order to earn a high school diploma.

H801-SMRJ-002

PUBLIC BILL

H.B. 1076

SESSION LAW _____

A BILL TO BE ENTITLED

AN ACT TO INCREASE THE EXPENDITURE BENCHMARK FOR A SPECIAL RESPONSIBILITY CONSTITUENT INSTITUTION FOR CERTAIN PURCHASING CONTRACTS.

Introduced by Representative(s): Miner and McComas (Primary Sponsors).

Principal Clerk's Use Only

PASSED 1st READING
APR 10 2003
AND REFERRED TO COMMITTEE
ON Education - Sub Committee on Universities

JB
Committee on UNIVERSITIES
jority being present, having considered
ill, recommend that it do pass.
Rep McCallister
For the Committee

Rewrite

REPORTED FAVORABLY APR 23 2003

PURSUANT TO RULE 36(b)
APR 23 2003
PLACED ON CALENDAR
OF 4-28-03

104-8EV VV
Passed 2nd & 3rd Readings
APR 28 2003
AND ORDERED ENGROSSED
AND SENT TO SENATE

Denise Weeks

RECEIVED
APR 29 2003
From House of Representatives
By Clerk 11:35 AM/PM

PASSED 1st READING
APR 30 2003
AND REFERRED TO COMMITTEE
on Ed / Higher Ed

Fav to PCS
Rec. Rerecd - App

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2003

H 2

HOUSE BILL 1070

Second Edition Engrossed 4/28/03

Short Title:	Purchase Contracts/Increase UNC Benchmark.	(Public)
Sponsors:	Representatives Miner and McComas (Primary Sponsors).	
Referred to:	Education Subcommittee on Universities.	

April 10, 2003

A BILL TO BE ENTITLED

AN ACT TO INCREASE THE EXPENDITURE BENCHMARK FOR A SPECIAL RESPONSIBILITY CONSTITUENT INSTITUTION FOR CERTAIN PURCHASING CONTRACTS.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 116-31.10 reads as rewritten:

"**§ 116-31.10. Powers of Board regarding certain purchasing contracts.**

Notwithstanding G.S. 143-53.1 or G.S. 143-53(a)(2), the expenditure benchmark for a special responsibility constituent institution with regard to competitive bid procedures and the bid value benchmark shall be an amount not greater than ~~two hundred fifty thousand dollars ($250,000).~~five hundred thousand dollars ($500,000). The Board shall set the benchmark for each institution from time to time. In setting an institution's benchmark in accordance with this section, the Board shall consider the institution's overall capabilities including staff resources, purchasing compliance reviews, and audit reports. The Board shall also consult with the Director of the Division of Purchase and Contract and the Director of the Budget prior to setting the benchmark. For any purchase over two hundred fifty thousand dollars ($250,000), an institution shall submit a copy of all offers received and their recommendation of award or other action to the Division of Purchase and Contract for approval or other action deemed necessary by the Division of Purchase and Contract. Notice of the Division of Purchase and Contract's decision shall be sent to the institution. The institution shall then proceed with the award of contract or other action recommended by the Division of Purchase and Contract."

SECTION 2. This act becomes effective July 1, 2003.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2003

H D

HOUSE BILL 1070

Second Edition Engrossed 4/28/03

PROPOSED SENATE COMMITTEE SUBSTITUTE H1070-PCS45155-RH-44

Short Title: Purchase Contracts/Increase UNC Benchmark. (Public)

Sponsors:

Referred to:

April 10, 2003

A BILL TO BE ENTITLED

AN ACT TO INCREASE THE EXPENDITURE BENCHMARK FOR A SPECIAL RESPONSIBILITY CONSTITUENT INSTITUTION FOR CERTAIN PURCHASING CONTRACTS.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 116-31.10 reads as rewritten:

"**§ 116-31.10. Powers of Board regarding certain purchasing contracts.**

(a) Notwithstanding G.S. 143-53.1 or G.S. 143-53(a)(2), the expenditure benchmark for a special responsibility constituent institution with regard to competitive bid procedures and the bid value benchmark shall be an amount not greater than ~~two hundred fifty thousand dollars ($250,000).~~five hundred thousand dollars ($500,000). The Board shall set the benchmark for each institution from time to time. In setting an institution's benchmark in accordance with this section, the Board shall consider the institution's overall capabilities including staff resources, purchasing compliance reviews, and audit reports. The Board shall also consult with the Director of the Division of Purchase and Contract and the Director of the Budget prior to setting the benchmark.

(b) Each institution with an expenditure benchmark greater than two hundred fifty thousand dollars ($250,000) shall comply with this subsection for any purchase greater than two hundred fifty thousand dollars ($250,000) but not greater than five hundred thousand dollars ($500,000). This institution shall submit to the Division of Purchase and Contract for that Division's approval or other action deemed necessary by the Division a copy of all offers received and the institution's recommendation of award or other action. Notice of the Division's decision shall be sent to that institution. The institution shall then proceed with the award of contract or other action recommended by the Division."

SECTION 2. This act becomes effective July 1, 2003.

HOUSE BILL 1070:
Purchase Contracts/Increase UNC Benchmark.

BILL ANALYSIS

Committee:	Senate Education	**Introduced by:**	Reps. Miner and McComas
Date:	June 4, 2003	**Summary by:**	Robin Johnson*
Version:	Second Edition		Committee Counsel

Robin

SUMMARY: ***House Bill 1070 would increase the bid value benchmark from $250,000 to $500,000 for certain purchases by the UNC special responsibility constituent institutions. Before an institution could award a contract for purchases over $250,000, the institution would be required to submit to the Division of Purchase and Contract (P & C) for its approval or other action copies of all bids received along with the institution's recommendation for award.***

The bill would become effective July 1, 2003.

BACKGROUND: State agencies, other than the universities, have a delegation or benchmark of $10,000 for purchases of commodities (i.e., equipment, materials, and supplies), printing and services. If the State Purchasing Officer approves an increase, the benchmark may be increased to a maximum of $25,000.

In 1997, the General Assembly authorized the UNC Board of Governors to determine the expenditure benchmark for each special responsibility constituent institution,[1] so long as the benchmark is no greater than $250,000. The Board of Governors must set the benchmark for each institution from time to time, based on a consideration of each institution's staff resources, purchasing compliance reviews, and audit reports. The Board also must consult with the Director of P & C and the Director of the Budget. At this time, the Board of Governors has set different benchmarks for different institutions. Only three institutions have a benchmark of $250,000.

The constituent institution completely handles any purchase of commodities or services under the benchmark. These purchases, nevertheless, must follow procedures governed by rules adopted by the Secretary of Administration. Competitive bidding is at the heart of these procedures. The State Purchasing Officer must handle or delegate any purchase of commodities over the general delegation or benchmark. The institution handles the purchase of services over the general delegation or benchmark; however, these purchases are subject to approval by P & C.

BILL ANALYSIS: House Bill 1070 would increase the maximum expenditure benchmark from $250,000 to $500,000 for purchases by the constituent institutions. If the Board of Governors sets a benchmark greater than $250,000 for an institution, then that institution would handle the bidding process, but would be required to submit to P & C for its approval all offers and the institution's recommendation of award or other action. P & C must send to that institution notice of its decision, which the institution would be required to follow.

The bill would take effect July 1, 2003.

*H1070-SMRH-002: *Sara Kamprath, Committee Analyst, contributed to this summary.*

[1] *Since 1991, 16 of the UNC constituent institutions and the Office of the President have been designated as special responsibility constituent institutions.*

HOUSE BILL 1070:
Purchase Contracts/Increase UNC Benchmark.

BILL ANALYSIS

Committee: Senate Education
Date: June 4, 2003
Version: Second Edition

Introduced by: Reps. Miner and McComas
Summary by: Robin Johnson*
Committee Counsel

SUMMARY: ***House Bill 1070 would increase the bid value benchmark from $250,000 to $500,000 for certain purchases by the UNC special responsibility constituent institutions. Before an institution could award a contract for purchases over $250,000, the institution would be required to submit to the Division of Purchase and Contract (P & C) for its approval or other action copies of all bids received along with the institution's recommendation for award.***

The bill would become effective July 1, 2003.

BACKGROUND: State agencies, other than the universities, have a delegation or benchmark of $10,000 for purchases of commodities (i.e., equipment, materials, and supplies), printing and services. If the State Purchasing Officer approves an increase, the benchmark may be increased to a maximum of $25,000.

In 1997, the General Assembly authorized the UNC Board of Governors to determine the expenditure benchmark for each special responsibility constituent institution,[1] so long as the benchmark is no greater than $250,000. The Board of Governors must set the benchmark for each institution from time to time, based on a consideration of each institution's staff resources, purchasing compliance reviews, and audit reports. The Board also must consult with the Director of P & C and the Director of the Budget. At this time, the Board of Governors has set different benchmarks for different institutions. Only three institutions have a benchmark of $250,000.

The constituent institution completely handles any purchase of commodities or services under the benchmark. These purchases, nevertheless, must follow procedures governed by rules adopted by the Secretary of Administration. Competitive bidding is at the heart of these procedures. The State Purchasing Officer must handle or delegate any purchase of commodities over the general delegation or benchmark. The institution handles the purchase of services over the general delegation or benchmark; however, these purchases are subject to approval by P & C.

BILL ANALYSIS: House Bill 1070 would increase the maximum expenditure benchmark from $250,000 to $500,000 for purchases by the constituent institutions. If the Board of Governors sets a benchmark greater than $250,000 for an institution, then that institution would handle the bidding process, but would be required to submit to P & C for its approval all offers and the institution's recommendation of award or other action. P & C must send to that institution notice of its decision, which the institution would be required to follow.

The bill would take effect July 1, 2003.

*H1070-SMRH-002: *Sara Kamprath, Committee Analyst, contributed to this summary.*

[1] *Since 1991, 16 of the UNC constituent institutions and the Office of the President have been designated as special responsibility constituent institutions.*

NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
House Bill 1070

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

H1070-ARH-37 [v.2]

Date _____,2003

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

Senator _____

moves to amend the bill on page 1, lines 8-23, by rewriting the lines to read:

"(a) Notwithstanding G.S. 143-53.1 or G.S. 143-53(a)(2), the expenditure benchmark for a special responsibility constituent institution with regard to competitive bid procedures and the bid value benchmark shall be an amount not greater than ~~two hundred fifty thousand dollars ($250,000).~~five hundred thousand dollars ($500,000). The Board shall set the benchmark for each institution from time to time. In setting an institution's benchmark in accordance with this section, the Board shall consider the institution's overall capabilities including staff resources, purchasing compliance reviews, and audit reports. The Board shall also consult with the Director of the Division of Purchase and Contract and the Director of the Budget prior to setting the benchmark.

(b) Each institution with an expenditure benchmark greater than two hundred fifty thousand dollars ($250,000) shall comply with this subsection for any purchase greater than two hundred fifty thousand dollars ($250,000) but not greater than five hundred thousand dollars ($500,000). This institution shall submit to the Division of Purchase and Contract for that Division's approval or other action considered necessary by the Division a copy of all offers received and the institution's recommendation of award or other action. Notice of the Division's

NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
House Bill 1070

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

H1070-ARH-37 [v.2]

decision shall be sent to that institution. The institution shall then proceed with the award of contract or other action recommended by the Division."

SIGNED _____
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED _____ FAILED _____ TABLED _____

mtcalf

HOUSE BILL 975:
UNC PURCHASING FLEXIBILITY

BILL ANALYSIS

Committee:	Senate Education/Higher Education	**Introduced by:**	Representative Brubaker
Date:	June 4, 2003	**Summary by:**	Drupti Chauhan, Committee Counsel & Shirley Iorio, Committee Analyst
Version:	2nd Edition		

SUMMARY: ***This bill would exempt the University of North Carolina from some of the purchasing requirements that are currently in place. The Board of Governors would be able to buy personal property and services outside of State term and convenience contracts when certain conditions outlined in the bill are met.***

The Board of Governors would be exempt from the purchasing and contract regulations when the purchase being made is not covered by a State term contract and the property or services are being bought with funds other than General Fund or tuition or multiple sources under subsections (a)(1) and (a)(2) of the bill. The requirements of Chapter 143, Article 3 regarding the procedure in canvassing bids and awarding contracts would still apply to the Board of Governors but without the oversight of the Department of Administration. Subsection (b) adds conditions that must be met in order for the Board of Governors to purchase equipment, materials, supplies, and services from noncertified sources.

CURRENT LAW: G.S. 116-13 provides that the Board of Governors must acquire, operate, maintain, and dispose of real and personal property pursuant to Chapters 143 and 146 of the General Statutes. Chapter 143 covers the State purchasing and contract statutes and sets out the Department of Administration procedures for purchasing and contracts that the Board of Governors must follow. The contracts must be made by or with the approval of the Department of Administration. 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. Chapter 146 relates to the acquisition and disposition of real property.

G.S. 116-30.1 gives the Board of Governors of The University of North Carolina the authority to designate one or more constituent institutions as special responsibility constituent institutions. That designation must be based on an express finding by the Board of Governors that each institution so designated has the management staff and internal financial controls to enable it to competently and responsibly administer all additional management authority and discretion delegated to it. All sixteen campuses are special responsibility constituent institutions.

BILL ANALYSIS: This bill would allow the Board of Governors to be exempt from the State purchasing and contract regulations if the purchase being made is not covered by a State term contract and one of the following:

- the funds that are being used to purchase the personal property or services are not funds that were appropriated from the General Fund or received as tuition. If the funds that are being used for the purchase are from multiple sources (i.e. from the General Fund or tuition as well as from other sources) then the Board would be exempt from the State purchasing and contract regulations if the General Fund or tuition part of the funds does not exceed 30% of the total funds needed to purchase the property or services; or

- the funds that are being used to purchase the personal property or services are not from the General Fund or tuition but instead are grant or contract funds. If the funds that are being used for the purchase are from multiple sources (i.e. from the General Fund or tuition as well as from grants or contracts), then the Board would be exempt from the State purchasing and contract regulations if the General Fund or tuition part of the funds are less than 50% of the total funds needed to purchase the property or services.

Subsection (b) would allow the Board of Governors to be exempt from the State purchasing and contract regulations in situations where the purchase would normally be covered by the State purchasing and contract regulations if the terms and conditions it negotiates for the same property and services are more favorable than the State contracts. In order to make these purchases from noncertified sources, 4 conditions would have to be met:

- Purchase price including cost of delivery is less than the cost under the State term contract;
- Items are the same or substantially similar as items under the State term contract;
- Cost does not exceed the benchmark established in General Statutes; and
- The special responsibility constituent institution notifies the Department of Administration about purchases that are consistently being made under this provision so that State term contracts can be improved.

EFFECTIVE DATE: This act would become effective July 1, 2003.

PUBLIC BILL

~~Proposed~~ Committee Substitute For
H.B. 317

SESSION LAW _____

A BILL TO BE ENTITLED

AN ACT AUTHORIZING THE STATE BOARD OF EDUCATION TO IDENTIFY AND PROVIDE ASSISTANCE TO LOW-PERFORMING SCHOOL ADMINISTRATIVE UNITS.

Introduced by Representative(s): Bell, Preston and Warren (Primary Sponsors)

Principal Clerk's Use Only

Committee on Education
...being present, having considered ...
...commend that it do ✓ pass.
Reps. Bonner, Hilton, Warner, Wood
For the Committee

~~REFERRED TO COMM. SUB~~
~~UNFAVORABLE TO BILL~~
APR 16 2003
AND PLACED ON CALENDAR FOR
366
4-23-03

PASSES 2nd READING
112-0 EV
APR 23 2003
AND PLACED ON THE CALENDAR

PASSED 3rd READING
112-0 EV (adjusted)
APR 24 2003
ORDERED SENT TO SENATE
Denise Weeks

RECEIVED
APR 25 2003
From House of Representatives
By Clerk AP 9:15 AM/PM

PASSED 1st READING
APR 28 2003
AND REFERRED TO COMMITTEE
Ed/Higher Ed

Favorable - PCS
Referred to Approp

HOUSE BILL 317:
State Assistance to Low-Performing LEAs.-AB

BILL ANALYSIS

Committee:	Senate Education	**Introduced by:**	Rep. Bell
Date:	May 28, 2003	**Summary by:**	Robin Johnson
Version:	S317-CSRH-40[v.2]		Committee Counsel

SUMMARY: ***House Bill 317 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, and apply to school years beginning with the 2003-2004 school year.***

The proposed committee substitute renames "continually low-performing" school administrative units as "low-performing school administrative units"; renames "low-performing units" as "priority school administrative units"; changes how school systems are identified as low-performing or priority; changes when assistance teams are or may be assigned; and establishes a procedure for adopting system improvement plans.

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 317 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 administrative units and priority school administrative units. A low-performing school system would be one in which more than half the students are performing below grade level on end-of-

course or end-of-grade tests. A priority school administrative unit would be one in which more than 40% of its students are performing below grade level on these tests.

The State Board would be required to assign a system-wide assistance team to all local school administrative units identified as low-performing. The Board would be allowed to assign an assistance team to any priority school administrative unit when (i) requested by its local board and if resources are available for that purpose, or (ii) the unit fails to achieve the goals set out in a mandated system improvement plan after one year following the State Board's approval of that plan.

If assigned to a low-performing or priority school administrative unit, 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 low-performing school administrative unit fails to improve student performance after a system-wide assistance team is provided, that 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.

The local board of a priority school administrative unit would be required to design, implement, and monitor a system-wide plan that, if fully implemented, can reasonably be expected to alleviate problems and improve student performance in that unit. The board must approve this plan and submit it to the State Board by March 31 for the State Board's acceptance or rejection. The State Board must approve any plan that it finds to be reasonably designed to improve student academic performance in that unit. The State Board may not make substantive changes to any plan it accepts. If the Board rejects a plan, it must state with specificity its reasons. The local board then may modify and resubmit its plan. If no plan is accepted within 60 days of its initial submission, then representatives of the State Board and local board would be required to meet with a mediator. If parties cannot resolve their differences, then the local board is entitled to appear before the State Board to present its position on the plan's appropriateness. If no agreement can be reached, then the State Board may modify the plan to the extent necessary to ensure it is reasonably designed to improve student academic performance.

After the system-wide plan is approved, the local board has one school year to achieve the identified goals in that plan. At that time, if the State Board finds the school system has failed to achieve these goals, it may assign a system-wide assistance team to that system. In addition, the local board may request – at any time – the assignment of a system-wide assistance team to help it identify system-wide impediments to student achievement, recommend ways to improve student performance, and assist in developing and implementing the system-wide plan. The State Board must assign a team if the local board makes this request and if resources are available for this purpose.

The bill also would allow the State Board to direct DPI staff to support system-wide assistance teams, and would require the Board to review annually the progress made in low-performing and priority systems.

H317-SMRH-004

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2003

H D

HOUSE BILL 317*

Committee Substitute Favorable 4/16/03

PROPOSED SENATE COMMITTEE SUBSTITUTE H317-CSRH-40 [v.2]

5/27/2003 9:40:42 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 AND PRIORITY 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 and priority school administrative units; identification; system-wide assistance teams.**

(a) Based on test results from the previous school year, the State Board of Education shall design and implement a procedure to identify on an annual basis low-performing school administrative units and priority school administrative units. Local school administrative units shall be identified as low-performing when more than half the students tested are performing below grade level on their end-of-grade or end-of-course tests. Local school administrative units shall be identified as priority school administrative units when more than 40 percent (40%) of the students tested are performing below grade level on their end-of-grade or end-of-course tests.

(b) The State Board shall assign a system-wide assistance team to all low-performing local school administrative units. The State Board also may assign a system-wide assistance team to a priority school administrative unit under subsection (e) or (f) of this section. When assigned to a local school administrative unit, the system-wide assistance team shall:

(1) Review and investigate all facets of school system operations and assist in developing recommendations for improving student performance in that local school administrative unit.

(2) As deemed necessary by the system-wide assistance team, evaluate any central office or school-based administrators.

(3) Collaborate with the staffs of the local board, central office, and local schools to design, implement and monitor a plan that, if fully implemented, can reasonably be expected to alleviate problems and improve student performance in the local school administrative unit.

(4) Make continuing recommendations as the plan is developed and implemented.

(5) Review the progress of the local school administrative unit.

(6) Report, as appropriate, to the local board, the community, and the State Board on the local school administrative unit's progress under the plan.

(c) If a low-performing school administrative unit fails to improve student performance after assistance is provided under subsection (b) of this section, the assistance team may recommend that the assistance continue to that local school administrative unit or that the State Board take further action under G.S. 115C-105.39(c)(3).

(d) The local board of education of a priority school administrative unit shall design, implement and monitor a system-wide improvement plan that, if fully implemented, can reasonably be expected to alleviate problems and improve student performance in that local school administrative unit. The local board shall approve this plan and present it to the State Board by March 31 of the school year for which identification first occurred. The plan shall: (i) assess the performance of the local school administrative unit in the areas of education and accountability programs, human resource management, financial management, leadership, and technology; (ii) include goals and strategies for improving the academic performance of the students in that unit; and (iii) include a timeline for implementing these strategies and achieving these goals. The State Board shall accept or reject this plan. The State Board shall accept a plan that it finds to be reasonably designed to improve student academic performance in the local school administrative unit. The State Board shall not make any substantive changes in any plan it accepts. If the State Board rejects the plan, the Board shall state with specificity its reasons for rejecting the plan. The local board may then modify the plan and submit the amended plan to the State Board to accept or reject. If no system-wide improvement plan is accepted within 60 days of its initial submission to the State Board, representatives of the State Board and the local board shall meet with a mediator to attempt to resolve any disagreements. If the parties are unable to resolve their disagreements through the mediation process, representatives of the local board are entitled to come before the State Board to present the local board's position on the appropriateness of the plan. If the local board does not modify the plan or if the State Board and the local board are unable to reach a mediated agreement as to the contents of the plan, then the State Board may modify the proposed plan, but only to the extent necessary to ensure that it is reasonably designed to improve student academic performance in the local school administrative unit.

(e) Once a system-wide plan is developed and approved under subsection (d) of this section, the local board shall work to implement the strategies identified and achieve the goals identified. The local board shall have one school year following State

Board approval of the plan to achieve the goals set forth in the plan. If the State Board finds that the local school administrative unit has failed to achieve the goals identified in the system-wide plan, it may then assign a system-wide assistance team to that local school administrative unit under subsection (b) of this section.

(f) Any local board of a priority school administrative unit may request the State Board to assign a system-wide assistance team to (i) assist that local board in identifying system-wide impediments to student achievement, (ii) make recommendations to the board about ways to improve student performance, and (iii) assist in developing and implementing the system-wide plan developed and approved under subsection (d) of this section. Upon receiving this request and to the extent resources are available for this purpose, the State Board shall assign a system-wide assistance team to that unit.

(g) The State Board may direct the staff of the Department of Public Instruction to provide support to a system-wide assistance team.

(h) The State Board shall review annually the progress made in identified low-performing and priority school administrative units."

SECTION 2. G.S. 115C-105.39(c) reads as rewritten:

"(c) The State Board may appoint an interim superintendent in a local school administrative unit:

(1) Upon the identification of more than half the schools in that unit as low-performing under ~~G.S. 115C-105.37; or~~G.S. 115C-105.37;

(2) Upon the recommendation from an assistance team assigned to a school located in that unit that has been identified as low-performing under G.S. 115C-105.37. This recommendation shall be based upon a finding that the superintendent has failed to cooperate with the assistance team or has otherwise hindered that school's ability to ~~improve.~~improve; or

(3) Upon the recommendation from a system-wide assistance team assigned to a low-performing local school administrative unit under G.S. 115C-105.42. This recommendation shall be based upon a finding that the superintendent has failed to cooperate with the assistance team or has otherwise hindered the local school administrative unit's ability to improve.

The State Board may assign any of the powers and duties of the local superintendent and the local finance officer to the interim superintendent that the Board considers are necessary or appropriate to improve student performance in the local school administrative unit. The interim superintendent shall perform all of these assigned powers and duties. The State Board of Education may terminate the contract of any local superintendent entered into on or after July 1, 1996, when it appoints an interim superintendent. The Administrative Procedure Act shall apply to that decision. Neither party to that contract is entitled to damages."

SECTION 3. This act is effective when it becomes law, and applies to local school administrative units beginning with the 2003-2004 school year.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2003

H 2

HOUSE BILL 317*

Committee Substitute Favorable 4/16/03

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 systemwide assistance team to the local school administrative unit to assist the local board in identifying systemwide 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 systemwide 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 assign a systemwide assistance team to any continually low-performing local

school administrative unit. When assigned to a continually low-performing local school administrative unit, the systemwide assistance team shall:

(1) Review and investigate all facets of school system operations and assist in developing recommendations for improving student performance in that local school administrative unit.

(2) As deemed necessary by the systemwide assistance team, evaluate any central office or school-based administrators.

(3) Collaborate with the staffs of the local board, central office, and local schools to design, implement and monitor a plan that, if fully implemented, can reasonably be expected to alleviate identified problems and improve student performance in the local school administrative unit.

(4) Make continuing recommendations as the plan is developed and implemented.

(5) Review the progress of the local school administrative unit.

(6) Report, as appropriate, to the local board, the community, and the State Board on the local school administrative unit's progress under the plan.

(d) If a continually low-performing local school administrative unit fails to improve student performance after assistance is provided under subsection (c) of this section, the assistance team may recommend that the assistance continue to that local school administrative unit or that the State Board take further action under G.S. 115C-105.39(c)(3).

(e) The State Board may direct the Department of Public Instruction staff to provide support to a systemwide assistance team.

(f) The State Board shall annually review the progress made in identified low-performing local school administrative units."

SECTION 2. G.S. 115C-105-39(c) reads as rewritten:

"(c) The State Board may appoint an interim superintendent in a local school administrative unit:

(1) Upon the identification of more than half the schools in that unit as low-performing under ~~G.S. 115C-105.37; or~~G.S. 115C-105.37;

(2) Upon the recommendation from an assistance team assigned to a school located in that unit that has been identified as low-performing under G.S. 115C-105.37. This recommendation shall be based upon a finding that the superintendent has failed to cooperate with the assistance team or has otherwise hindered that school's ability to ~~improve.~~improve; or

(3) Upon the recommendation from a systemwide assistance team assigned to a continually low-performing local school administrative unit under G.S. 115C-105.42. This recommendation shall be based upon a finding that the superintendent has failed to cooperate with the assistance team or has otherwise hindered the local school administrative unit's ability to improve.

The State Board may assign any of the powers and duties of the local superintendent and the local finance officer to the interim superintendent that the Board considers are necessary or appropriate to improve student performance in the local school administrative unit. The interim superintendent shall perform all of these assigned powers and duties. The State Board of Education may terminate the contract of any local superintendent entered into on or after July 1, 1996, when it appoints an interim superintendent. The Administrative Procedure Act shall apply to that decision. Neither party to that contract is entitled to damages."

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

PUBLIC BILL

~~posed~~ Committee Substitute For
H.B. 1135 SESSION LAW _____

A BILL TO BE ENTITLED

AN ACT TO ENSURE THAT STUDENTS RECOMMENDED FOR LONG-TERM SUSPENSION RECEIVE A FREE AND APPROPRIATE EDUCATION.

Introduced by Representative(s): Preston, L. Johnson, Parmon, Nesbitt (Primary Sponsor)

Principal Clerk's Use Only

ie Committee on Education
naj ity being present, having considered
is ecommend that it do ✓ pass.
Reps. Bonner, Hilton, Warmus
For the Committee Wood

FAVORABLE TO COMM. SUB
UNFAVORABLE TO BILL

APR 24 2003

AND PLACED ON
CALENDAR FOR
366
4-30-03

112-2 EV VV
PASSED 2nd & 3rd READING
APR 30 2003
ORDERED SENT TO SENATE

Special Message
Denise Weeks

RECEIVED
APR 30 2003
From House of Representatives
By Clerk 2:45 AM PM

PASSED 1st READING
MAY 1 2003
AND REFERRED TO COMMITTEE
on Ed. / Nafferty Ed

for PCS
UN fav. ~~Bill~~ House PCS

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2003

H 2

HOUSE BILL 1135

Committee Substitute Favorable 4/24/03

Short Title: Education Instead of Long-Term Suspension. (Publi

Sponsors:

Referred to:

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. The Department of Public Instruction, in conjunction with the Department of Juvenile Justice and Delinquency Prevention and the Division of Mental Health, Developmental Disabilities, and Substance Abuse Services, 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, these agencies 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 committee shall consider and report on whether and to what extent North Carolina should mandate the following:

(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 April 15, 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.

SECTION 4. It is the intent of the General Assembly to implement a plan beginning with the 2004-2005 school year to ensure that students recommended for long-term suspension receive a free and appropriate education.

SECTION 5. This act is effective when it becomes law.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2003

H D

HOUSE BILL 1135
Committee Substitute Favorable 4/24/03
PROPOSED SENATE COMMITTEE SUBSTITUTE H1135-CSRH-41 [v.2]

5/28/2003 11:22:35 AM

Short Title: Education Instead of Long-Term Suspension. (Public)

Sponsors:

Referred to:

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, 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 spirit of the *Leandro* decision, the schools should give all suspended students, including the few who need to be placed in special settings, the opportunity to obtain a sound basic education; Now, therefore,

The General Assembly of North Carolina enacts:

SECTION 1. The Chair of the State Board of Education, Superintendent of Public Instruction, Secretary of Juvenile Justice and Delinquency Prevention, and Director of the Division of Mental Health, Developmental Disabilities, and Substance Abuse Services shall constitute a committee to study the feasibility and cost of developing a State plan to ensure that students recommended for long-term suspension receive a free and appropriate education. In the course of this study, these individuals, or their designees, 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. The Chair of the State Board of Education, or his designee, shall convene and chair the meetings.

SECTION 2. The committee shall consider and report on whether and to what extent North Carolina should mandate the following:

(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 considers appropriate. The chair of the Juvenile Crime Prevention Council or a designee shall serve as chair of this 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 considered 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 the student's 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 Chair of the State Board of Education shall report to the Joint Legislative Education Oversight Committee by April 15, 2004, on the committee's findings and recommendations, which may include a State plan or elements to be included in a State plan, the feasibility and cost of implementing a State plan beginning with the 2004-2005 school year, and any statutory changes necessary to implement a State plan.

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

HOUSE BILL 1135:
Education Instead of Long-Term Suspension

BILL ANALYSIS

Committee:	Senate Education/Higher Education	**Introduced by:**	Reps. Preston, L. Johnson, Parmon, and Nesbitt
Date:	June 4, 2003	**Summary by:**	Robin Johnson* Committee Counsel
Version:	H1135-CSRH-41[v.2]		

SUMMARY: ***House Bill 1135 would require the Chair (Chair) of the State Board of Education, Superintendent of Public Instruction, Secretary of Juvenile Justice and Delinquency Prevention (DJJDP), and the Director of the Division of Mental Health, Developmental Disabilities, and Substance Abuse Services (DMHDDSAS) to constitute a committee to study the feasibility and cost of developing a State plan to ensure that students recommended for long-term suspensions receive free and appropriate education. The bill would be effective when it becomes law.***

The PCS substitutes the State officers for the various State agencies, clarifies that they will study the feasibility and cost of developing a State plan, eliminates the requirement that a State plan be developed, removes the section stating the bill's intent 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, and removes or clarifies some of the whereas clauses.

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 covers school discipline and provides for when students can be expelled or suspended. 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.

A short-term suspension is for no more than 10 days. A long-term suspension is generally for more than 10 days, but no longer than the end of the current school year. Local board or school policies generally specify the types of conduct that can lead to short-term and long-term suspensions.

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. (Students who physically assault school personnel or other students may first be removed to alternative educational settings. If no appropriate alternative educational settings are available, then the student may be suspended for up to a year.)

Schools may opt to provide educational services in alternative settings to students who are suspended. Federal law requires children with disabilities to be offered appropriate educational services if they are removed from their regular placement for more than 10 days. The Individualized Education Plan (IEP) Committee must meet and the child's IEP must be modified to continue to offer the child appropriate educational services.

The statutes further provide appeal procedures for students who are expelled or suspended for 10 or more days.

BILL ANALYSIS: This bill would direct the Chair, Superintendent of Public Instruction, Secretary of DJJDP, and Director of DMHDDSAS to constitute a committee to study the feasibility and cost of developing a State plan to ensure that students recommended for long-term suspensions receive free and appropriate education. The committee would be directed 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 as part of its study.

The Chair would be directed to report to the Joint Legislative Education Oversight Committee by April 15, 2004, on the committee's findings and recommendations. These may include a State plan or elements to be included in a State plan, the feasibility and cost of implementing a State plan beginning with the 2004-2005 school year, and any statutory changes necessary to implement a State plan.

As part of the study, the PCS would direct the committee to consider and report on whether and to what extent the following should be mandated:

- 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.
- 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.

*H1135-SMRH-003:*Drupti Chauhan, Committee Counsel, contributed substantially to this summary.*

HB 1135-EDUCATION INSTEAD OF LONG-TERM SUSPENSION

Reps. Jean Preston, Martin Nesbitt, Linda Johnson, Earline Parmon
Supported by the Covenant with North Carolina's Children*

Explanation of the Bill

The Proposed Senate Committee Substitute for HB 1135 asks that the Chair of the State Board of Education, the Superintendent of Public Instruction, the Secretary of Juvenile Justice and Delinquency Prevention, and the Director of Mental Health, Developmental Disabilities, and Substance Abuse Services study the feasibility and cost of developing a State plan to ensure that students recommended for long-term suspension receive a free and appropriate education. DPI is the convenor and the Chair of the State Board of Education is to report to the Joint Legislative Education Oversight Committee.

Explanation of the Problem

School is our society's major way of preparing our young people for work and citizenship. However, school problems are common for youth in trouble with the law. Sometimes learning problems exacerbate behavior problems in school. In some cases, youth are in the juvenile justice system because of school violence. When youth get in trouble in school, some are suspended short term (less than 10 days), and sometimes long-term, and some are expelled from schools completely. Suspended students are sometimes given within school suspension in a different classroom. Sometimes students are offered an alternative learning program in a different school. However, others are not offered an educational option. In addition, the biggest loss is that without the opportunity for an education, youth are at great risk of never being able to get good gainful employment, and become more productive members of society. If we do not provide education and rehabilitation for these youth, we will pay later in their continuing on anti-social, and criminal behavior.

The recent Leandro court decision states that all young North Carolinians have a right to an education. This decision does not distinguish between those young people who are well behaved and those who are not. This decision means that the state must provide an equal opportunity for all students to get a sound basic education.

Suspended and Expelled NC Public School Students and Education Provided, 2000-01

	Number	Provided an education (18)	NOT provided an education (18)
Total School Population	1,267,070	N/A	N/A
Dropouts	23,034	N/A	N/A
Short Term Suspensions, Unduplicated	114,621	0	114,621
Multiple short term suspensions	45,792	0	45,792
Long term Suspensions	2,736	2,189 (80%)	547 (20%)
Multiple long-term suspensions	62	0	62
Expulsions	149	61 (41%)	88 (59%)

Source: NC Department of Public Instruction

**The Covenant with NC's Children is a statewide, multidisplinary coalition of over 150 civic organizations, professional associations, advocacy groups and individuals who come together to advance public policy to benefit North Carolina's children.Covenant organizations represent a combined membership of approximately 500,000 North Carolinians statewide. Paula A. Wolf, Chief Lobbyist, 919-260-7556.*

VISITOR REGISTRATION SHEET

SENATE EDUCATION/HIGHER EDUCATION — June 4, 2003

Name of Committee — **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Dick Carlton	Carlton Alexander PLLC
Tasha Clay	YAIO
Roger Patterson	UNC - Chapel Hill
Martha Pendergraph	UNC - Chapel Hill
Dallas Baker	Intern - Sen. Stevens
Ken Melton	Atty Assoc.
Chad Essick	Edwards Webb
[illegible]	Smith Anderson
BILL HOLE	JORDAN PRICE
Sean Haugh / Barbara Howe	Libertarian Party of NC
Kathleen Smith	Alpha Kappa Alpha

VISITOR REGISTRATION SHEET

SENATE EDUCATION/HIGHER EDUCATION — June 4, 2003

Name of Committee — **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Fran Cockman	NC Statewatch
Amy Dobson	NC Statewatch
[signature]	NCPPRA
Gene Causby	NCSFOA
Susan Harrison	WCPSS
[signature]	Mullen Co
Carter Payne	McGuireWoods
Christine O Trotter	CHA
R&PA/Acio	NC Justice Center
K. Howes	NCCAI
Paula A. Wolf	Covenant w/NC's Children

VISITOR REGISTRATION SHEET

SENATE EDUCATION/HIGHER EDUCATION June 4, 2003

Name of Committee **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Jessica Dewdy	Covenant of NC's Children
Karina Chapman	PPHS intern
Brian Lewis	Planned Parenthood Health Sys.
James D. Smith	UNC
[illegible]	NCSU
George Mills spo	DOA
Bob Rinehardt	DOA - P+C
Sharon Hayes	DOA
Yvonne Perry	NCSPA
Lisa Bateman	DJJDP - CPSV
EDDIE DAVIS	NCAE
Carolyn Myrick	DOA
[illegible]	NCAE DOA
[illegible]	Senate Democrats

VISITOR REGISTRATION SHEET

SENATE EDUCATION/HIGHER EDUCATION — June 4, 2003

Name of Committee — **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Katherine Joyce	NCASA
Cameron Wells	DPI
Brad Jones	DPI
Linda Suggs	DPI
John Norris	Public School Forum
John McHugh	Gov office
Amy Ross	Sen. Dalton
Austin Bunch	ECU
John Lynn	NC State Univ
Summer Hood	Carolina Journal
Jenna Ashley	" "
Kevin Leonard	WCSR

VISITOR REGISTRATION SHEET

SENATE EDUCATION/HIGHER EDUCATION June 4, 2003

Name of Committee **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Donne Braswell-Bey	AKA
Simone Langley	AKA
Marva Watlington	AKA
Felicia Davis	AKA
Becky Peterson-Blair	AKA
SHARON SMILEY	AKA

AGENDA

Senate Education/Higher Education Committee

Wednesday, June 11, 2003
10:00 a.m., Room 643

Senator Steve Metcalf, Presiding

Welcome
Senator Metcalf

- **HB 38** **Probationary Period Shortened/Career Teachers**
  Rep. Adamsl
- **HB 601** **Encourage Early College Attendance**
  Rep. Ross, Rep. Glazier
- **HB 1016** **UNC/Add Nonsmoking Areas**
  Rep. Haire
- **HB1032** **School Food/Beverage Purchases**
  Rep. England, Rep. Glazier

Adjournment

SENATE EDUCATION/HIGHER EDUCATION COMMITTEE

Wednesday, June 11, 2003, 10:00 a.m.
Room 643 Legislative Office Building

Minutes

The Senate Education/Higher Education met Wednesday, June 11, 2003 at 10:00 a.m. in Room 643 of the Legislative Office Building. Senator Steve Metcalf, Presiding Chair, called the meeting to order with nineteen members present. He welcomed everyone to the meeting and introduced the Pages, Lauren Peterson, Orange County, Senator Kinnaird; Allison Hutchinson, Dare County, Senator Basnight; Shuren Corbet, Guilford County, Senator Dorsett Samantha Levi, Guilford County, Senator Hagan;

House Bill 38, "Probationary Period Shortened/Career Teachers", was carried over from the last meeting. Representative Alma Adams was recognized to explain the bill. The bill shortens the maximum probationary period for career teachers from two years to one year. Senator Dannelly explained and moved the adoption of a technical amendment. The motion carried by voice vote. Senator Dorsett moved a favorable report for the bill as amended and that it be rolled into a Proposed Committee Substitute, and the original bill receive an unfavorable report. The motion carried by voice vote.

Representative Glazier was recognized to explain House Bill 601, "Encourage Early College Attendance." This bill requires the State Board of Education in cooperation with the Education Cabinet to work with local school systems, the University System, the Community College System and private colleges and Universities to encourage students to enroll in the college program and ensure that the opportunity to attend college is made available to all students. Senator Shubert moved a favorable report for House Bill 601. The motion carried by unanimous voice vote.

Representative Glazier was recognized to explain House Bill 1032, "School Food/Beverage Purchases. Dr. English was also present to speak on the bill. This bill is recommended by the National Council of State Legislatures and would require local boards of education to give preference to high calcium foods and beverages to promote the required daily intake of calcium. Senator Dannelly moved a favorable report for House Bill 1032. The motion passed by unanimous voice vote.

Representative Haire was recognized to explain House Bill 1016, "UNC/Add Nonsmoking Areas." The Chair stated that this bill has been before the Committee, received a favorable report and because of the number of issues raised on the Senate Floor was re-referred back to the Committee. Representative Haire stated that the bill applies to the UNC health care facilities and the residence halls. Mark Fleming, The University System, was asked to comment on the bill. He stated that the intent of the legislation is to have athletic facilities used by the students and the health facilities smoke free. Senator Horton moved to amend the bill on page 1, line 25, by inserting between the words "provide" and "smoking," the word "residential." Senator Horton moved the adoption of the amendment. The motion carried by

voice vote. Senator Apodaca moved to amend the bill on page 1, line 23, by inserting the word "enclosed" before "physical" and before "student." Senator Apodaca moved the adoption of the amendment. The motion carried by voice vote. There being no further discussion on the bill Senator Apodaca moved a favorable report to House Bill 1016 as amended; the amendments will be rolled into a Committee Substitute and an unfavorable report to the original bill. The motion carried by unanimous voice vote.

The Chair, Senator Metcalf, stated that in an effort to shut down the committee work, at the request of the President Pro Tempore, it is possible that future meetings will be held in the Chamber at the Chairs desk. He thanked the members for their patience with him and commended them on the excellent work. He also thanked staff for their excellent and diligent work.

Senator Lucas was recognized for comments. She agreed with Senator Metcalf.

The meeting was adjourned at 10:40.

Senator Steve Metcalf, Presiding Chair.

Joyce Crews Hodge, Committee Assistant

NORTH CAROLINA GENERAL ASSEMBLY
SENATE

EDUCATION/HIGHER EDUCATION COMMITTEE REPORT
Senator Jeanne Hopkins Lucas, Co-Chair
Senator Stephen M. Metcalf, Co-Chair
Senator John A. Garwood, Co-Chair

Wednesday, June 11, 2003

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

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

H.B.(CS #1) **38** Probationary Period Shortened/Career Tchrs.

Draft Number:	PCS80332
Sequential Referral:	None
Recommended Referral:	None
Long Title Amended:	No

TOTAL REPORTED: 1

Committee Clerk Comments:

HOUSE BILL 38:
Probationary Period Shortened/Career Tchrs.

BILL ANALYSIS

Committee:	Senate Education	**Introduced by:**	Rep. Adams
Date:	May 14, 2003	**Summary by:**	Sara Kamprath*
Version:	Second Edition		Committee Analyst

SUMMARY: ***House Bill 38 would shorten the maximum probationary period for teachers with career status when they change school systems or return to teaching after leaving the profession.***

The bill would apply to all teachers whose duties in new employment begin on or after July 1, 2004.

The bill would not apply to a teacher who has obtained career status as a teacher in a North Carolina public school system and is serving a probationary period as a teacher on the date this act becomes law. The employing board would vote upon whether to grant this teacher career status. If the teacher were reemployed for an additional consecutive year, the teacher would automatically become a career teacher.

The act would become effective when it becomes law.

CURRENT LAW: G.S, 115C-325(c)(2) provides for the employment of a teacher who has obtained career status in any North Carolina public school system. This teacher, if he or she transfers to another school system or returns to the profession, does not have to serve another probationary period of more than two years. The local board may grant career status immediately upon employing this teacher, or after the first or second year of employment. If a majority of the local board votes against granting career status, the teacher cannot teach beyond the current term. If after two consecutive years of employment, the board fails to vote on the issue of granting career status:

- It shall not reemploy the teacher for a third consecutive year;
- As of June 16, then teacher is entitled to one month's pay as compensation for the board's failure to vote upon the issue of granting career status; and
- The teacher shall be entitled to one additional month's pay for every 30 days after June 16 that the board fails to vote upon the issue of granting career status.

BILL ANALYSIS: House Bill 38 would amend G.S. 115C-325(c)(2) to provide that career teachers would not have to serve another probationary period of more than one year following a return to the profession or a transfer to another school system. Local boards could grant career status immediately or after the first year of employment.

The act would take effect when it becomes law and would apply to all teachers whose duties in new employment begin on or after July 1, 2004. The act would not apply to career teachers serving a probationary period as a teacher on the effective date.

**H38-SMRJ-003: Robin Johnson and Shirley Iorio, Committee Staff, substantially contributed to this summary.*

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2003

H 2

HOUSE BILL 38

Committee Substitute Favorable 4/29/03

Short Title: Probationary Period Shortened/Career Tchrs. (Public)

Sponsors:

Referred to:

February 20, 2003

A BILL TO BE ENTITLED

AN ACT TO SHORTEN THE PROBATIONARY PERIOD FOR CAREER TEACHERS WHEN THEY CHANGE SCHOOL SYSTEMS OR RETURN TO TEACHING AFTER LEAVING THE PROFESSION.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 115C-325(c)(2) reads as rewritten:

"(2) Employment of a Career Teacher. – A teacher who has obtained career status in any North Carolina public school system need not serve another probationary period of more than ~~two years.~~ one year. The board may grant career status immediately upon employing the teacher, or after the first ~~or second~~ year of employment. If a majority of the board votes against granting career status, the teacher shall not teach beyond the current term. If after ~~two consecutive years~~ one year of employment, the board fails to vote on the issue of granting career status:

a. It shall not reemploy the teacher for a ~~third~~ second consecutive year;

b. As of June 16, the teacher shall be entitled to one month's pay as compensation for the board's failure to vote upon the issue of granting career status; and

c. The teacher shall be entitled to one additional month's pay for every 30 days beyond June 16 that the board fails to vote upon the issue of granting career status."

SECTION 2.(a) Section 1 of this act applies to all teachers, irrespective of date of offer or acceptance of employment, whose duties in new employment begin on or after July 1, 2004.

SECTION 2.(b) Section 1 of this act does not apply to a teacher who (i) has obtained career status as a teacher in a North Carolina public school system and (ii) is serving a probationary period as a teacher on the date this act becomes law. The

employing board shall vote upon whether to grant such a teacher career status near the end of the teacher's current year of employment. In any event, if the person is reemployed for an additional consecutive year, the person shall automatically become a career teacher.

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

NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
House Bill 38

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

H38-ARH-51 [v.1]

Date 06. 11. ,2003

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

Senator Dorsey

moves to amend the bill on page 1, line 24, through page 2, line 5, by rewriting the lines to read:

"**SECTION 2.** This act is effective when it becomes law and applies to contracts of employment beginning with the 2004-2005 school year.".

SIGNED _____
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED _____ FAILED _____ TABLED _____

NORTH CAROLINA GENERAL ASSEMBLY
SENATE

EDUCATION/HIGHER EDUCATION COMMITTEE REPORT
Senator Jeanne Hopkins Lucas, Co-Chair
Senator Stephen M. Metcalf, Co-Chair
Senator John A. Garwood, Co-Chair

Wednesday, June 11, 2003

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

FAVORABLE

H.B.(CS #1) **601** Encourage Early College Attendance.
Sequential Referral: None
Recommended Referral: None

H.B.(CS #1) **1032** School Food/Beverage Purchases.
Sequential Referral: None
Recommended Referral: None

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

H.B.(CS #1) **1016** UNC/Add Nonsmoking Areas.
Draft Number: PCS30377
Sequential Referral: None
Recommended Referral: None
Long Title Amended: No

TOTAL REPORTED: 3

Committee Clerk Comments:

PUBLIC BILL

Proposed Committee Substitute For
H.B. 601

SESSION LAW _____

A BILL TO BE ENTITLED

AN ACT TO ENCOURAGE EARLY ENTRY OF MOTIVATED STUDENTS INTO FOUR-YEAR COLLEGE PROGRAMS.

Introduced by Representative(s): Glazier, D. Ross (Primary Sponsors)

Principal Clerk's Use Only

Sub Preschool, Elementary
e/Committee on Secondary Education
najority being present, having considered
bill recommend that it do ✓ pass.

Reps Warner & Dockham
For the Committee

FAVORABLE TO COMM. SUb
UNFAVORABLE TO BILL

APR 29 2003

AND PLACED ON CALENDAR FOR 36b

4-30-03

112-0 ev W

PASSED 2nd & 3rd READING

APR 30 2003

ORDERED SENT TO SENATE

Special Message

Denise Weeks

RECEIVED

APR 30 2003

From House of Representatives
By Clerk SP 7:45 AM/PM

PASSED 1st READING

MAY 1 2003

AND REFERRED TO COMMITTEE
on Ed / Higher Ed

Favorable

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2003

H 2

HOUSE BILL 601

Committee Substitute Favorable 4/29/03

Short Title: Encourage Early College Attendance. (Public)

Sponsors:

Referred to:

March 24, 2003

A BILL TO BE ENTITLED

AN ACT TO ENCOURAGE EARLY ENTRY OF MOTIVATED STUDENTS INTO FOUR-YEAR COLLEGE PROGRAMS.

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:

...

(32) Duty to encourage early entry of motivated students into four-year college programs. – The State Board of Education, in cooperation with the Education Cabinet, shall work with local school administrative units, the constituent institutions of The University of North Carolina, local community colleges, and private colleges and universities to (i) encourage early entry of motivated students into four-year college programs and to (ii) ensure that there are opportunities at four-year institutions for academically talented high school students to get an early start on college coursework, either at nearby institutions or through distance learning.

The State Board of Education shall also adopt policies directing school guidance counselors to make ninth grade students aware of the potential to complete the high school courses required for college entry in a three-year period."

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

HOUSE BILL 601:
Encourage Early College Attendance

BILL ANALYSIS

Committee:	Senate Education/Higher Education	**Introduced by:**	Rep. Glazier, Ross
Date:	June 11, 2003	**Summary by:**	Drupti Chauhan* Committee Staff
Version:	Second Edition		

SUMMARY: ***House Bill 601 would amend G.S.115C-12 by adding a duty to the powers and duties of the State Board of Education. The bill would require the State Board of Education, in cooperation with the Education Cabinet, to work with local school systems, the constituent institutions of The University of North Carolina, the local community colleges, and private colleges and universities to encourage early entry of motivated students into college programs and to ensure that there are opportunities for academically talented high school students to take college coursework, either at nearby universities or through distance learning.***

The bill also would require the State Board of Education to adopt policies directing school guidance counselors to make ninth grade students aware of the potential to complete the high school courses required for college entry in a three-year period.

The act would take effect when it becomes law.

CURRENT LAW: The General Assembly passed the Huskins bill in 1983 to authorize community college boards to establish cooperative programs with local high schools. G.S. 115D-20(4) provides that local community college boards and local school boards "may establish cooperative programs in the areas they serve to provide for college courses to be offered to qualified high school students with college credits to be awarded to those high school students upon the successful completion of the courses." There must be a written agreement between the public school system and the local community college. Huskins programs are for groups of high school students taking college level courses under a preplanned written agreement. Tuition is waived for all courses taken by a high school student at the community college in accordance with the Huskins bill. In addition to Huskins courses, another form of dual/concurrent enrollment is available. An individual student who is at least 16 years of age and currently enrolled in high school may be admitted to any curriculum or continuing education course on a space-available basis if both the chief administrator of the school system and the community college president approve. Also, the school principal must certify that the student is in high school and making satisfactory progress toward graduation. Tuition is waived for these students, also.G.S. 115D-1.1 (Expires September 1, 2004) allows students under the age of 16 who meet certain specified conditions to enroll in community college courses.

Current policies also allow students to graduate in three years.

BILL ANALYSIS: There are programs in place that allow qualified high school students to take college level courses. This bill makes it explicit that the State Board of Education has a duty to work cooperatively with institutions of higher education to inform and encourage motivated, academically talented high school students to get an early start on college coursework, and to ensure that these opportunities to take coursework exist either at nearby institutions or through distance learning. The bill also requires that the State Board adopt policies directing school guidance counselors to make ninth grade students aware that they have the opportunity to complete high school in three years.

BACKGROUND:

In the 2002 session the General Assembly passed legislation that directed the State Board of Education to study the relationship between academic rigor and reducing the school dropout rate. As a part of this study, the State Board was required to include the development of a proposal to accelerate the learning of students able to complete high school in three years. In its report, which was adopted at the June meeting and will be forwarded to the Joint Legislative Education Oversight Committee, the State Board reviewed the strategies used by other states, data from the NC Community College System, and recommendations from the Southern Regional Education Board. Current policies allow students to graduate in three years but the State Board found that accelerated learning programs need to take into account the maturity of the student.

**Dr. Shirley Iorio, Committee Analyst, significantly contributed to this summary.*
H601-SMSF-003

HOUSE BILL 601:
Encourage Early College Attendance

BILL ANALYSIS

Committee:	Senate Education/Higher Education	**Introduced by:**	Rep. Glazier, Ross
Date:	June 11, 2003	**Summary by:**	Drupti Chauhan* Committee Staff
Version:	Second Edition		

SUMMARY: ***House Bill 601 would amend G.S.115C-12 by adding a duty to the powers and duties of the State Board of Education. The bill would require the State Board of Education, in cooperation with the Education Cabinet, to work with local school systems, the constituent institutions of The University of North Carolina, the local community colleges, and private colleges and universities to encourage early entry of motivated students into college programs and to ensure that there are opportunities for academically talented high school students to take college coursework, either at nearby universities or through distance learning.***

The bill also would require the State Board of Education to adopt policies directing school guidance counselors to make ninth grade students aware of the potential to complete the high school courses required for college entry in a three-year period.

The act would take effect when it becomes law.

CURRENT LAW: The General Assembly passed the Huskins bill in 1983 to authorize community college boards to establish cooperative programs with local high schools. G.S. 115D-20(4) provides that local community college boards and local school boards "may establish cooperative programs in the areas they serve to provide for college courses to be offered to qualified high school students with college credits to be awarded to those high school students upon the successful completion of the courses." There must be a written agreement between the public school system and the local community college. Huskins programs are for groups of high school students taking college level courses under a preplanned written agreement. Tuition is waived for all courses taken by a high school student at the community college in accordance with the Huskins bill. In addition to Huskins courses, another form of dual/concurrent enrollment is available. An individual student who is at least 16 years of age and currently enrolled in high school may be admitted to any curriculum or continuing education course on a space-available basis if both the chief administrator of the school system and the community college president approve. Also, the school principal must certify that the student is in high school and making satisfactory progress toward graduation. Tuition is waived for these students, also.G.S. 115D-1.1 (Expires September 1, 2004) allows students under the age of 16 who meet certain specified conditions to enroll in community college courses.

Current policies also allow students to graduate in three years.

BILL ANALYSIS: There are programs in place that allow qualified high school students to take college level courses. This bill makes it explicit that the State Board of Education has a duty to work cooperatively with institutions of higher education to inform and encourage motivated, academically talented high school students to get an early start on college coursework, and to ensure that these opportunities to take coursework exist either at nearby institutions or through distance learning. The bill also requires that the State Board adopt policies directing school guidance counselors to make ninth grade students aware that they have the opportunity to complete high school in three years.

BACKGROUND:

In the 2002 session the General Assembly passed legislation that directed the State Board of Education to study the relationship between academic rigor and reducing the school dropout rate. As a part of this study, the State Board was required to include the development of a proposal to accelerate the learning of students able to complete high school in three years. In its report, which was adopted at the June meeting and will be forwarded to the Joint Legislative Education Oversight Committee, the State Board reviewed the strategies used by other states, data from the NC Community College System, and recommendations from the Southern Regional Education Board. Current policies allow students to graduate in three years but the State Board found that accelerated learning programs need to take into account the maturity of the student.

**Dr. Shirley Iorio, Committee Analyst, significantly contributed to this summary.*
H601-SMSF-003

PUBLIC BILL

Committee Substitute For
H.B. 1016
HDS880

SESSION LAW _____

A BILL TO BE ENTITLED

AN ACT TO ADD PARTICULAR UNIVERSITY FACILITIES AS NONSMOKING AREAS.

Introduced by Representative(s): Howe

Principal Clerk's Use Only

2nd Ed. Committee on Universities majority being present, having considered s b[illegible] recommend that it do ✓ pass.

Bowie + McAllister
For the Committee

FAVORABLE TO COMM. SUB
UNFAVORABLE TO BILL

APR 24 2003

AND PLACED ON CALENDAR FOR
36b

4-29-03

97-6 Ed VV
PASSED 2nd & 3rd READING
APR 30 2003
ORDERED SENT TO SENATE

Special Message

RECEIVED
APR 30 2003
From House of Representatives
By Clerk 4:55 AM/PM

PASSED 1st READING
MAY 1 2003
AND REFERRED TO COMMITTEE
on Ed / Higher Ed

The Committee on Ed / Higher Ed to whom this bill was referred, a majority being present and voting, has carefully considered the same and recommend that it do ✓ pass.

John Garwood
For the Committee

REPORTED FAVORABLY MAY 21 2003

Passed 2nd & 3rd Readings
MAY 22 2003
AND ORDERED ENROLLED

WITH UNANIMOUS CONSENT
WITHDRAWN FROM
Calendar
MAY 22 2003

RE-REFERRED TO
Ed / Higher Ed

PLACED ON CALENDAR FOR
5-27-03

WITH UNANIMOUS CONSENT
WITHDRAWN FROM
Calendar
MAY 27 2003

for PCS

RE-REFERRED TO
Ed / Higher Ed

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2003

H 2

HOUSE BILL 1016

Committee Substitute Favorable 4/24/03

Short Title: UNC/Add Nonsmoking Areas. (Public)

Sponsors:

Referred to:

April 10, 2003

A BILL TO BE ENTITLED

AN ACT TO ADD PARTICULAR UNIVERSITY FACILITIES AS NONSMOKING AREAS.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 143-597(a) reads as rewritten:

"(a) All of the following areas may be designated as nonsmoking in buildings owned, leased, or occupied by State government:

(1) Any library open to the public.

(2) Any museum open to the public.

(3) Any area established as a nonsmoking area, so long as at least twenty percent (20%) of the interior space of equal quality to that of the nonsmoking area shall be designated as a smoking area, unless physically impracticable. If physically impracticable, the person in charge of the facility shall provide an adequate smoking area within the facility as near as feasible to twenty percent (20%) of the interior space.

(4) Any indoor space in a State-controlled building such as an auditorium, arena, or coliseum, or an appurtenant building thereof; except that a designated area for smoking shall be established in lobby areas.

(5) Any educational buildings primarily involved in health care instruction.

(6) University of North Carolina health services facilities, wellness centers, physical education facilities, student recreational centers, laboratories, or residence halls, provided that each constituent institution shall make a reasonable effort to provide smoking rooms in residence halls in proportion to student demand for those rooms."

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

HOUSE BILL 1016:
UNC/Add Nonsmoking Areas.

BILL ANALYSIS

Committee:	Senate Education/Higher Education	**Introduced by:**	Rep. Haire
Date:	June 12, 2003	**Summary by:**	Robin Johnson Committee Counsel
Version:	Second Edition		

SUMMARY: ***House Bill 1016 would allow all or part of UNC health services facilities, wellness centers, physical education facilities, student recreational centers, laboratories, or residence halls to be designated as nonsmoking areas.***

The bill would be effective when it becomes law.

CURRENT LAW: Article 64 of Chapter 143 of the General Statutes specifies the specific areas in buildings owned, leased, or occupied by State government that may be designated as nonsmoking areas. All or part of these specific areas may be designated as nonsmoking. If an area is designated as nonsmoking, then the use or possession of a lighted cigarette, lighted cigar, lighted pipe, or other lighted tobacco product is prohibited. Any person who continues to smoke in a designated area following notice by the person in charge of the building or area, or by that person's designee, that smoking is not permitted is guilty of an infraction, which is punishable by a maximum fine of $25.00.

BILL ANALYSIS: House Bill 1016 would add the following to the list of specific areas in State–controlled buildings that may be designated as nonsmoking areas: UNC health facilities, wellness centers, physical education facilities, student recreational centers, laboratories, or residence halls. Each constituent institution is required to provide smoking rooms in residence halls in proportion to student demand for those rooms.

The bill is effective when it becomes law.

H1016-SMRH-002

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2003

H D

HOUSE BILL 1016

Committee Substitute Favorable 4/24/03

PROPOSED SENATE COMMITTEE SUBSTITUTE H1016-PCS30377-RH-51

Short Title: UNC/Add Nonsmoking Areas. (Public)

Sponsors:

Referred to:

April 10, 2003

A BILL TO BE ENTITLED

AN ACT TO ADD PARTICULAR UNIVERSITY FACILITIES AS NONSMOKING AREAS.

The General Assembly of North Carolina enacts:

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"(a) All of the following areas may be designated as nonsmoking in buildings owned, leased, or occupied by State government:

(1) Any library open to the public.

(2) Any museum open to the public.

(3) Any area established as a nonsmoking area, so long as at least twenty percent (20%) of the interior space of equal quality to that of the nonsmoking area shall be designated as a smoking area, unless physically impracticable. If physically impracticable, the person in charge of the facility shall provide an adequate smoking area within the facility as near as feasible to twenty percent (20%) of the interior space.

(4) Any indoor space in a State-controlled building such as an auditorium, arena, or coliseum, or an appurtenant building thereof; except that a designated area for smoking shall be established in lobby areas.

(5) Any educational buildings primarily involved in health care instruction.

(6) University of North Carolina health services facilities, wellness centers, enclosed physical education facilities, enclosed student recreational centers, laboratories, or residence halls, provided that each constituent institution shall make a reasonable effort to provide residential smoking rooms in residence halls in proportion to student demand for those rooms."

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

PUBLIC BILL

~~posed~~ Committee Substitute For
H.B. 1032

SESSION LAW _____

A BILL TO BE ENTITLED

AN ACT REQUIRING LOCAL BOARDS OF EDUCATION TO GIVE PREFERENCE IN PURCHASING CONTRACTS TO HIGH-CALCIUM FOODS AND BEVERAGES.

Introduced by Representative(s): Glazier, Bob England (Primary Sponsors)

Principal Clerk's Use Only

The Committee on Education a[illegible]rity being present, having considered t[illegible]l, recommend that it do ✓ pass.

~~Reps. Bonner, Hilton~~
For the Committee
Warren, Wood

FAVORABLE TO COMM. SUB
UNFAVORABLE TO BILL

APR 21 2003

AND PLACED ON CALENDAR FOR
3rd

4-24-03

99-12 EV VV

PASSED 2nd & 3rd READING

APR 30 2003

ORDERED SENT TO SENATE

Special Message

Denise Weeks

RECEIVED

APR 30 2003

From House of Representatives
By Clerk 9:45 AM/PM

PASSED 1st READING

MAY 1 2003

AND REFERRED TO COMMITTEE
Ed / Higher Ed

Favorable

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2003

H 2

HOUSE BILL 1032
Committee Substitute Favorable 4/21/03

Short Title: School Food/Beverage Purchases. (Public)

Sponsors:

Referred to:

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 the effective date of this section 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:	Senate Education/Higher Education	**Introduced by:**	Reps. Glazier and England
Date:	June 11, 2003	**Summary by:**	Shirley Iorio* Committee Staff
Version:	2nd Edition		

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 the effective date of the act 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.

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.

*Drupti Chauhan, Committee Counsel, contributed significantly to this summary

HOUSE BILL 1032:
School Food/Beverage Purchases

BILL ANALYSIS

Committee:	Senate Education/Higher Education	**Introduced by:**	Reps. Glazier and England
		Summary by:	Shirley Iorio* Committee Staff
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EFFECTIVE DATE: This act becomes effective when it becomes law.

*Drupti Chauhan, Committee Counsel, contributed significantly to this summary

VISITOR REGISTRATION SHEET

Senate Education/Higher Education — **June 11, 2003**
Name of Committee — **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Rodney E. Clark	Rodney E. Clark & Associates
Dallas Baker	Intern - Sen. Stevens
Criss Porter	Sen. M. Anderson

VISITOR REGISTRATION SHEET

Senate Education/Higher Education — **June 11, 2003**
Name of Committee — **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Grace Closs	BNP Residential Services 1000 Smith Level Rd Carrboro, NC 27510
Joe Hudson	Triangle Apartment Shoppers Guide 2626 Glenwood Ave Raleigh NC 27608
LISA PRICE	CORNERSTONE REALTY INC TRUST RALEIGH, NC
Kimberly Edwards	same
Jere Buch	Drucker & Falk, LLC 7200 Stonehenge Dr. Raleigh, NC 27613
Rebecca Gruer PALAW	NC Justice Center
Elsie Cunningham	LWV/ODC
Carol Shemod	LWV/ODC
Jason Hsieh	Durham County Health Dept. 414 E. Main Street Durham, NC
Karina Chapman	PDHS intern
[signature]	NASW

VISITOR REGISTRATION SHEET

Senate Education/Higher Education — **June 11, 2003**
Name of Committee — **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Janet Schaumgarten	NC Council
Sally Cameron	NCPA
Dave Richard	The Hrc
John Cyrus	n c State Grange
Hal Miller	NCACCT
Amy Dobson	NC Statewatch
John O'Hale	Gov Office
Amy Ivey	Gov Office
Howard Lance	N.C.
Carolyn McKinney	NCAE
Jim Dyer	SBE

VISITOR REGISTRATION SHEET

Senate Education/Higher Education — **June 11, 2003**
Name of Committee — **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Mark Fleming	University System
Mary Dorn	VIT
Susan Harrison	WCPSS
Jeff Mymo	
Leanne Winner	NCSBA
Gene Causby	Needy, North Carolina
Hal Hall	NCPTPA
Tim McDonald	McGuireWoods
ANN WEE	DVHS
Joanne Stevens	nursing & NCCAOA
BRIAN LEWIS	Planned Parenthood

AGENDA

Senate Education/Higher Education Committee

Wednesday, July 16, 2003
11:00 a.m., Room 414

Senator Jeanne Lucas, Presiding

Welcome
Senator Lucas

- **HB 150** **Establish State Education Grants**
  Representative Stam
  Representative Owens, Jr.

- **NC Teachers' and State Employees' Retirement System Board of Trustees Appointments**

Adjournment

SENATE EDUCATION/HIGHER EDUCATION COMMITTEE

Wednesday, July 16, 2003, 11:00 a.m.
Room 1027 Legislative Building

Minutes

The Senate Education/Higher Education met Wednesday, July 16, 2003 at 10:00 a.m. in Room 1027 of the Legislative Building. In the absence of Senator Lucas, Senator Steve Metcalf, Presiding Chair, called the meeting to order with twenty-nine members present. He introduced the pages, Bailey Shook, Red Springs, Mary Lindsay Noble, Lumberton, and Sophie Duncan, Red Springs, all sponsored by Senator Weinstein.

Senator Metcalf turned the meeting over to Senator Lucas. She stated that the procedure is to confirm the Governor's appointees to the North Carolina Teachers' and State Employees Retirement System. Kevin Howell of the Governor's Office was recognized to introduce the appointees to the NC Teachers' and State Employees' Retirement System Board of Trustees. Ms. Shirley Harris, new appointee; Mr. Leslie Leroy Pittman, Kinston; Mr. Danny DeVane, re-appointee and Ms. Shirley Bell, Clayton, re-appointee. Mr. Pittman was not able to attend the meeting. Senator Foxx moved the approval of the appointments. The motion was seconded by Senator Shubert and carried by unanimous voice vote.

Senator Metcalf recognized Representative Stam to explain House Bill 150, "Establish State Education Grants." Tim McDowell, NC Independent colleges and Universities, stated that they have no position of this legislation. He said that these are new grant programs completely different from the tuition grants.

Julie Holt, General Counsel, State Education Assistance Authority stated that the agency would administer funds and that no additional staff would be required.

Steve Prescott, Instructor, Southeastern Seminary, Wake Forest, stated that Southeastern does not limit majors to Seminary. He said that Religion, Christian Studies majors and Bible majors would be eligible to receive this grant.

Senator Foxx moved a favorable report for House Bill 150 and re-referred to the Committee on Appropriations. The motion carried by voice vote.

The meeting adjourned at 11:40 a.m.

Senator Steve Metcalf, Presiding Chair

Joyce Crews Hodge, Committee Assistant

SENATE EDUCATION/HIGHER EDUCATION COMMITTEE

2003-2004 Biennium

Senator Jeanne Lucas, Co-Chair
Room 300-G, LOB
Raleigh, NC
(919) 733-4599

Senator Steve Metcalf, Co-Chair
Room 300-B, LOB
Raleigh, NC 27601-2808
919) 733-7850

Senator John Garwood, Co-Chair
Room 1118, LB
Raleigh, NC 27601-2808
(919) 733-5742

July 16, 2003

The President and Members of the Senate
North Carolina General Assembly
State Legislative Building
Raleigh, North Carolina 27601

Dear Mr. President and Members of the Senate:

In compliance with the provisions of G.S. 135-6 requiring appointees to the Board of Trustees of the North Carolina Teachers' and State Employees' Retirement System to be confirmed by the Senate, Governor Easley has submitted his appointees, Ms. Shirley Harris, Mr. Leslie Leroy Pittman and the reappointment of The Honorable. Daniel DeVane and Ms. Shirley Ann Bell, for confirmation. Their terms are effective immediately upon confirmation. The terms of Ms. Harris, Mr. DeVane and Ms. Bell will expire March 31, 2007. The term of Mr. Pittman will expire on March 31, 2004.

The Senate Committee on Education/Higher Education has considered the appointments and makes the following recommendation to the Senate:

That the appointment of Ms. Shirley Harris to the Board of Trustees of the Teachers' and State Employees' Retirement System beginning immediately and expiring on March 31, 2007, be confirmed. That the reappointment of Mr. Daniel DeVane and Ms. Shirley Ann Bell to the Board of Trustees of the Teachers' and State Employees' Retirement System beginning immediately and expiring on March 31, 2007, be confirmed. That the appointment of Mr. Leslie Leroy Pittman to the Board of Trustees of the Teachers' and State Employees' Retirement System beginning immediately and expiring on March 31, 2004, be confirmed.

Respectfully submitted,

NORTH CAROLINA GENERAL ASSEMBLY
SENATE

EDUCATION/HIGHER EDUCATION COMMITTEE REPORT
Senator Jeanne Hopkins Lucas, Co-Chair
Senator Stephen M. Metcalf, Co-Chair
Senator John A. Garwood, Co-Chair

Wednesday, July 16, 2003

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

FAVORABLE

H.B.(CS #1) **150** Establish State Education Grants.
Sequential Referral: None
Recommended Referral: None

TOTAL REPORTED: 1

Committee Clerk Comments:

North Carolina General Assembly

Senator Jeanne Lucas

Ed / Mike Ed.
7/14/03

STATE OF NORTH CAROLINA
OFFICE OF THE GOVERNOR
20301 MAIL SERVICE CENTER • RALEIGH, NC 27699-0301

MICHAEL F. EASLEY
GOVERNOR

July 11, 2003

Ms. Janet Pruitt
Senate Principal Clerk
NC General Assembly
2020 Legislative Building
Raleigh, NC 27601

Dear Ms. Pruitt:

Pursuant to General Statute §135-6, I hereby appoint Ms. Shirley Harris and Mr. Leslie Leroy Pittman and reappoint The Honorable Daniel DeVane and Ms. Shirley Ann Bell to the North Carolina Teachers' and State Employees' Retirement System Board of Trustees and submit their names for confirmation by the North Carolina Senate. Their terms are effective immediately, pending confirmation. The terms of Ms. Shirley Harris, Mr. Dan DeVane and Ms. Shirley Bell will expire March 31, 2007. Mr. Pittman's term will expire on March 31, 2004.

Enclosed is biographical information on these appointees. Please feel free to call on them or members of my office of Boards and Commissions if you need additional information.

With kindest regards, I remain

Very truly yours,

Michael F. Easley

MFE:bc

cc: The Honorable Beverly Perdue
The Honorable Marc Basnight

Janet Pruitt
JUL 14 2003
JUL 14 2003

Shirley E. Harris

229 Fox Den Road

Troy, North Carolina 27371

Home Phone 910-576-3181

Email seharris108@earthlink.net

WORK HISTORY

1973-2003 Classroom Teacher Richmond County Schools (1973-75):

Teacher of grades 4-6 West Rockingham School

Montgomery County Schools (1975-2003):

Teacher of grades 4-5 Troy Elementary School

Teacher of grade 6 Biscoe Middle School

Teacher of grade 6 Troy Middle School

Teacher of grades 6-8 West Montgomery Middle School

Teacher of English I & English II West Montgomery High School

EDUCATION

1973 Bachelor of Science Appalachian State University

1987 Master of Education UNC-C

1998 National Board Certification English/Language Arts

LICENSES & CERTIFICATES

Mentor Certification DPI 1985; NCTA 1998

North Carolina Teacher Academy Trainer/Facilitator 1994-2003

National Board for Professional Teaching Standards Facilitator I Certification 1999

A Fromework for Understanding Poverty 2002

Adolescent Literacy 2001

JUL 1 4 2003

AWARDS RECEIVED

Outstanding Elementary Mathematics Teacher 1987

Jaycees Outstanding Young Educator Biscoe Middle School 1986

West Montgomery Middle School Teacher of the Year 1990

Montgomery County Teacher of the Year 1991

CIVIC & PROFESSIONAL ORGANIZATIONS

Troy Woman's Club

North Carolina Association of Educators

National Education Association

Delta Kappa Gamma

COMMISSIONS & COMMITTEES

Public School Administrator Task Force 1995

Joint Legislative Commission on Improving the Academic Achievement of Minority and At-Risk Students 2000

Task Force on Preparation and Professional Development Programs for Teachers 1997-1998

NCAE GR Legislative Contact Representative 1997

NCAE Government Relations Committee 2001-2004

NCAE Government Relations Legislative Interview Committee Co-Chair 2002

Governor Easley's Teacher Advisory Committee 2001-2005

**I retired June 1, 2002, and contracted with Montgomery County Schools for the school year 2002-2003. I will tutor at West Montgomery High School from August, 2003, through November 30, 2003. Effective December 1, 2003, I will resume my regular position as a classroom teacher.

RESUME – LESLIE LEROY PITTMAN

Home Address: 2905 Sheryl Drive
Kinston, NC 28504

WORK EXPERIENCE

1994	Retired
1964-94	Principal – Northwest Elementary School
1963-64	Principal – Lewis Elementary School
1952-63	Physical Education Teacher and Coach at Junior High and High Schools

PROFESSIONAL PREPARATION

1975	East Carolina University – Educational Specialist
1960	East Carolina University – Master of Arts
1952	Atlantic Christian College – Bachelor of Arts
1948	Pine Level High School - Graduate

PROFESSIONAL ORGANIZATIONS (former member and participant)

NCAE - North Carolina Association of Educators
Local President
Eastern District President
NC State Board of Directors
Division of Principals

Phi Delta Kappa

CIVIC AND COMMUNITY INVOLVEMENT

First Baptist Church – Member
Westminster Church Prayer Breakfast – Member
Salvation Army – Sustaining Member
Rotary Club – Member
Kinston Country Club – Board of Directors
Baseball, Football, and Basketball at Fairfield Recreation Dept. – School Director
Lenoir Community College Foundation – Board Member
Lenoir County Campaign Chairman for Ed Renfrow – Lieutenant Governor
Lenoir County Campaign Co-Chairman for Ed Warren

AWARDS, HONORS, AND PROFESSIONAL DEVELOPMENT

1993-94	Lenoir County Principal of The Year – Wachovia
1987	Administrator of the Year – Kinston City Schools Association of Educational Office Personnel

OTHER WORK EXPERIENCE

Served in US Navy
NC Surveyor and Spot Checker for ASC Program
Adjustor for Crop-Hail Insurance Companies
Manager of Kinston Country Club Swimming Pool
Chairman of Lenoir County Water Safety Programs

BIBILIOGRAPHY

NAME:	Daniel H. DeVane
ADDRESS:	1504 Cane Creek Drive, Garner, NC, 27529
BORN:	June 4, 1945
MARITIAL STATUS:	Married to the former Alice Kirkland Smith of Cumberland County
CHILDREN:	1 Son – Daniel H. DeVane, Jr. (Howie), daughter-in-law - Sarah, 2 grandchildren - Daniel and Hannah
EMPLOYMENT:	North Carolina Department of Transportation Deputy Secretary for Human Resources & Intergovernmental Affairs January 15, 1994 to present
EDUCATION:	White Oak High School, White Oak, NC Missouri Auction School, Kansas City, MO
CIVIC:	Judson Baptist Church, Fayetteville, NC Chairman of Trustees
AWARDS:	Outstanding Citizen of the Year – Raeford Kiwanis Club Legislator of the Year – NC Wildlife Federation Legislator of the Year – NC Chapter of the Sierra Club 1972 Outstanding Squadsman – Hoke County Rescue Squad
MILITARY:	North Carolina National Guard
POLITICAL EXPERIENCE:	1983 to 1-15-94 – NC House of Representatives 1976 – 1982 Hoke County Commissioner (elected in 1976 for first term and re-elected in 1980; served until resigning after winning the House election in 1982). 1976-1982 – Region N Council of Governments (served as Chairman)

JUL 1 4 2003

Shirley A. Bell
159 Pay Day Lane
Clayton, NC 27520
June 30, 2003

BRIEF RESUME

PERSONAL:

Native of Johnston County, NC
Graduate of the former Wm. M. Cooper High School, Clayton, NC
(#1 in graduating class)
Graduate of NC A&T State University, Greensboro, NC
(Chemistry-major; Mathematics-minor)

PROFESSIONAL:

Employed by state since January 25, 1965
Current positions with Dept. of Health & Human Services

1. Chemistry Supervisor - Public Health Lab (Environmental Sciences/Environmental Radiochemistry)
2. Radiochemistry Laboratory Certification Evaluator
3. Laboratory Radiation Safety Officer

BOARDS, COMMISSIONS AND COMMITTEES:

Member, State Employees Credit Union 1965-present
Governor's Committee for Recognition of State Employees 1992-present
(now State Employees' Committee for Recognition)
SECU Advisory Board (Salisbury Street Branch) 1993-1997
Teachers and State Employees Retirement Bd. of Trustees 1994-present
SECU Bd. of Directors 1999-present
Bd. of Directors, Trinity Place (An alternative home for at-risk youth) 1998-present
Active Member, New Trinity Missionary Baptist Church, Clayton, NC

STATE EMPLOYEES ASSOCIATION OF NORTH CAROLINA (SEANC)

Served in various positions at the district, regional and state level since 1983.
President October 1, 2001-September 30, 2002
Can provide you with all the other positions and recognitions received, if such information is needed.

Personal motto: An investment in knowledge pays the best dividends. (Author unknown)

JUL 14 2003

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2003

H 3

HOUSE BILL 150

Committee Substitute Favorable 4/16/03
Third Edition Engrossed 6/11/03

Short Title: Establish State Education Grants. (Public)

Sponsors:

Referred to:

March 3, 2003

A BILL TO BE ENTITLED

AN ACT TO PROVIDE CRITERIA FOR AWARDING STATE GRANTS TO STUDENTS ATTENDING CERTAIN ACCREDITED INSTITUTIONS OF HIGHER EDUCATION.

The General Assembly of North Carolina enacts:

SECTION 1. Part 5 of Article 1 of Chapter 116 of the General Statutes is amended by adding the following new section:

"**§ 116-43.5. State grants to aid eligible students attending certain private institutions of higher education; administrative procedure.**

(a) Definitions. – The following definitions apply in this section:

(1) "Institution" means a nonprofit educational institution with a main permanent campus located in this State that satisfies all of the following:

a. Is not owned or operated by the State of North Carolina or by an agency or political subdivision of the State or by any combination thereof.

b. Is accredited by the Southern Association of Colleges and Schools under the standards of the College Delegate Assembly of the Association.

c. Awards a postsecondary degree as defined in G.S. 116-15.

d. Its students are not eligible for a similar State grant under another State program.

(2) "Main permanent campus" means a campus that is owned by the institution that provides permanent on-premises housing, food services, and classrooms with full-time faculty members and administration that engage in postsecondary degree activity as defined in G.S. 116-15.

(3) "Student" means a person enrolled in and attending an institution located in the State (i) who qualifies as a resident of North Carolina in accordance with definitions of residency that may from time to time be adopted by the Board of Governors of The University of North Carolina and published in the residency manual of the Board, and (ii) who has not received a bachelors degree, or qualified therefor, and who is otherwise classified as an undergraduate under such regulations as the Board of Governors of The University of North Carolina may promulgate. Qualification for in-State tuition under G.S. 116-143.3 makes a person a "student" as defined in this subdivision.

(b) Eligibility. – A student is eligible for a State grant under this section for an academic year if the student is a full-time North Carolina undergraduate student attending an institution as defined by this section and is not eligible for a similar State grant under another State program for the same academic year.

(c) Administration. – The State grants provided for in this section shall be administered by the State Education Assistance Authority pursuant to rules adopted by the State Education Assistance Authority not inconsistent with this section. The State Education Assistance Authority shall pay the State grant to each student eligible under this section. The amount of the grant shall be determined by the General Assembly. The State grant shall be paid to a student only after the student completes the academic year. The grant shall be paid directly to the student on or after July 1 following the completion of the academic year. The State Education Assistance Authority shall not remit any grant until it receives proper certification from an institution that the student applying for the grant is an eligible student.

(d) Shortfall. – In the event there are not sufficient funds to provide each eligible student with a full grant: Each eligible student shall receive a pro rata share of funds then available for the appropriate academic year within the fiscal period covered by the current appropriation.

(e) Reversion. – Any remaining funds shall revert to the General Fund.

(f) A State grant authorized by this act shall be reduced by twenty-five percent (25%) for any individual student who has completed 140 semester credit hours or the equivalent of 140 semester credit hours.

(f1) The State Education Assistance Authority shall document the number of full-time equivalent North Carolina undergraduate students that are enrolled in private institutions and the State funds collected by students at each institution under this section. The State Education Assistance Authority shall report those findings to the Secretary of Administration, the House and Senate Appropriations Subcommittees on Education, and the Joint Legislative Education Oversight Committee.

(g) The State grant shall not be used for any student who:

(1) Is incarcerated in a State or federal correctional facility for committing a Class A, B, B1, or B2 felony; or

(2) Is incarcerated in a State or federal correctional facility for committing a Class C through I felony and is not eligible for parole or release within 10 years."

SECTION 2. This act becomes effective July 1, 2003, and applies to the 2003-2004 academic year and each year thereafter.

NORTH CAROLINA GENERAL ASSEMBLY

LEGISLATIVE FISCAL NOTE

BILL NUMBER: HB 150 (1st Edition)

SHORT TITLE: Amend Leg. Tuition Grants

SPONSOR(S): Representatives Owens and Stam

FISCAL IMPACT

Yes (x) **No ( )** **No Estimate Available ( )**

	FY 2003-04	FY 2004-05	FY 2005-06	FY 2006-07	FY 2007-08
REVENUES					
EXPENDITURES	$0	$450,000	$475,450	$503,500	$532,350
POSITIONS: (cumulative)	0	0	0	0	0

PRINCIPAL DEPARTMENT(S) & PROGRAM(S) AFFECTED: Legislative Tuition Grant Program

EFFECTIVE DATE: 2003-04 academic year, but not paid prior to July 1, 2004.

BILL SUMMARY: TO PROVIDE ALTERNATE CRITERIA FOR AWARDING LEGISLATIVE TUITION GRANTS TO STUDENTS ATTENDING ACCREDITED INSTITUTIONS OF HIGHER LEARNING. Adds new GS 116-25.1 to make legislative tuition grants available to certain institutions of religious instruction. Makes conforming changes to GS 116-21.3(d) and GS 116-21.4(b). Makes other technical changes. Effective July 1, 2003, and applies to the 2003-04 academic year and to each year thereafter.

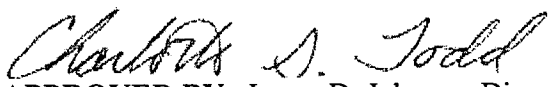
ASSUMPTIONS AND METHODOLOGY: Used existing full-time equivalent student data (FTE) for the students attending the two Bible colleges or seminaries that would become eligible under this bill and projected a cumulative 3% enrollment growth per year. In addition, started with the existing $1800 Legislative tuition grant and assumed a $50 annual increase which follows the most recent historical budget trends for this program.

SOURCES OF DATA: NC State Education Assistance Authority

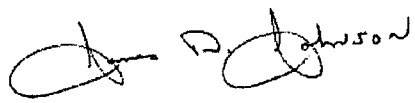
TECHNICAL CONSIDERATIONS: The students attending Roanoke Bible College and Southeastern Theological Seminary of Southeastern College have 45 and 205 full-time equivalent students, respectively, for this academic year.

FISCAL RESEARCH DIVISION: (919) 733-4910

PREPARED BY: Charlotte Todd



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



DATE: April 7, 2003

HOUSE BILL 150:
ESTABLISH STATE EDUCATION GRANTS

BILL ANALYSIS

Committee:	Senate Education/Higher Education	**Introduced by:**	Reps. Owens and Stam
Date:	July 16, 2003	**Summary by:**	Drupti Chauhan Committee Counsel
Version:	3rd Edition		

SUMMARY: ***House Bill 150 would allow eligible students at certain private colleges that award post-secondary degrees to receive the legislative tuition grants that are currently provided to eligible North Carolina undergraduate students attending private colleges in North Carolina. This bill would establish a different administrative procedure for the disbursement of the tuition grants to the undergraduate students attending some private colleges. The grants provided in this bill are titled "state grants".***

CURRENT LAW: Under the current law, North Carolina undergraduate students who attend private educational institutions that are seminaries, Bible schools, Bible colleges, or "other similar religious institutions" are not eligible to receive the legislative tuition grants that are granted to other North Carolina undergraduate students who attend private educational institutions in the State. Currently, the State provides $1800.00 for each North Carolina undergraduate student who meets the definition of student and attends an eligible institution. The State Education Assistance Authority distributes the money to the approved institutions which then credit the students' accounts in the amount of the grant.

BILL ANALYSIS: This bill would establish a different administrative procedure to provide tuition grants to eligible North Carolina undergraduate students who attend a private nonprofit educational institution that is not owned or operated by the State, is accredited by the Southern Association of Colleges and Schools, and awards a postsecondary degree as it is defined in G.S. 116-15. A student is eligible if the student is a full-time student attending the institutions defined in this bill.

The bill directs the State Education Assistance Authority (SEAA) to adopt rules to administer the tuition grants provided for in the bill. The SEAA is further directed to pay the tuition grants directly to the eligible students and the amount of the grant will be determined by the General Assembly. The tuition grant can be paid to the student only after he or she completes the academic year and the SEAA must receive proper certification from the institution that the student is eligible. The first disbursement of money would be in the second year of this biennium (July, 2004). The SEAA must document the number of full-time equivalent students that are enrolled in the private institutions and the amount of funds collected pursuant to this bill. The SEAA must report those findings to the Secretary of Administration, the House and Senate Appropriations Subcommittees on Education, and the Joint Legislative Education Oversight Committee.

BACKGROUND/CONSTITUTIONAL QUESTIONS: Because this bill provides for a different procedure and possibly a different program to distribute State money to eligible students attending educational institutions that are religious in nature, there could be some Constitutional issues concerning the First Amendment of the United States Constitution.

There have been a number of cases that have addressed similar issues but the factual situations in those cases have differed in some way from what is proposed in this bill. In *Smith v. Bd. Of Govs. of UNC,* 429 F. Supp. 871 (WDNC, 1977), aff'd without opinion, 98 S.Ct. 2337 (1978), the Court held that North

Carolina could send legislative tuition grants to Belmont Abbey College and Phieffer College, on the basis that State aid in the form of tuition grants served a secular purpose (ie: education). The Court determined that although these schools had a presence of religion in their curriculum, the inculcation of religion was not the primary purpose of their programs. Therefore even if the aid indirectly assisted a school with a religious affiliation, that alone was not sufficient to invalidate the aid on First Amendment grounds. A couple of United States Supreme Court cases have also allowed State money to flow to religious schools. In *Witters v. Washington Dept. of Services for the Blind,* 106 S. Ct. 748 (1986), a state grant of assistance that went directly to the students who then in turn applied it to their accounts at their institutions was deemed to not be in violation of the First Amendment because the aid went to the private religious schools as a result of the independent and private choice of the student. State programs that are entirely neutral in offering education without reference to religion do not violate the First Amendment according to the Court in *Witters.* The Supreme Court came to a similar conclusion recently in *Zelman v. Harris,* 122 S. Ct. 2460 (2002) where it upheld the Ohio school voucher program because the voucher program itself was designed to be neutral and provided assistance directly to students who then take the money and direct it towards the schools of their choice, either religious or non-religious.

Furthermore, it should be noted that a Court would probably also consider whether a particular statute complies with the First Amendment by examining whether the law has a secular purpose. A state program designed specifically for the disbursement of money to religious schools may not withstand that scrutiny. Even placing the state grant program provided for in this bill under the larger umbrella of the legislative tuition grant program could still be viewed by a Court as an attempt to subvert State money to schools that are religious in nature and circumvent the First Amendment.

It should also be noted that federal aid (such as Pell Grants) currently does go to religiously oriented schools such as Bible colleges and that aid is distributed to the schools in the students' names.

EFFECTIVE DATE: This act becomes effective July 1, 2003 and applies to the 2003-2004 academic year and each year thereafter.

VISITOR REGISTRATION SHEET

Senate Education/Higher Education — **July 16, 2003**
Name of Committee — **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Patricia A. Yancey	ACLU
Ben Lane	Retirement Systems
Pam Deardorff	Retirement
Shirley A. Bell	DHHS/ Retirement Bd. of Trustees
Shirley E. Harris	Retirement Bd. of Trustees
Dan Dalton	NCDOT
Dana Stam	Rep. Stam
Steve Prescott	Southeastern College at Wake Forest
Sante Piracci	Sen. Kinnaird
Chad Essick	Edmisten + Webb
Jennifer Allen	Edmisten + Webb

VISITOR REGISTRATION SHEET

Senate Education/Higher Education — **July 16, 2003**
Name of Committee — **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Allison Summerville	NCGA Intern
Adam Rodener	NCASA
ANN LOVE	DHHS
Suzanne Williams	NCCCS
[illegible]	VIF
[illegible]	NCICU
Hal Miller	NCACCT
John Cyrus	NC State Grange
James McEachern	NCFPC
Brooke Everley	NCFPC
[illegible]	NCPA

AGENDA

Senate Education/Higher Education Committee

Friday, July 18, 2003
2:00 p.m., Room 643

Senator Steve Metcalf, Presiding

Welcome
Senator Metcalf

- Consideration of Nominees to the
  State Board of Community Colleges

Adjournment

SENATE EDUCATION/HIGHER EDUCATION COMMITTEE

Friday, July 18, 2003
2:00 p.m.

Room 643 Legislative Office Building

Minutes

The Senate Education/Higher Education met Friday, July 18, 2003 at2:00 p.m. in Room 643 of the Legislative Office Building. Senator Steve Metcalf, Presiding Chair, called the meeting to order with nineteen members present.

Senator Metcalf introduced the pages, Timmy Hunter, Broadway, sponsored by Senator Blake and Shandrea Walden, Greensboro, sponsored by President Pro Tempore Basnight.

Senator Metcalf stated that the purpose of this meeting is to consider and recommend nominees for two vacancies on the State Board of Community Colleges.

Senator Rand introduced Dr. Linwood Warren Powell. Senator Metcalf introduced Ms. Anne-Marie Knighton.

Senator Malone moved that Dr. Linwood Warren Powell and Ms. Anne-Marie Knighton be the nominees to the full Senate for election for membership to a six-year term on the State Board of Community Colleges. The motion passed by unanimous voice vote.

The meeting was adjourned at 2:25 p.m.

Senator Steve Metcalf, Presiding Chair.

Joyce Crews Hodge, Committee Assistant

SENATE EDUCATION/HIGHER EDUCATION COMMITTEE

2003-2004 Biennium

Senator Jeanne Lucas, Co-Chair
Room 300-G, LOB
Raleigh, NC
(919) 733-4599

Senator Steve Metcalf, Co-Chair
Room 300-B, LOB
Raleigh, NC 27601-2808
919) 733-7850

Senator John Garwood, Co-Chair
Room 1118, LB
Raleigh, NC 27601-2808
(919) 733-5742

July 18, 2003

MEMORANDUM

TO: Members of the Senate

FROM: Senator Jeanne Lucas, Co-Chair,
Senator Steve Metcalf, Co-Chair
Senator John Garwood, Co-Chair
Education/Higher Education Committee

RE: The State Board of Community Colleges Election

The Senate Committee on Education/Higher Education nominates the following individuals for election by the Senate for membership to a six-year term, beginning July 1, 2003, on the State Board of Community Colleges:

Dr. Linwood Warren Powell
Anne-Marie Knighton

No additional nominations shall be received from the floor.

Jeanne H. Lucas, Co-chair
Education/Higher Education Committee

Steve Metcalf, Co-chair
Education/Higher Education Committee

SENATE EDUCATION/HIGHER EDUCATION COMMITTEE

2003-2004 Biennium

Senator Jeanne Lucas, Co-Chair
Room 300-G, LOB
Raleigh, NC
(919) 733-4599

Senator Steve Metcalf, Co-Chair
Room 300-B, LOB
Raleigh, NC 27601-2808
919) 733-7850

Senator John Garwood, Co-Chair
Room 1118, LB
Raleigh, NC 27601-2808
(919) 733-5742

July 18, 2003

MEMORANDUM

TO: Members of the Senate

FROM: Senator Jeanne Lucas, Co-Chair,
Senator Steve Metcalf, Co-Chair
Senator John Garwood, Co-Chair
Education/Higher Education Committee

RE: The State Board of Community Colleges Election

The Senate Committee on Education/Higher Education nominates the following individuals for election by the Senate for membership to a six-year term, beginning July 1,2003, on the State Board of Community colleges:

Anne-Marie Knighton
Dr. Linwood Warren Powell

No additional nominations shall be received from the floor.

Anne-Marie Knighton
210 Blair Court
Edenton, NC 27932
anne-marie.knighton@ncmail.net
w 252-482-7352
h 252-482-3698

Experience:

Town Manager, Town of Edenton, NC. Direct the day-to-day operations of a full service municipality (population 5,394, $13M annual budget). Oversee Police, Fire, Sanitation, Streets, Water, Sewer, Electric, Airport, Planning and Finance Departments. 70 full-time employees. Serve as ex-officio member of the Edenton-Chowan Economic Development Corporation, Chowan County Tourism Board and the Chamber of Commerce. Work extensively with business and industry, helping to facilitate a positive business climate for local companies to prosper and grow. (June 1988 to present)

Assistant Town Administrator: South Brunswick Township, NJ. Assisted in directing the operations of the township (population 23,000, $25M annual budget). Coordinated activities of various departments, including Engineering, Public Works, Planning and Code Enforcement. Assisted in development of annual budget. Assisted in labor negotiations, served as public information officer. (November 1984 – May 1988)

Assistant to the Vice President of Applied Research, Public Technology, Inc., Washington, DC. Assisted in research to local governments in areas of community and economic development, energy, human services and transportation. (May 1982 – September 1983)

Education:

Masters Degree of Public Administration. American University, Washington, DC. May 1984.

Bachelor Degree, Political Science. American University, Washington, DC. May 1983

University of London, England. Seminars in British urban affairs. Fall 1981

Affiliations

Secretary-Treasurer, North Carolina Municipal Power Agency Board of Commissioners
Member, Edenton Business & Professional Women Club

LINWOOD WARREN POWELL
6032 IVERLEIGH CIRCLE
FAYETTEVILLE, NC 28311
TELEPHONE: (910) 488-1616 or (910) 273-7178

RESUME

NAME: **Linwood Warren Powell**

DATE OF BIRTH: **August 2, 1933**

PLACE OF BIRTH: **Lawrenceville, Virginia**

FAMILY: **Married - 1957 Wife - Shervie Boseman Powell**
Two children - Son and Daughter and Four Grand Boys

EDUCATION: **Lawrenceville High School**
Lawrenceville, Virginia
Graduated - 1951

Campbell University
Buies Creek, NC
B. S. Degree, Social Science - 1966

N. C. State University
Raleigh, NC
M. Ed. Counseling - 1968

Nova Southern University
Fort Lauderdale, FL
Ed. D. - Community College & Higher Education - 1979

MILITARY SERVICE: **U. S. Air Force 1952-1972 Honorable Discharge**

WORK EXPERIENCE:

1952-1962	U. S. Air Force Security Service
1963-1970	U. S. Air Force Leadership Academy Instructor
1970-1972	Commandant, USAF Leadership Academy
1972-1973	Education Advisor, Department of US Army
1973-1974	Education Director, Cape Fear Hospital System
1974-2003	Fayetteville Technical Community College

- Supervisor of Continuing Education
- Dean of Continuing Education
- Dean of Instruction (Off-Campus)
- Dean of Occupational Education
- Administrative Assistant to the President
- Vice President for Administrative Services
- Interim President

COMMUNITY ACTIVITIES: Church member - Peace Presbyterian Church, Fayetteville, NC

Serve on various committees

RETIRED: July 1, 2003

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2003

S D

SENATE JOINT RESOLUTION 416
PROPOSED COMMITTEE SUBSTITUTE S416-CSSF-3 [v.1]

3/18/2003 8:39:15 AM

Sponsors:

Referred to:

March 17, 2003

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

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

SECTION 1. Pursuant to G.S. 115D-2.1(b)(4)f., the Senate and the House of Representatives shall elect members to the State Board of Community Colleges during the regular sessions of the two chambers to be held on Thursday, May 15, 2003. At that time the Senate shall elect two members to the State Board for a term of six years beginning July 1, 2003. The House of Representatives also shall elect two members to the State Board for a term of six years beginning July 1, 2003.

SECTION 2. Each chamber shall follow the procedure set out in G.S. 115D-2.1 for the nomination and election of members of the State Board.

SECTION 3. This resolution is effective upon ratification.

SENATE JOINT RESOLUTION 416:
Set date for State Bd. Of Comm. Coll. Election

BILL ANALYSIS

Committee:	Senate Ed/Higher Ed	**Introduced by:**	Senator Lucas
Date:	March 19, 2003	**Summary by:**	Shirley Iorio
Version:	PCS to First Ed. S416-CSSF-3[v.1]		Committee Staff

SUMMARY: ***The Proposed Committee Substitute for Senate Joint Resolution 416 would set May 15, 2003 as the common date when the Senate and House of Representatives will elect members to the State Board of Community Colleges during the regular session of the two chambers.***

The PCS changes the date of the election from April 10, 2003 to May 15, 2003.

The resolution would be effective upon ratification.

CURRENT LAW: G.S. 115D-2.1 establishes the State Board of Community Colleges and describes the process by which the Senate and the House of Representatives shall consider nominees for election to the State Board.

Twenty-one members serve on the State Board of Community Colleges in staggered six-year terms:

- The Lieutenant Governor (or designee) – ex officio
- The Treasurer of North Carolina – ex officio
- Governor's appointments – four from the State at-large and one from each of the six Trustee Association Regions defined in G.S. 115D-62 (attached)
- Senate – four from the State at-large
- House of Representatives – four from the State at-large
- Student – the person serving as president of the North Carolina Comprehensive Community College Student Government Association – ex officio

Members may not serve more than two consecutive terms of six years on the State Board.

§ 115D-62. Trustee Association Regions.

The State is divided into six Trustee Association Regions as follows:

Region 1: The counties of Buncombe, Cherokee, Clay, Cleveland, Gaston, Graham, Haywood, Henderson, Jackson, Lincoln, Macon, Madison, McDowell, Polk, Rutherford, Swain, and Transylvania.

Region 2: The counties of Alexander, Alleghany, Ashe, Avery, Burke, Cabarrus, Caldwell, Catawba, Iredell, Mitchell, Rowan, Surry, Watauga, Wilkes, Yadkin, and Yancey.

Region 3: The counties of Alamance, Davidson, Caswell, Davie, Durham, Forsyth, Franklin, Granville, Guilford, Orange, Person, Randolph, Rockingham, Stokes, Vance, Warren, and Wake.

Region 4: The counties of Anson, Chatham, Cumberland, Harnett, Hoke, Johnston, Lee, Mecklenburg, Montgomery, Moore, Richmond, Robeson, Scotland, Stanly, and Union.

Region 5: The counties of Bladen, Brunswick, Carteret, Craven, Columbus, Duplin, Greene, Jones, Lenoir, New Hanover, Onslow, Pamlico, Pender, Sampson, and Wayne.

Region 6: The counties of Beaufort, Bertie, Camden, Chowan, Currituck, Dare, Edgecombe, Gates, Halifax, Hertford, Hyde, Martin, Nash, Northampton, Pasquotank, Perquimans, Pitt, Tyrrell, Washington, and Wilson. (1979, c. 896, s. 9; 1993, c. 69, s. 1.)

§ 115D-2.1. State Board of Community Colleges.

(a) The State Board of Community Colleges is established.

(b) The State Board of Community Colleges shall consist of 21 members, as follows:

(1) The Lieutenant Governor (or a person designated by the Lieutenant Governor) shall be a member ex officio.

(2) The Treasurer of North Carolina shall be a member ex officio.

(3) The Governor shall appoint to the State Board four members from the State at large and one member from each of the six Trustee Association Regions defined in G.S. 115D-62. The initial appointments by the Governor shall be made effective July 1, 1980, or as soon as feasible thereafter. In order to establish regularly overlapping terms, the initial appointments by the Governor shall be made so that three expire June 30, 1981, three expire June 30, 1983, and four expire June 30, 1985. Each subsequent regular appointment by the Governor shall be for a term of six years and until a successor is appointed and qualifies. Any vacancy occurring among his appointees before the expiration of term shall be filled by appointment of the Governor; the member so appointed shall meet the same residential qualification, if any, as the member whom he succeeds and shall serve for the remainder of the unexpired term of that member.

(4) The General Assembly shall elect eight members of the State Board from the State at large in the following manner:

a. In 1980, the Senate shall elect three members, one of whom shall serve a term expiring June 30, 1981, one of whom shall serve a term expiring June 30, 1983, and one of whom shall serve a term expiring June 30, 1985. In 1985, the Senate shall elect two members to serve terms expiring June 30, 1991. Each subsequent regular election by the Senate shall be for a term of six years and until a successor is elected and qualifies.

b. In 1980, the House of Representatives shall elect four members, one of whom shall serve a term expiring June 30, 1981, one of whom shall serve a term expiring June 30, 1983, and two of whom shall serve a term expiring June 30, 1985. In 1985, the House of Representatives shall elect two members, to serve terms expiring June 30, 1991. Each subsequent regular election by the House of Representatives shall be for a term of six years and until a successor is elected and qualifies.

c. Repealed by Session Laws 1985, c. 227, s. 5.

d. The initial elections by the two houses of the General Assembly shall be held on or before July 1, 1980.

e. Any vacancy occurring among the members elected by the two houses of the General Assembly before the expiration of term

shall be filled when the General Assembly next convenes. The member then elected shall be elected by the same house that elected the member whom he succeeds, and shall serve for the remainder of the unexpired term of that member.

f. At each session of the General Assembly held in an odd-numbered year, the Speaker of the House of Representatives and the President Pro Tempore of the Senate shall assign to either a standing or a special committee of that house the duty of receiving from the members of that house nominations of persons to be considered by that house for election to the State Board. The chairmen of the two committees shall jointly determine a common final date for receiving nominations from members of that house, and a common date for reporting to their respective houses their nominations for the State Board. Each committee shall screen the proposed candidates for nomination as to their qualifications, background, lack of statutory disabilities, and willingness and ability to serve if elected. Each Senator and each Representative may nominate only one candidate. When the nominating process is closed, each committee shall list all candidates and shall separately vote "aye" or "no" on each candidate to determine whether that person shall be listed as a nominee of the committee. The verbal vote of a majority of those members of the committee present and voting shall constitute one nominee of the committee. An individual cannot be a candidate for nomination to more than one place. If a sufficient number of candidates is submitted to each committee, then each committee shall nominate at least two persons for each place to be filled by that chamber, otherwise each committee shall nominate at least one person for each place to be filled by each of the House of Representatives and the Senate. No person may simultaneously be a candidate for election by both houses, and if one is nominated in both houses, he shall determine by which house he shall be nominated and so advise the chairman of both committees. The two houses shall, by joint resolution, fix a common date and time for the election of members of the State Board. At the election session in each house, the committee shall report its list of nominees with the term of office indicated for each nominee. The ballot in the House of Representatives shall also include the names of all other persons nominated by a member of that house who are determined by the committee to be qualified for the offices, with the committee's list of nominees being clearly set out on the ballot. No additional nominations shall be received from the floor. Each house shall then proceed to

an election of the State Board. In order to be chosen, a nominee shall receive the votes of a majority of all members present and voting.

When each house has chosen one person for each place to be filled on the State Board, the chairman of the committee shall make a motion for the simultaneous election of those persons by that house to the indicated positions and for the indicated terms. The vote shall then be called electronically. If a majority of those voting shall vote "aye," persons named in the motion shall be declared to have been elected. Each house may adopt rules consistent with this section with respect to the election by that house of members of the State Board.

(5) The person serving as president of the North Carolina Comprehensive Community College Student Government Association shall be an ex officio member of the State Board. If the president of the Association is unable for any reason to serve as the student member of the State Board, then pursuant to the constitution of the Association, the vice-president of the Association shall serve as the student member of the State Board. Any person serving as the student member of the State Board must be a student in good standing at a North Carolina community college. The student member of the State Board shall have all the rights and privileges of membership, except that the student member shall not have a vote.

(c) No person may be appointed or elected to more than two consecutive terms of six years on the State Board.

(d) No member of the General Assembly, no officer or employee of the State, and no officer or employee of an institution under the jurisdiction of the State Board and no spouse of any of those persons, shall be eligible to serve on the State Board. Furthermore, no person who within the prior five years has been an employee of the Community Colleges System Office shall be eligible to serve on the State Board.

(e) The Governor shall convene the membership of the State Board on July 1, 1980, or as soon as feasible thereafter. The State Board at that meeting shall elect from its appointed or elected membership a chairman and such other officers as it may deem necessary.

(f) At its first meeting after July 1, 1981, and every two years thereafter, the State Board shall elect from its membership a chairman and such other officers as it may deem necessary.

(g) The State Board of Community Colleges shall meet at stated times established by the State Board, but not less frequently than 10 times a year. The State Board of Community Colleges shall also meet with the State Board of Education and the Board of Governors of The University of North Carolina at least once a year to discuss educational matters of mutual interest and to recommend to the General Assembly such policies as are appropriate to encourage the improvement of public education at every level in this

State; these joint meetings shall be hosted by the three Boards according to the schedule set out in G.S. 115C-11(b1). Special meetings of the State Board may be set at any regular meeting or may be called by the chairman. A majority of the qualified members of the State Board shall constitute a quorum for the transaction of business.

(h) Whenever any vacancy shall occur in the appointed membership of the State Board, the chairman shall inform the appropriate appointing authority of the vacancy.

(i) The State Board of Community Colleges may declare vacant the office of an appointed or elected member who does not attend three consecutive scheduled meetings without justifiable excuse. The chairman of the State Board shall notify the appropriate appointing or electing authority of any vacancy. (1979, c. 896, s. 2; 1979, 2nd Sess., c. 1130, s. 5; 1981, c. 47, s. 8; c. 474; 1983, c. 311; c. 479, ss. 1-3; 1985, c. 227, ss. 1-5; c. 428; 1987 (Reg. Sess., 1988), c. 1102, s. 2; 1991, c. 83, s. 1; 1993, c. 69, s. 2; 1995, c. 192, s. 1; c. 470, ss. 3, 4; 1997-456, ss. 18, 19; 1999-61, ss. 1, 2; 1999-84, s. 7.)

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2003

S 1

SENATE JOINT RESOLUTION 416

Sponsors: Senators Lucas, Garwood, and Metcalf.

Referred to: Education/Higher Education.

March 17, 2003

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

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

SECTION 1. Pursuant to G.S. 115D-2.1(b)(4)f., the Senate and the House of Representatives shall elect members to the State Board of Community Colleges during the regular sessions of the two chambers to be held on Thursday, April 10, 2003. At that time the Senate shall elect two members to the State Board for a term of six years beginning July 1, 2003. The House of Representatives also shall elect two members to the State Board for a term of six years beginning July 1, 2003.

SECTION 2. Each chamber shall follow the procedure set out in G.S. 115D-2.1 for the nomination and election of members of the State Board.

SECTION 3. This resolution is effective upon ratification.

Senate Committee on Education/Higher Education
2004
Membership

Senator Jeanne Lucas, Co-Chair
Room 300-G
733-4599

Senator David Hoyle
Room 300-A
733-5734

Senator Tom Apodaca
Room 119
733-5745*-

Senator Walter Dalton
Room 523
715-3038

Senator Jim Forrester
Room 1129
715-3050

Senator Ralph Hunt
Room 522
715-3032

Senator Fletcher Hartsell
Room 518
733-7223

Senator Vernon Malone
Room 2113
733-5880

Senator Bill Purcell
Room 625
733-5953

Senator Fern Shubert
Room 1414
733-7659

Senator Scott Thomas
Room 300-D
715-8363

Senator A.B. Swindell, Co- Chair
Room 629
715-3030

Senator Hamilton Horton, Vice Chair
Room 1117
733-7850

Senator Stan Bingham
Room 2117
733-5665

Senator Charlie Dannelly
Room 2010
733-5955

Senator Virginia Foxx
Room 1120
733-5743

Senator Kay Hagan
Room 410
733-5856

Senator Robert Holloman
Room 522
715-3032

Senator Tony Moore
Room 622
733-6275

Senator Tony Rand
Room 300-C
733-9892

Senator Fred Smith
Room 520
733-5748

Senator Jerry Tillman
Room 628
733-5870

Senator John Garwood,
Co-Chair
Room 1118
733-5742

Senator Austin Allran
Ranking Minority Member
Room 516
733-5876

Senator Harris Blake
Room 519
733-4809

Senator Katie Dorsett
Room 2106
715-3042

Senator Linda Garrou
Room 627
733-5620

Senator Cecil Hargett
Room 620
715-3034

Senator Clark Jenkins
Room 409
715-3040

Senator Martin Nesbitt
Room 300 B
715-3001

Senator Bob Rucho
Room 1113
733-5650

Senator Richard Stevens
Room 515
733-5653

STAFF: 733-2578
Robin Johnson
Shirley Iorio; Sara Kamprath
Dee Atkinson; Drupti Chauhan

Joyce Hodge Committee Assistant, 715-3042

SENATE EDUCATION/HIGHER EDUCATION COMMITTEE

Monday, June 21, 2004
6:00 p
Room 1027, Legislative Building

Minutes

The Senate Education/Higher Education Committee met, Monday, June 21, 2004 at 6:00 p.m. in Room 1027 of the Legislative Building. Senator Garwood called the meeting to order, with 24 members present.

Senator Garwood recognized Senator Lucas to explain House Bill 1136, "Job-Sharing Permitted for Media Coordinators." Senator Lucas presented and moved that the Committee accept the Proposed Committee Substitute. The motion carried by voice vote. Senator Lucas stated that Committee Substitute authorizes the Board of Governors of the University of North Carolina to establish the William Friday Institute for Higher Education Leadership. The Board of Governors of the University of North Carolina shall also establish an Advisory Board for the Institute. Senator Horton moved a favorable report for the Proposed Committee Substitute and an unfavorable report as to the original bill. The motion carried by unanimous voice vote.

Senator Garwood relinquished the Chair to Senator Lucas. Senator Lucas stated that Representative Jean Preston is present to explain two study bills. Representative Preston explained House Bill 1155, "State Board of Education study Alternative Learning Program Funding" and House Bill 1456, State Board of Education Study Use of At-Risk Funds." She stated that these studies would require no additional funding. Senator Moore moved a favorable report for House Bill 1455. The motion carried by unanimous voice vote. Senator Nesbitt moved a favorable report for House Bill 1456. The motion carried by voice vote.

Senator Lucas stated that no vote will be taken on House Bill 303 and recognized Rep. Bell to explain House Bill 303, "Healthy, Active Children in Grades K-8." He stated that this bill deals with healthy active children. In a brief summary, he stated that this legislation would require local boards of education to ensure that all students in Kindergarten through grade eight participate in at least 150 minutes of physical activity each school week. That is equivalent to 30 minutes per day. Senator Swindell moved to amend the bill on page 3 Section 6 by rewriting to read "School year beginning with the 2004-2005 school year. The Committee adopted the amendment by voice vote. The Chair opened the floor for discussion by the Committee. Senator Purcell thanked Representative Bell for bringing the legislation to the committee. Senator Horton asked if the local boards would be responsible to implement this program.

Linda Suggs, State Board of Education and Kim Bower, Physical Education Consultant, Department of Public Instruction was also present to comment on the bill and answers questions from the Committee.

The Chair thanked everyone for attending being patient. She stated that the Committee would meet again after the Budget is completed. The meeting was adjourned.

Jeanne H. Lucas,
Presiding Chair

Joyce Crews Hodge,
Committee Assistant

NORTH CAROLINA GENERAL ASSEMBLY
SENATE

EDUCATION/HIGHER EDUCATION COMMITTEE REPORT

Senator Jeanne Hopkins Lucas, Co-Chair
Senator A. B. Swindell, Co-Chair
Senator John A. Garwood, Co-Chair

Monday, June 21, 2004

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

FAVORABLE

H.B. **1455** SBE Study ALP Funding.
Sequential Referral: None
Recommended Referral: None

H.B.(CS#1) **1456** SBE Study Use of At-Risk Funds.
Sequential Referral: None
Recommended Referral: None

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

H.B.(CS # 1) **1136** Job-Sharing Permitted for Media Coordinators.
Draft Number: PCS80466
Sequential Referral: None
Recommended Referral: None
Long Title Amended: No

TOTAL REPORTED: 3

Committee Clerk Comments:

Senate Education/Higher Education Committee

Monday, June 21, 2004
6:00 p.m.
Room 1027

AGENDA

Senator Jeanne Lucas, Presiding

Welcome and Opening Remarks — **Senator Lucas**

Introduction of Pages

Bills

HB 1136	Job-Sharing Permitted for Media Coordinators.	Representative Bordsen Representative McLawhorn
SB 1058	UNC & Comm. Coll. Tuition/Military Students.	Senator Rand
HB 1455	SBE Study ALP Funding.	Representative Warner Representative Preston
HB 1456	SBE Study Use of At-Risk Funds.	Representative Warner Representative Preston
HB 303	Healthy, Active Children In Grades K-8.	Representative Bell

Presentations

Other Business

Adjournment

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2003

H D

HOUSE BILL 1136

Committee Substitute Favorable 4/24/03

PROPOSED SENATE COMMITTEE SUBSTITUTE H1136-PCS80466-LG-34

Short Title: Bill Friday Leadership Development Institute. (Public)

Sponsors:

Referred to:

April 10, 2003

A BILL TO BE ENTITLED

AN ACT TO ESTABLISH THE WILLIAM FRIDAY INSTITUTE FOR LEADERSHIP DEVELOPMENT.

Whereas, there is a serious and continuing need for systematic education and training within The University of North Carolina to prepare men and women to perform effectively in progressively responsible positions of administrative leadership in colleges and universities in North Carolina and the nation; and

Whereas, the Board of Governors of The University of North Carolina (UNC) and the staff in the Office of the President are in agreement that The University of North Carolina must provide a mechanism by which talented faculty and staff within the UNC system can move into administrative positions; and

Whereas, a significant component of increasing the strength of The University of North Carolina is increasing the administrative acumen of its faculty, department chairs, deans, and other administrators to prepare them for leadership positions; and

Whereas, historically, academic administrators moved into their positions directly from the faculty, but the complexities of leadership make such changes nearly impossible today; and

Whereas, business and industry focus on succession planning, climate surveys, and leadership development, but universities have been slower to respond to the need to develop talent within the organization; and

Whereas, some universities have developed leadership programs, and the best of these programs nationally are those that are responsive to the culture of the institution or system; and

Whereas, establishing an institute for higher education leadership development will help change the current pattern within the UNC system by providing

ongoing professional development for faculty and administrators on UNC campuses; and

Whereas, faculty and administrators will have opportunities to learn "best practices" from their colleagues as well as from national experts in key areas, and models will be provided that can be transferred back to the campuses; and

Whereas, administrative internships on campuses and at the Office of the President will provide aspiring administrators opportunities to experience new environments and to learn leadership skills through observation and participation; and

Whereas, it is critical that The University of North Carolina provide opportunities for faculty within the system to advance professionally without having to leave North Carolina; Now, therefore,

The General Assembly of North Carolina enacts:

SECTION 1. The Board of Governors of The University of North Carolina shall establish the William Friday Institute for Higher Education Leadership (the "Institute"). The Board of Governors of The University of North Carolina shall also establish an advisory board for the Institute.

SECTION 2. The purpose of the Institute is to enable students, faculty, and administrators on the campuses of The University of North Carolina to explore and validate their interest in and fitness for careers in academic administration and to gain skills, insight, information, contacts, and experience through ongoing professional leadership development programs.

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

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2003

H 2

HOUSE BILL 1136
Committee Substitute Favorable 4/24/03

Short Title: Job Sharing Permitted for Media Coordinators. (Public)

Sponsors:

Referred to:

April 10, 2003

A BILL TO BE ENTITLED

AN ACT TO FACILITATE JOB SHARING BY MEDIA COORDINATORS IN THE PUBLIC SCHOOLS.

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.**

(a) The General Assembly finds that there is a shortage of qualified ~~classroom~~ teachers available in certain areas of certification, grade levels, and geographical areas of the State. The elimination of administrative and fiscal limitations on job-sharing arrangements would make teaching an attractive option for well-qualified ~~classroom~~ teachers who do not wish to work full time.

(b) A ~~"classroom teacher"~~"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;~~instruction or work within the employee's area of certification; 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 includes media coordinators. The term does not include other certified instructional support personnel or certified school services personnel such as guidance counselors, ~~media coordinators,~~ psychologists, social workers, audiologists, speech and language pathologists, and nurses.

(c) The State Board of Education shall adopt rules to facilitate job sharing by ~~classroom~~ teachers. These rules shall provide that a ~~classroom~~ teacher in a job-sharing

position shall receive paid legal holidays, annual vacation leave, sick leave, and personal leave on a pro rata basis. Such a teacher shall also receive service credit under the Teachers' and State Employees' Retirement System as provided in G.S. 135-4(b) and insurance benefits as provided in Article 3 of Chapter 135 of the General Statutes."

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

"(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, ~~librarian,~~ media coordinator, 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, 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 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) 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

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

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.	

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

HOUSE BILL 1455:
SBE Study ALP Funding

BILL ANALYSIS

Committee:	Senate Education/Higher Education	**Introduced by:**	Reps. Preston and Warner
Date:	June 21, 2004	**Summary by:**	Shirley Iorio, Ph D Committee Analyst
Version:	First Edition		

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.***

The act would become effective when it becomes law.

BILL ANALYSIS: The bill would require 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 or alternative school.

The SBE should consider existing funding formulas used for students with disabilities, academically or intellectually gifted students, and students with limited English proficiency, and use those formulas as a basis for developing the funding formula. The SBE would be 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 $178.5 million dollars is allotted for At-Risk Student Services/Alternative Schools and LEAs may use these funds for alternative learning programs required by G.S. 115C-47(32a).

Drupti Chauhan, Committee Counsel, contributed significantly to this summary.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2003

H 2

HOUSE BILL 1456

Committee Substitute Favorable 5/26/04

Short Title: SBE Study Use of At-Risk Funds. (Public)

Sponsors:

Referred to:

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 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:	Senate Education/Higher Education	**Introduced by:**	Reps. Preston and Warner
		Summary by:	Shirley Iorio, Ph D Committee Analyst
Date:	June 21, 2004		
Version:	Second Edition		

SUMMARY: ***House Bill 1456 would direct 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 would become effective when it becomes law.

BACKGROUND: G.S. 115C-25 (b)(9) restricts the use of funds allocated in the Alternative Schools/At-Risk Student allotment to alternative learning programs, at-risk students, and school safety programs. This allotment can be used for such things as identifying students who are at-risk of dropping out and providing special instructional programs for them, funding summer school instruction and transportation, remediation, alcohol and drug prevention, early intervention, safe schools and school resource officers, and preschool screening. Funds cannot 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.

Sara Kamprath, Committee Analyst, contributed significantly to this summary.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2003

H 3

HOUSE BILL 303

Committee Substitute Favorable 4/9/03

Third Edition Engrossed 4/28/03

Short Title: Healthy, Active Children in Grades K-8. (Public)

Sponsors:

Referred to:

March 6, 2003

A BILL TO BE ENTITLED

AN ACT TO PROMOTE HEALTHY, ACTIVE CHILDREN IN KINDERGARTEN THROUGH EIGHTH GRADE.

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 children in kindergarten through eighth grade participate in physical activity at least 150 minutes a week;

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

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

(5) A program of remedial education;

(6) Required support programs;

(7) A definition of the instructional day;

(8) Class size recommendations and requirements;

(9) Prescribed staffing allotment ratios;

(10) Material and equipment allotment ratios;

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

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

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

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 Activity. – It is the duty of each local board of education to ensure that all students in kindergarten through eighth grade participate in a physical activity program for at least 150 minutes each school week. 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 activity 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

k. 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 activity requirement. Suitably adapted physical

activity 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 activity."

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

HOUSE BILL 303:
Healthy, Active Children in Grades K-8

BILL ANALYSIS

Committee:	Senate Education/Higher Education	**Introduced by:**	Representative Bell
		Summary by:	Drupti Chauhan* Committee Staff
Date:	June 21, 2004		
Version:	Third Edition		

SUMMARY: ***House Bill 303 would require local boards of education to ensure that all students in kindergarten through eighth grade participate in at least 150 minutes of physical activity each school week.***

The bill specifies that the physical activity program shall consist of physical exertion of at least a moderate intensity level and for duration sufficient to provide a significant health benefit to students. The bill also specifies the components of the required physical activity program.

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."

BILL ANALYSIS: House Bill 303 adds a duty to local boards of education. Local boards must ensure that students in kindergarten through eighth grade participate for at least 150 minutes each school week in physical activity of sufficient duration and intensity to provide a significant benefit to the student. During this activity, students must learn, practice and be assessed on developmentally appropriate motor skills, social skills, and knowledge.

Local boards are required to establish specific learning goals and objectives for the program based on the North Carolina Healthful Living Curriculum, and the program must include certain specified components.

Students would not be permitted to waive or substitute other classes for the physical activity requirement. Suitably adapted physical activity would have to be provided for students with special needs, health problems or disabling conditions that prevent them from participating in regular physical activity.

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 program[1], 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 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 model[2] 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;

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[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.

[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_demos2001.html.

- 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.

*Dr. Shirley Iorio, Committee Analyst, significantly contributed to this summary
H303-SMRQ-001

Approved

NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
House Bill 303

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

H303-ARQ-43 [v.1]

Date _____,2004

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

Senator _____

moves to amend the bill on page 3, line 6 by rewriting the line to read:
"school years beginning with the 2004-2005 school year.".

SIGNED _____
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED _____ FAILED _____ TABLED _____

303 Attachment

Heart Alert

CALL♥ TO ♥ ACTION ♥ FOR ♥ NORTH CAROLINA ♥ HEART ♥ HEALTH

Physical Activity in Schools

June 21, 2004

Promote Healthy Active Children in Kindergarten through Eighth Grade

Vote in support of House Bill 303

HB 303 is an act to promote Healthy Active Children by requiring that children in K-8 participate in daily physical activity at least 30 minutes each school day.

- House Bill 303 will allow our children to become more physically active thus providing a much-needed outlet for energy and tension, and fosters leadership, independence, confidence and socialization.
- Regular physical activity can prevent many health problems including heart disease, stroke, colon cancer, diabetes and high blood pressure.
- The costs of physical inactivity in North Carolina are over $6.2 billion each year.
- In N.C., less than 50% of middle and high school students attended PE class daily, with the exception of 9th grade where 59% of students attended daily PE classes.
- A Cardiovascular Health in Children study at UNC revealed NC children were 2-3 times more likely to be obese than other kids in the country.
- Schools that offer intensive physical activity programs see positive effects on academic achievement.
- A recent study of 3, 5, 7, and 9th grade levels revealed a direct correlation between physical fitness levels and reading and math scores. The higher the fitness levels the higher the reading and math scores.
- Physical activity among adolescents is consistently related to higher levels of self-esteem and lower levels of anxiety and stress.
- In 2001, almost 1 out of every 7 NC middle school students was overweight based on their current BMI.
- Children today have a shorter life expectancy than their parents for the first time in one hundred years because of the epidemic of obesity.

American Heart Association℠
Fighting Heart Disease and Stroke

SENATE EDUCATION/HIGHER EDUCATION COMMITTEE

Wednesday, July 7, 2004
10:00 a.m.
Room643
Legislative Office Building

Minutes

The Senate Education/Higher Education Committee met Wednesday, July 7, 2004 at 10:00 a.m. in Room 643 of the Legislative Office Building. Senator A.B. Swindell, called the meeting to order with 29 members present.

After recognition of the Co-Chair, Senator Garwood for remarks, Senator Swindell recognized Senator Hartsell to explain House Bill 1509, "Cabarrus Memorial Hospital Advanced Degrees." Senator Hartsell acknowledged the presence of Representative Johnson, sponsor of this bill. Senator Hartsell stated that Cabarrus Hospital is now North East Medical Center. After giving a technical background of the bill, he stated that this legislation makes technical changes in the Charter for the hospital, that dates back to 1932. Senator Tillman moved a favorable report for House Bill 1059. The motion carried by unanimous voice vote.

Senator Swindell stated that there is a Proposed Committee Substitute for Senate Bill 1058, UNC &community Colleges Tuition/Military Students." Senator Rand move the adoption of the Proposed Committee Substitute. The motion carried by voice vote. Senator Rand was recognized to explain the bill.

Brad Lamb, Attorney, Fayetteville, spoke on the bill. Kevin Fitzgerald, UNC-CH and Mark Fleming, UNC spoke in support of the legislation.

After Committee discussion, Senator Hargett moved a favorable report for the Proposed Committee Substitute for Senate Bill 1058 and an unfavorable report as to the original bill.

Representative Culpepper was recognized to explain House Bill 1529, "Moore School Busses/2005 US Open." He stated that this bill is identical to a bill passed in 1999. Senator Blake moved a favorable report for House bill 1529. The motion carried by voice vote.

Senator Swindell relinquished the Chair to Senator Lucas. She greeted the committee and introduced the pages, Katie Amudsen, Wake County; Molly Jones, Columbus County; Mary Ellen Hardin, Cleveland County; Courtney Zillifro, Dare County; Malcolm Smith, Hoke County; Justin Hall, Gastonia; Chris Wilds, Caswell County.

Senator Tillman was recognized to explain Senate Bill 1723, "Charter School Retirement Election." Senator Tillman moved the adoption of a Proposed Committee Substitute. The motion carried by voice vote.

Stanley Moore, Fiscal Research Retirement Analyst, was recognized to explain the schools included. He stated that this gives these schools an additional opportunity to join the retirement system.

Robin Johnson, Committee Staff, reviewed the time frame for the option for a charter school to be included in the retirement system.

Representative Ross was present to speak in support of the bill. Senator Shubert moved a favorable report for the Proposed Committee Substitute and an unfavorable report as to the original bill. The motion carried by voice vote.

Representative Preston was recognized to explain House Bill 1459, "SBE/Study Teacher Prep Courses." Representative Preston stated that this is a study bill and passed the House with a strong majority vote. Senator Dannelly moved a favorable report for House Bill 1459. The motion carried by voice vote.

Representative Larry Bell was recognized to come before the committee to answer questions regarding House Bill 303, "Healthy, Active Children in Grades K-8." Senator Tillman moved to amend the bill on Page 2, Line 24, by rewriting the line to read "for the physical activity requirement except for temporary disabilities verified in writing by a physician or the student's parent or guardian, suitably adapted physical disability." Senator Horton moved the adoption of the amendment. The motion carried by voice vote.

Representative Bell stated that this bill is something that should be passed because there has been such an awareness of obesity in children. He stated that the teachers would provide periodic breaks during the school day and requested a favorable report from the Committee.

After Committee discussion, the Chair stated that the hour of adjournment has come and the meeting was adjourned at 10:59 a.m.

Senator Jeanne H. Lucas, Presiding Chair

Joyce Crews Hodge,
Committee Assistant

NORTH CAROLINA GENERAL ASSEMBLY
SENATE
EDUCATION/HIGHER EDUCATION COMMITTEE REPORT
Senator Jeanne Hopkins Lucas, Co-Chair
Senator A. B. Swindell, Co-Chair
Senator John A. Garwood, Co-Chair

Wednesday, July 07, 2004

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

FAVORABLE

H.B.(CS #1) **1459** SBE/Study Teacher Prep Courses.
Sequential Referral: None
Recommended Referral: None

H.B. **1509** Cabarrus Memorial Hospital Advanced Degrees.
Sequential Referral: None
Recommended Referral: None

H.B. **1529** Moore School Buses/2005 US Open.
Sequential Referral: None
Recommended Referral: None

UNFAVORABLE AS TO BILL, BUT FAVORABLE AS TO COMMITTEE SUBSTITUTE BILL

S.B. **1058** UNC & Comm. Coll. Tuition/Military Students.
Draft Number: PCS 85365
Sequential Referral: None
Recommended Referral: None
Long Title Amended: No

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

H.B.(CS #1) **1723** Charter School Retirement Election.
Draft Number: PCS 60520
Sequential Referral: Pensions & Retirement and Aging
Recommended Referral: None
Long Title Amended: No

TOTAL REPORTED: 5

Committee Clerk Comments:

Senate Education/Higher Education Committee

Wednesday, July 7, 2004
10:00 AM
643 LOB

Senator Jeanne Lucas, Presiding

AGENDA

Welcome and Opening Remarks

Introduction of Pages

Bills

SB 1058	UNC & Comm. Coll. Tuition/Military Students.	Senator Rand
HB 1509	Cabarrus Memorial Hospital Advanced Degrees.	Representative Barnhart Representative Johnson
HB 1723	Charter School Retirement Election.	Representative Allred Representative Ross
HB 1529	Moore School Buses/2005 US Open.	Representative Culpepper, III
HB 1459	SBE/Study Teacher Prep Courses.	Representative Warner Representative Preston
HB 303	Healthy, Active Children In Grades K-8.	Representative Bell

Presentations

Other Business

Adjournment

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2003

H

2

HOUSE BILL 1459

Committee Substitute Favorable 6/16/04

Short Title: SBE/Study Teacher Prep. Courses. (Public)

Sponsors:

Referred to:

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 WHETHER TEACHER PREPARATION PROGRAMS SHOULD REQUIRE COURSES IN DIVERSITY TRAINING, ANGER MANAGEMENT, CONFLICT RESOLUTION, AND CLASSROOM MANAGEMENT.

The General Assembly of North Carolina enacts:

SECTION 1. The State Board of Education shall determine whether teacher preparation programs should require courses in diversity training, anger management, conflict resolution, and classroom management. The State Board shall report its findings and recommendations to the Joint Legislative Education Oversight Committee by December 15, 2004.

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

Favorable

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2003

HOUSE BILL 1509*

Short Title:	Cabarrus Memorial Hospital Advanced Degrees.	(Local)
Sponsors:	Representatives Barnhart, L. Johnson (Primary Sponsors); and Steen.	
Referred to:	Health.	

May 19, 2004

A BILL TO BE ENTITLED

AN ACT TO PROVIDE THAT CABARRUS MEMORIAL HOSPITAL MAY AWARD ADVANCED DEGREES TO GRADUATES OF ITS NURSING AND ALLIED HEALTH SCIENCES PROGRAMS AS APPROPRIATE.

The General Assembly of North Carolina enacts:

SECTION 1. Section 11 of Chapter 307, Public-Local Laws of 1935, as amended by Chapter 947 of the 1987 Session Laws and by S.L. 1998-204, reads as rewritten:

"Sec. 11. Notwithstanding G.S. 116-15, the Executive Committee of Cabarrus Memorial Hospital may establish and maintain in connection with and as a part of the hospital an educational program for nursing and allied health sciences. The Executive Committee may award an ~~Associate Degree or~~ Associate, ~~Baccalaureate Degree~~ Baccalaureate, and advanced degrees to graduates of the nursing education or allied health sciences programs as appropriate."

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

HOUSE BILL 1509:
Cabarrus Memorial Hospital Advanced Degrees.

BILL ANALYSIS

Committee:	Senate Education/Higher Education	**Introduced by:**	Reps. Barnhart and L. Johnson
		Summary by:	Drupti Chauhan Committee Counsel *
Date:	July 7, 2004		
Version:	First Edition		

SUMMARY: ***House Bill 1509 amends the charter of Cabarrus Memorial Hospital to allow for the awarding of advanced degrees to the graduates of the nursing and allied health sciences program. The bill is effective when it becomes law.***

BILL ANALYSIS: House Bill 1509 would allow the Executive Committee of Cabarrus Memorial Hospital (Executive Committee) to award advanced degrees to graduates of the nursing or allied health sciences programs. Currently, only Associate Degrees and Baccalaureate Degrees are awarded. The bill exempts the hospital from the provisions relating to the licensure of nonpublic post-secondary educational institutions in G.S. 116-15.

BACKGROUND: Cabarrus County Hospital established a school of nursing in February of 1942 and in February 1973, the North Carolina Board of Nursing approved the first two-year hospital based diploma program in the State at Cabarrus Memorial Hospital. In 1988, the General Assembly granted the Executive Committee the authority to award an "Associate Degree to graduates of the nursing" program. In 1998, the General Assembly granted the Executive Committee the authority to award a "Baccalaureate Degree to graduates of the nursing program or allied health sciences programs as appropriate".

The 1998 legislation also included an exemption from the provisions of G.S. 116-15 relating to the State policy that the UNC Board of Governors shall license certain nonpublic institutions conducting post-secondary degree activity in the State. State licensure fulfills a consumer protection function by protecting the public, including potential students and employers. G.S. 116-15 outlines the minimum standards that an institution must meet in order to be licensed.

In 2000, the Commission on Colleges of the Southern Association of Colleges and Schools (Commission) reaffirmed the accreditation of the Cabarrus College of Health Sciences. The College is accredited at Level II meaning that a Baccalaureate Degree is the highest degree that can be awarded. If this bill becomes law, the College must then request a higher level of accreditation from the Commission in order to grant the higher degrees.

The College currently offers the following academic programs:

- Associate in Science Degree
- Associate of Science Degree Nursing
- Bachelor of Science in Health Services Management
- Bachelor of Science in Nursing Degree (BSN)
- Medical Assistant
- Occupational Therapy Assistant
- Surgical Technology

*Sara Kamprath, Committee Analyst contributed significantly to this summary

H1509-SMRQ-001

HOUSE BILL 1529

Short Title:	Moore School Buses/2005 US Open.	(Local)
Sponsors:	Representatives Culpepper; and Hackney.	
Referred to:	Rules, Calendar, and Operations of the House.	

May 19, 2004

A BILL TO BE ENTITLED

AN ACT TO ALLOW THE MOORE COUNTY BOARD OF EDUCATION TO PERMIT THE USE OF PUBLIC SCHOOL ACTIVITY BUSES TO SERVE THE TRANSPORTATION NEEDS OF THE U. S. OPEN GOLF TOURNAMENT.

The General Assembly of North Carolina enacts:

SECTION 1. Notwithstanding G.S. 66-58 or any other provision of law, the Moore County Board of Education may enter into a contract, under terms and conditions set by the Moore County Board of Education, that permits public school activity buses to be used from June 12, 2005, through June 20, 2005, for activities related to the U.S. Open Golf Tournament to be held in Moore County.

State funds shall not be used for the use and operation of buses under this act.

Neither the State of North Carolina nor the Moore County Schools shall incur any liability for any damages resulting from the use and operation of buses under this act. Pinehurst, Inc., shall carry liability insurance covering the use and operation of buses under this act.

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

7 of

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2003

S D

SENATE BILL 1058
PROPOSED COMMITTEE SUBSTITUTE S1058-CSRH-67 [v.3]

6/21/2004 4:19:33 PM

Short Title: UNC & Comm. Coll. Tuition/Military Students. (Public)

Sponsors:

Referred to:

May 13, 2004

A BILL TO BE ENTITLED

AN ACT TO PROVIDE THAT A MEMBER OF THE MILITARY OR A DEPENDENT RELATIVE OF A MEMBER OF THE MILITARY WHO ATTENDS A CONSTITUENT UNIVERSITY OR A COMMUNITY COLLEGE SHALL BE CHARGED ONLY THE IN-STATE TUITION RATE.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 116-143.3 reads as rewritten:

"**§ 116-143.3. Tuition of active duty personnel in the armed services.**

(a) Definitions. – The following definitions apply in this section:

(1) The term "abode" shall mean the place where a person actually lives, whether temporarily or permanently; the term "abide" shall mean to live in a given place.

(2) The term "armed services" shall mean the United States Air Force, Army, Coast Guard, Marine Corps, and Navy; the North Carolina National Guard; and any Reserve Component of the foregoing.

(3) The term "tuition assistance" shall be used as defined in the United States Department of Defense Directive 1322.8, implementing 10 U.S.C. § 2007.

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

~~in-State tuition rate and then subtracted from the in-State tuition rate.~~in-State tuition rate and applicable mandatory fees for enrollments while the member of the armed services is abiding in this State incident to active military duty in this State. In the event the active duty member of the armed services is reassigned outside of North Carolina, the member shall continue to be eligible for the in-State tuition rate and applicable mandatory fees so long as the member is continuously enrolled in the degree or other program in which the member was enrolled at the time the member is reassigned.

~~(b1) Any active duty member of the armed services qualifying for admission to a constituent institution of The University of North Carolina but not qualifying as a resident for tuition purposes under G.S. 116-143.1 shall be charged the maximum available tuition assistance as the required payment for tuition and mandatory fees not to exceed the established out-of-state tuition and mandatory fee rates. The Board of Governors of The University of North Carolina shall determine which mandatory fees apply to active duty members of the armed services attending The University of North Carolina.~~

~~(b2) Any active duty member of the armed services who does not qualify for any payment by the member's employer pursuant to subsections (b) or (b1) of this section shall be eligible to be charged the in-State tuition rate and shall pay the full amount of the in-State tuition rate and applicable mandatory fees.~~

(c) Any dependent relative of a member of the armed services who is abiding in this State incident to active military duty, as defined by the Board of Governors of The University of North Carolina and by the State Board of Community Colleges while sharing the abode of that member shall be eligible to be charged the in-State tuition rate, if the dependent relative qualifies for admission to an institution of higher education as defined in G.S. 116-143.1(a)(3). The dependent relatives shall comply with the requirements of the Selective Service System, if applicable, in order to be accorded this benefit. ~~In the event the member of the armed services removes his abode from North Carolina during an academic year, the dependent relative shall continue to be eligible for the in-State tuition rate during the remainder of that academic year.~~ In the event the member of the armed services is reassigned outside of North Carolina, the dependent relative shall continue to be eligible for the in-State tuition rate and applicable mandatory fees so long as the dependent relative is continuously enrolled in the degree or other program in which the dependent relative was enrolled at the time the member is reassigned.

(d) The burden of proving entitlement to the benefit of this section shall lie with the applicant therefor.

(e) A person charged less than the out-of-state tuition rate solely by reason of this section shall not, during the period of receiving that benefit, qualify for or be the basis of conferring the benefit of G.S. 116-143.1(g), (h), (i), (j), (k), or (l)."

SECTION 2. This act becomes effective July 1, 2004.

Robin Johnson (Research)

From: Robin Johnson (Research)
Sent: Monday, June 21, 2004 4:25 PM
To: Chris Evans (Sen. Rand)
Cc: Charlotte Todd (Fiscal Research); Kristine Leggett (Fiscal Research)
Subject: S1058-CSRH-67 [v.3] PCS for military tuition bill

Importance: High

This PCS makes the changes requested by Leslie. The in-State tuition will continue for members of the military and their dependent relatives so long as they are continuously enrolled in the same degree or other program after the member is reassigned outside the State. The PCS does NOT contain changes requested by Hope Williams because I talked with Julia Hoke, Counsel for the Education State Education Assistance Authority (which administers the legislative tuition grants for students at independent colleges), and we agree a statutory change is not needed. Dependents will continue to be eligible for the LTGs (and other loan program) so long as they're eligible for in-State tuition -- which the bill does. Assuming I don't hear back from you, Chris, I will make copies and bring to the 6:00 Senate Ed meeting. Robin

mso320_.doc

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2003

S 1

SENATE BILL 1058

Short Title:	UNC & Comm. Coll. Tuition/Military Students.	(Public)
Sponsors:	Senators Rand; Albertson, Clodfelter, Dalton, Dannelly, Dorsett, Foxx, Garrou, Hargett, Hoyle, Hunt, Jenkins, Kerr, Lucas, Malone, Purcell, Queen, Soles, Thomas, and Weinstein.	
Referred to:	Education/Higher Education.	

May 13, 2004

A BILL TO BE ENTITLED

AN ACT TO PROVIDE THAT A MEMBER OF THE MILITARY OR A DEPENDENT RELATIVE OF A MEMBER OF THE MILITARY WHO ATTENDS A CONSTITUENT UNIVERSITY OR A COMMUNITY COLLEGE SHALL BE CHARGED ONLY THE IN-STATE TUITION RATE.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 116-143.3 reads as rewritten:

"**§ 116-143.3. Tuition of active duty personnel in the armed services.**

(a) Definitions. – The following definitions apply in this section:

(1) The term "abode" shall mean the place where a person actually lives, whether temporarily or permanently; the term "abide" shall mean to live in a given place.

(2) The term "armed services" shall mean the United States Air Force, Army, Coast Guard, Marine Corps, and Navy; the North Carolina National Guard; and any Reserve Component of the foregoing.

(3) The term "tuition assistance" shall be used as defined in the United States Department of Defense Directive 1322.8, implementing 10 U.S.C. § 2007.

(b) Any active duty member of the armed services qualifying for admission to ~~a community college under the jurisdiction of the State Board of Community Colleges~~ an institution of higher education as defined in G.S. 116-143.1(a)(3) but not qualifying as a resident for tuition purposes under G.S. 116-143.1 shall be charged the ~~out-of-State tuition rate; provided, that the out-of-State tuition shall be forgiven to the extent that the out-of-State tuition rate exceeds any amounts payable to the institution or the service member by the service member's employer by reason of enrollment pursuant to such admission while the member is abiding in this State incident to active military duty, plus the amount that represents the percentage of the out-of-State tuition rate paid to the~~

~~institution or the service member by the service member's employer multiplied by the in-State tuition rate and then subtracted from the in-State tuition rate.~~in-State tuition rate and applicable mandatory fees for enrollments while the member of the armed services is abiding in this State incident to active military duty in this State.

~~(b1) Any active duty member of the armed services qualifying for admission to a constituent institution of The University of North Carolina but not qualifying as a resident for tuition purposes under G.S. 116-143.1 shall be charged the maximum available tuition assistance as the required payment for tuition and mandatory fees not to exceed the established out-of-state tuition and mandatory fee rates. The Board of Governors of The University of North Carolina shall determine which mandatory fees apply to active duty members of the armed services attending The University of North Carolina.~~

~~(b2) Any active duty member of the armed services who does not qualify for any payment by the member's employer pursuant to subsections (b) or (b1) of this section shall be eligible to be charged the in-State tuition rate and shall pay the full amount of the in-State tuition rate and applicable mandatory fees.~~

(c) Any dependent relative of a member of the armed services who is abiding in this State incident to active military duty, as defined by the Board of Governors of The University of North Carolina and by the State Board of Community Colleges while sharing the abode of that member shall be eligible to be charged the in-State tuition rate, if the dependent relative qualifies for admission to an institution of higher education as defined in G.S. 116-143.1(a)(3). The dependent relatives shall comply with the requirements of the Selective Service System, if applicable, in order to be accorded this benefit. ~~In the event the member of the armed services removes his abode from North Carolina during an academic year, the dependent relative shall continue to be eligible for the in-State tuition rate during the remainder of that academic year.~~ In the event the member of the armed services is reassigned outside of North Carolina, the dependent relative shall continue to be eligible for the in-State tuition and applicable mandatory fees so long as the dependent relative is continuously enrolled in a degree program.

(d) The burden of proving entitlement to the benefit of this section shall lie with the applicant therefor.

(e) A person charged less than the out-of-state tuition rate solely by reason of this section shall not, during the period of receiving that benefit, qualify for or be the basis of conferring the benefit of G.S. 116-143.1(g), (h), (i), (j), (k), or (l)."

SECTION 2. This act becomes effective July 1, 2004.

SENATE BILL 1058:
UNC & Comm. Coll. Tuition/Military Students.

BILL ANALYSIS

Committee:	Senate Education	**Introduced by:**	Senator Rand
Date:	June 21, 2004	**Summary by:**	Robin Johnson
Version:	S1058-CSRH-67 [v.3]		Committee Counsel

SUMMARY: ***Senate Bill 1058 would provide that any active duty member ("member") of the armed services qualifying for admission to a UNC constituent institution or to a community college, but not qualifying as a resident for tuition purposes, would be charged the in-State tuition rate and applicable fees while abiding in North Carolina incident to active military duty here***

The bill also would provide that eligibility for the in-State tuition rate that currently is available to a dependent relative ("dependent") of a member of the armed services who is abiding in the State would continue after the member is reassigned outside of North Carolina so long as the dependent relative is continuously enrolled in the degree or other program in which the dependent was enrolled when the member is reassigned.

The PCS adds language that would allow a member to continue to be eligible for the in-State tuition rate after the member is reassigned out of State. The PCS also adds language that would limit the extension of the in-State tuition rate to members and dependents who continue to be enrolled in the same degree or other program after the member is reassigned out of the State.

The bill would become effective July 1, 2004.

CURRENT LAW: Generally to be charged the in-State tuition rate at a UNC constituent institution or a State community college, a person must be a resident for tuition purposes. A person qualifies as a resident for tuition purposes by establishing legal residence in North Carolina and maintaining that status for at least 12 months prior to enrolling in a UNC institution or a North Carolina community college.

Most members of the armed services stationed in North Carolina are not legal residents of the State and, therefore, would not be considered residents for tuition purposes. G.S. 116-143.3 provides an exception for these members and their dependents.

A member who qualifies for admission to a community college and who is abiding in the State must be charged the out-of-state tuition rate; however, there is a formula for determining the amount the member must actually pay. This formula is structured so that the member never pays more than the in-State tuition rate plus applicable fees.

A member who qualifies for admission to a university, and who may or may not abide in the State, must be charged the maximum available tuition assistance, not to exceed the established out-of-state and mandatory fee rates. A member who is not eligible for federal tuition assistance, and who may or may not abide in the State, is eligible to be charged the in-state tuition rate and applicable mandatory fees.

A dependent who qualifies for admission to a community college or university is eligible to be charged the in-State tuition rate while sharing the member's abode, which must be in North Carolina. If the member is reassigned out of North Carolina, then the dependent continues to be eligible for in-State tuition rate during the remainder of that academic year.

The federal government provides tuition reimbursement for certain members of the military who enroll in education programs. During the 2003-2004 academic year, the federal government reimbursed 100% of tuition and fees up to $250 per credit hour. Currently, members who enroll in a UNC institution must still pay an out-of-pocket amount that is less than in-State tuition plus fees. They do not pay anything out-of-pocket for courses at a community college or at a private institution.

BILL ANALYSIS: The bill would establish one standard for members who enroll in a community college or a university. The bill would allow a member to be eligible to be charged the in-State tuition rate and applicable mandatory fees while the member abides in the State incident to active military duty in the State. If the member is reassigned outside of North Carolina, the member would continue to be eligible for the in-State tuition rate and applicable fees so long as the member is continuously enrolled in the same degree or other program.

The bill also would allow a dependent of a member to continue to be eligible to be charged the in-State tuition rate and applicable mandatory fees after the member is reassigned outside of North Carolina, so long as a dependent is continuously enrolled in the same degree or other program.

The act would take effect July 1, 2004.

S1058-SMRH-001

North Carolina
INDEPENDENT
Colleges & Universities

A. Hope Williams
President

Barber-Scotia College
Concord
Barton College
Wilson
Belmont Abbey College
Belmont
Bennett College
Greensboro
Brevard College
Brevard
Cabarrus College of Health Sciences
Concord
Campbell University
Buies Creek
Catawba College
Salisbury
Chowan College
Murfreesboro
Davidson College
Davidson
Duke University
Durham
Elon University
Elon
Gardner-Webb University
Boiling Springs
Greensboro College
Greensboro
Guilford College
Greensboro
High Point University
High Point
Johnson C. Smith University
Charlotte
Lees-McRae College
Banner Elk
Lenoir-Rhyne College
Hickory
Livingstone College
Salisbury
Louisburg College
Louisburg
Mars Hill College
Mars Hill
Meredith College
Raleigh
Methodist College
Fayetteville
Montreat College
Montreat
Mount Olive College
Mount Olive
N.C. Wesleyan College
Rocky Mount
Peace College
Raleigh
Pfeiffer University
Misenheimer
Queens University of Charlotte
Charlotte
St. Andrews Presbyterian College
Laurinburg
Saint Augustine's College
Raleigh
Salem College
Winston-Salem
Shaw University
Raleigh
Wake Forest University
Winston-Salem
Warren Wilson College
Asheville
Wingate University
Wingate

June 15, 2004

TO: Senator Tony Rand
Representative Margaret Dickson
Representative Rick Glazier

FROM: A. Hope Williams

SUBJECT: ***Senate Bill 1058***
House Bill 1515

Members of the military serving in North Carolina and their dependents are eligible to receive the Legislative Tuition Grant, if costs remain after Federal Tuition Assistance is applied; and, the State Contractual Scholarship Fund, if the students qualify for need-based aid. Currently, military dependent students lose eligibility for the grants if the member of the military is reassigned outside North Carolina.

Senate Bill 1058 and House Bill 1515 would continue in-state resident status for military dependents who remain continuously enrolled in a public university or community college after the active military member has been transferred out of the state. NCICU is requesting that military dependent students attending independent colleges and universities who remain continuously enrolled also keep their status as in-state resident students after the member of the military is transferred.

This change would eliminate the current situation in which students lose their eligibility for the Legislative Tuition Grant or Contractual Scholarship Fund because the military member has been transferred outside North Carolina. We have an estimate from the colleges and universities that approximately 46 students per year for the last two years lost eligibility for the grants. While this is not a large amount of money ($133,400 per year), continuing the eligibility of these students would be an important and equitable message of support for the military families.

We are asking that you amend the bills to help the independent college and university military dependent students. It is my understanding that incorporating military dependent eligibility into 116-21.3(c) and including that cite in the section on dependent students in Senate Bill 1028 and House Bill 1515 would be adequate to make the change. Please let me know if you have any questions. Thank you for your assistance and support.

AHW/ghh

879-A Washington Street • Raleigh, North Carolina 27605 • Phone: (919) 832-5817 • Fax: (919) 829-7358 • www.ncicu.org

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2003

H D

HOUSE BILL 1723

Committee Substitute Favorable 6/23/04

PROPOSED SENATE COMMITTEE SUBSTITUTE H1723-PCS60520-LL-36

Short Title: Charter School Retirement Election. (Public)

Sponsors:

Referred to:

May 27, 2004

A BILL TO BE ENTITLED

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

The General Assembly of North Carolina enacts:

SECTION 1. Notwithstanding the time limitations contained in G.S. 135-5.3 and G.S. 135-40.3A, the boards of directors of (i) New Century High School in Saxapahaw; (ii) Lake Norman Charter School in Huntersville; (iii) Exploris Middle School in Raleigh, a charter school division of Exploris; (iv) Magellan Charter School in Raleigh; (v) American Renaissance Charter School in Statesville; and (vi) Healthy Start Academy in Durham may elect to become participating employers 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 participating employing units 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.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2003

H 2

HOUSE BILL 1723

Committee Substitute Favorable 6/23/04

Short Title: Charter School Retirement Election. (Public)

Sponsors:

Referred to:

May 27, 2004

A BILL TO BE ENTITLED

AN ACT TO AUTHORIZE EXISTING CHARTER SCHOOLS TO ELECT TO PARTICIPATE IN THE TEACHERS' AND STATE EMPLOYEES' RETIREMENT SYSTEM AND THE NORTH CAROLINA TEACHERS' AND STATE EMPLOYEES' 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 boards of directors of (i) New Century High School, a charter high school currently in Chapel Hill but relocating effective July 1, 2004, in Saxapahaw; (ii) Lake Norman Charter School in Huntersville; and (iii) Exploris Middle School in Raleigh, a charter school division of Exploris; may elect to become participating employers 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 participating employing units 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.

NORTH CAROLINA GENERAL ASSEMBLY
LEGISLATIVE ACTUARIAL NOTE
RETIREMENT

BILL NUMBER: House Bill 1723 (Second Edition)

SHORT TITLE: Charter School Retirement Election.

SPONSOR(S): Representatives Allred and Ross

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

FUNDS AFFECTED: General Fund, Highway Fund and Receipt Fund

BILL SUMMARY: Permits the board of directors of several charter schools to have 30 days after the passage of this act to elect to become participating employers in the Teachers' and State Employees' Retirement System.

EFFECTIVE DATE: When it becomes law.

ESTIMATED IMPACT ON STATE: Both the Fund's actuary, Mellon, and the General Assembly's actuary, Hartman & Associates, agree that the cost would be negligible.

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, 2002 actuarial valuation of the fund. The data included 296,377 active members with an annual payroll of $9.7 billion and 118,129 retired members in receipt of annual pensions totaling $2 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 - Mellon.
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: June 23, 2004

Signed Copy Located in the NCGA Principal Clerk's Offices

HOUSE BILL 1723:
Charter School Retirement Election.

BILL ANALYSIS

Committee:	Senate Education	**Introduced by:**	Reps. Allred and Ross
Date:	July 6, 2004	**Summary by:**	Sara Kamprath
Version:	PCS for Second Edition (H1723-CSRJ-41[v.1]		Committee Analyst

SUMMARY: ***The PCS for House Bill 1723 authorizes 3 existing charter schools to elect to become participating employers 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 bill. The bill would take effect when it becomes law.***

CURRENT LAW: The board of directors of a charter school has 30 days from the time that the charter is signed to elect in writing whether to become a participating employer in the State Retirement and Comprehensive Major Medical Plans. If a charter school did not elect to participate within the 30-day period there is no statutory provision to allow it to do so at a later time and neither the Retirement System nor the Medical Plan has any authority to waive the statutory requirements.

BILL ANALYSIS: Notwithstanding the time limitations of G.S. 135-5.3 and G.S. 135-40.3A, this PCS authorizes the board of directors of the 3 named charter schools to elect to participate in the State Retirement and Comprehensive Major Medical Plans. The Exploris Middle School was approved in 1997. The New Century High School and the Lake Norman Charter School were approved in 1998. This bill will give board of directors of these charters a second opportunity to elect to join the Retirement System and the Comprehensive Major Medical Health Plan. All the other requirements of G.S. 135-5.3 and G.S. 135-40.3A must be met.

This bill has a serial re-referral to the Senate Committee on Pensions & Retirement and Aging and then the Senate Select Committee on Employee Hospital and Medical Benefits.

BACKGROUND: The written charter is the agreement between the State Board of Education and the board of directors of the charter school, which is signed when the State Board grants final approval to the charter school. Before 2003, a charter school signed the charter in February/March when it received final approval from the State Board of Education and had the option of opening that coming August. However, many schools began requesting a "planning year" to organize and work out the details of the operation of the school before actually beginning to teach students. In 2002, the State Board of Education 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/March at which point 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.

During the 2001 and 2003 Sessions, legislation was enacted to grant certain charter schools that did not make the election to participate in the State Retirement and Comprehensive Major Medical Plans at the appropriate time another chance to make that election. The charter schools had to make the election to participate within 30 days of the effective date of the respective Act.

H1723-SMRJ-001

§ 135-5.3. Optional participation for charter schools operated by private nonprofit corporations.

(a) The board of directors of each charter school operated by a private nonprofit corporation shall elect whether to become a participating employer in the Retirement System in accordance with this Article. This election shall be in writing, shall be made no later than 30 days after this section becomes law, and shall be filed with the Retirement System and with the State Board of Education. For each charter school employee who is employed on or before the date the board makes the election to participate, membership in the System is effective as of the date the board makes the election to participate. For each charter school employee who is employed after the date the board makes the election, membership in the System is effective as of the date of that employee's entry into eligible service. This subsection applies only to charter schools that received State Board of Education approval under G.S. 115C-238.29D in 1997 or 1998.

(b) No later than 30 days after both parties have signed the written charter under G.S. 115C-238.29E, the board of directors of a charter school operated by a private nonprofit corporation shall elect whether to become a participating employer in the Retirement System in accordance with this Article. This election shall be in writing and filed with the Retirement System and with the State Board of Education and is effective for each charter school employee as of the date of that employee's entry into eligible service. This subsection applies to charter schools that receive State Board of Education approval under G.S. 115C-238.29D after 1998.

(c) A board's election to become a participating employer in the Retirement System under this section is irrevocable and shall require all eligible employees of the charter school to participate.

(d) No retirement benefit, death benefit, or other benefit payable under the Retirement System shall be paid by the State of North Carolina or the Board of Trustees of the Teachers' and State Employees' Retirement System on account of employment with a charter school with respect to any employee, or with respect to any beneficiary of an employee, of a charter school whose board of directors does not elect to become a participating employer in the Retirement System under this section.

(e) The board of directors of each charter school shall notify each of its employees as to whether the board elected to become a participating employer in the Retirement System under this section. This notification shall be in writing and shall be provided within 30 days of the board's election or at the time an initial offer for employment is made, whichever occurs last. If the board did not elect to join the Retirement System, the notice shall include a statement that the employee shall have no legal recourse against the board or the State for any possible credit or reimbursement under the Retirement System. The employee shall provide written acknowledgment of the employee's receipt of the notification under this subsection. (1998-212, s. 9.14A(b).)

§ 135-40.3A. Optional participation for charter schools operated by private nonprofit corporations.

(a) The board of directors of each charter school operated by a private nonprofit corporation shall elect whether to become a participating employer in the Plan in accordance with this Article. This election shall be in writing, shall be made no later than 30 days after this section becomes law, and shall be filed with the Executive Administrator and Board of Trustees and with the State Board of Education. For each charter school employee who is employed on or before the date the board makes the election, membership in the Plan is effective as of the date the board makes the election. For each charter school employee who is employed after the date the board makes the election, membership in the Plan is effective as of the date of that employee's entry into eligible service. This subsection applies only to charter schools that received State Board of Education approval under G.S. 115C-238.29D in 1997 or 1998.

(b) No later than 30 days after both parties have signed the written charter under G.S. 115C-238.29E, the board of directors of a charter school operated by a private nonprofit corporation shall elect whether to become a participating employer in the Plan in accordance with this Article. This election shall be in writing and filed with the Executive Administrator, the Board of Trustees, and the State Board of Education. This election is effective for each charter school employee as of the date of that employee's entry into eligible service. This subsection applies to charter schools that receive State Board of Education approval under G.S. 115C-238.29D after 1998.

(c) A board's election to become a participating employer in the Plan under this section is irrevocable and shall require all eligible employees of the charter school to participate.

(d) If a charter school's board of directors does not elect to become a participating employer in the Plan under this section, that school's employees and the dependents of those employees are not eligible for any benefits under the Plan on account of employment with a charter school.

(e) The board of directors of each charter school shall notify each of its employees as to whether the board elected to become a participating employer in the Plan under this section. This notification shall be in writing and shall be provided within 30 days of the board's election or at the time an initial offer for employment is made, whichever occurs last. If the board did not elect to become a participating employer in the Plan, the notice shall include a statement that the employee shall have no legal recourse against the board or the State for any possible benefit under the Plan. The employee shall provide written acknowledgment of the employee's receipt of the notification under this subsection. (1998-212, s. 9.14A(e).)

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2003

H 3

HOUSE BILL 303

Committee Substitute Favorable 4/9/03

Third Edition Engrossed 4/28/03

Short Title: Healthy, Active Children in Grades K-8. (Public)

Sponsors:

Referred to:

March 6, 2003

A BILL TO BE ENTITLED

AN ACT TO PROMOTE HEALTHY, ACTIVE CHILDREN IN KINDERGARTEN THROUGH EIGHTH GRADE.

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 children in kindergarten through eighth grade participate in physical activity at least 150 minutes a week;

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

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

(5) A program of remedial education;

(6) Required support programs;

(7) A definition of the instructional day;

(8) Class size recommendations and requirements;

(9) Prescribed staffing allotment ratios;

(10) Material and equipment allotment ratios;

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

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

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

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 Activity. – It is the duty of each local board of education to ensure that all students in kindergarten through eighth grade participate in a physical activity program for at least 150 minutes each school week. 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 activity 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

k. 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 activity requirement. Suitably adapted physical

activity 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 activity."

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

HOUSE BILL 303:
Healthy, Active Children in Grades K-8

BILL ANALYSIS

Committee:	Senate Education/Higher Education	**Introduced by:**	Representative Bell
		Summary by:	Drupti Chauhan* Committee Staff
Date:	June 21, 2004		
Version:	Third Edition		

SUMMARY: ***House Bill 303 would require local boards of education to ensure that all students in kindergarten through eighth grade participate in at least 150 minutes of physical activity each school week.***

The bill specifies that the physical activity program shall consist of physical exertion of at least a moderate intensity level and for duration sufficient to provide a significant health benefit to students. The bill also specifies the components of the required physical activity program.

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."

BILL ANALYSIS: House Bill 303 adds a duty to local boards of education. Local boards must ensure that students in kindergarten through eighth grade participate for at least 150 minutes each school week in physical activity of sufficient duration and intensity to provide a significant benefit to the student. During this activity, students must learn, practice and be assessed on developmentally appropriate motor skills, social skills, and knowledge.

Local boards are required to establish specific learning goals and objectives for the program based on the North Carolina Healthful Living Curriculum, and the program must include certain specified components.

Students would not be permitted to waive or substitute other classes for the physical activity requirement. Suitably adapted physical activity would have to be provided for students with special needs, health problems or disabling conditions that prevent them from participating in regular physical activity.

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 program[1], 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 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 model[2] 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;

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[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.

[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_demos2001.html.

- 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.

*Dr. Shirley Iorio, Committee Analyst, significantly contributed to this summary
H303-SMRQ-001

SENATE EDUCATION/HIGHER EDUCATION COMMITTEE

Thursday, July 15, 2004
3:00 p.m.
Room643
Legislative Office Building
Minutes

The Senate Education/Higher Education Committee met Thursday, July 15, 2004 in Room 643 of the Legislative Office Building. Senator Swindell called the meeting to order with 29 members present. He recognized the Co-Chairs, Senator Garwood and Senator Lucas for opening comments.

Senator Garwood welcomed everyone to the meeting and stated that this is very important Agenda.

Senator Lucas stated that each member is aware of the seriousness of the legislation to be considered today, and it is her hope that the process would not be rushed. That everyone desiring to be heard will be heard and she looks forward to a spirited debate and she hopes that when the Committee leaves, the best decisions will have come forth.

Senator Swindell stated that the seriousness of this legislation is understood. He encouraged the public to sign the roster if they wish to speak on the legislation. Each person will be allowed 2 minutes.

Senator Swindell introduced and recognized the Pages, Laureen Ruby Ann Rhoden, Bladenboro; Alicia Ellerbe, Raleigh; Leah Nudeleman, Greensboro and Sarah Nudelman, Greensboro.

House Bill 1464, "School Calendar Changes", sponsored by Representative Wilson was the only item on the Agenda. Senator Thomas moved the adoption of the Proposed Committee Substitute. The motion carried by voice vote.

Representative Connie Wilson was recognized to explain the Proposed Committee Substitute. She asked Staff to explain the PCS. Robin Johnson explained the changes from the House version.

This PCS reduces the total number of days in a school calendar from 220 to 215 days. The reason for the difference is this PCS only subtracts five non-instructional workdays. Non-instructional teacher workdays are found in Sub-Sections 4 and 5, on page 3. This PCS would say that five of the non-instructional teacher workdays are to be protected to allow teachers to complete instructional and classroom administrative duties. Those are five days to be designated by the School Board to allow more senior teachers who accrue annual leave to be able to take their excess annual leave. The remaining days (9 to 10 days) would be scheduled by the local board in consultation each school principal and can be used as teacher workdays, additional instructional days or other lawful purposes and also to make up missed days for inclement weather.
Representative Wilson supports the Proposed Committee Substitute without amendments. She thanked Senator Thomas, Senator Dannelly for sponsoring the bill in the Senate.

Senator Tillman requested an Actuarial Note that will give the impact on the Retirement System.

Stanley Moore stated that the bill as it is now does not change the retirement benefits; therefore it does not require an Actuarial Note.

Senator Stevens moved to amend the bill on page 1, line 9, by rewriting the line to read, "shortages, power failure, or other emergencies situations; to allow the State Board of Education to grant other exemptions from the school start and finish date for any other reason it deems appropriate;" and on page 4 line 38 by rewriting the line to read "energy shortages, power failures, or other emergency situations. The term good cause shall also include any other reason determined to be appropriate by the State Board of Education." Senator Stevens moved the adoption of the amendment. The amendment failed by voice vote.

After questions and discussions from the Committee members the Chair recognized the following persons to speak on the bill.

John Holloman, Government Relations Manager, NC Association of Educators
LeAnn Winner, NC School Boards Associations
JoAnn Norris, Public School Forum of North Carolina
Dr. Ellen Graves, Executive Director, Professional Educators of North Carolina
Linda Suggs, Legislative Liaison, State Board of Education
Leslie Bevacqua, North Carolina Citizens for Business and Industry
Katherine Joyce, NC Association of School Administrators
David Huskins, Smoky Mountain Hosts of NC
Susan Harrison, Wake County Public School System
Rob Scoefield, North Carolina Justice Center
Senator Thomas also spoke as an Educator.

Senator Nesbitt moved to amend the bill on page 1, line 5, to change the title; to exempt schools and local administrative unit exempted by this act" and on page 2, lines 3 to 5 deleting the line that says this act applies to all 100 counties and all local school administrative units; and on page 5, line 44.
Senator Nesbitt moved the adoption of the amendment. The amendment failed by voice vote.

Senator Thomas moved a favorable report for the Proposed Committee Substitute and an unfavorable report for the original bill. The motion carried by voice vote.

The meeting was adjourned.

Senator A.B. Swindell, Presiding Chair

Joyce Crews Hodge
Committee Assistant

NORTH CAROLINA GENERAL ASSEMBLY
SENATE

EDUCATION/HIGHER EDUCATION COMMITTEE REPORT
Senator A. B. Swindell, Co-Chair
Senator Jeanne Hopkins Lucas, Co-Chair
Senator John A. Garwood, Co-Chair

Thursday, July 15, 2004

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

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

H.B.(CS #1) **1464** School Calendar Changes.

Draft Number:	PCS 80486
Sequential Referral:	None
Recommended Referral:	None
Long Title Amended:	No

TOTAL REPORTED: 1

Committee Clerk Comments:

Senate Education/Higher Education Committee

Thursday, July 15, 2004
3:00 P.M.

Room 643 LOB

AGENDA

Senator Jeanne H. Lucas, Presiding

Welcome and Opening Remarks

Introduction of Pages

Bills

HB 1464	School Calendar Changes.	Representative Wilson Representative Miner Representative Hill Representative Culpepper, III

Presentations

Other Business

Adjournment

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2003

H 2

HOUSE BILL 1464*

Committee Substitute Favorable 7/1/04

Short Title: School Calendar Changes. (Public)

Sponsors:

Referred to:

May 17, 2004

A BILL TO BE ENTITLED

AN ACT TO REDUCE BY TEN THE NUMBER OF NONINSTRUCTIONAL TEACHER WORKDAYS; TO PROVIDE THAT PUBLIC SCHOOLS SHALL OPEN NO SOONER THAN AUGUST 25 AND CLOSE NO LATER THAN JUNE 10 EXCEPT IN YEAR-ROUND SCHOOLS OR IN SCHOOLS IN LOCAL SCHOOL ADMINISTRATIVE UNITS THAT HAVE BEEN CLOSED EIGHT DAYS PER YEAR DURING ANY FOUR OF THE LAST TEN YEARS BECAUSE OF SEVERE WEATHER CONDITIONS, ENERGY SHORTAGES, POWER FAILURES, OR OTHER EMERGENCY SITUATIONS; TO ENSURE THAT TEACHERS ARE PAID IN AUGUST; TO PROVIDE THAT LOCAL BOARDS OF EDUCATION SCHEDULE FIVE NONINSTRUCTIONAL TEACHER WORKDAYS AT THE BEGINNING OF THE SCHOOL YEAR AND AT THE END OF EACH ACADEMIC QUARTER, AND THAT THESE DAYS ARE PROTECTED FOR TEACHERS TO COMPLETE INSTRUCTIONAL AND CLASSROOM ADMINISTRATIVE DUTIES; TO PROVIDE THAT NONINSTRUCTIONAL TEACHER WORKDAYS MAY CONTINUE TO BE DESIGNATED AS DAYS ON WHICH TEACHERS WITH ACCUMULATED VACATION LEAVE MAY TAKE THAT LEAVE AND TO REQUIRE AT LEAST TWO OF THOSE DAYS THAT ARE SCHEDULED BY THE SCHOOL'S PRINCIPAL TO BE DESIGNATED AS DAYS ON WHICH TEACHERS WITH ACCUMULATED VACATION LEAVE MAY TAKE THAT LEAVE; TO ALLOW ANY OF THE NONINSTRUCTIONAL TEACHER WORKDAYS THAT ARE SCHEDULED BY THE SCHOOL'S PRINCIPAL TO BE DESIGNATED AS MAKE-UP DAYS FOR DAYS MISSED DUE TO INCLEMENT WEATHER; TO DEFINE "YEAR-ROUND SCHOOL" AS HAVING A SCHOOL CALENDAR THAT COVERS AT LEAST ELEVEN CALENDAR MONTHS; TO PROVIDE THAT THE REDUCTION IN TEACHER WORKDAYS DOES NOT REDUCE THE ANNUAL RATE OF PAY FOR TEACHERS AND OTHER EMPLOYEES; TO PROVIDE THAT NOTHING IN THIS ACT SHALL BE CONSTRUED AS

CHANGING THE PAY CYCLE FOR NONCERTIFIED EMPLOYEES; TO PROVIDE THAT NOTHING IN THIS ACT REQUIRES THE GENERAL ASSEMBLY TO APPROPRIATE FUNDS FOR ITS IMPLEMENTATION OR REQUIRES LOCAL SCHOOL ADMINISTRATIVE UNITS TO EXPEND ADDITIONAL FUNDS FOR ITS IMPLEMENTATION; TO PROVIDE THAT THIS ACT APPLIES TO SCHOOLS BEGINNING WITH THE 2005-2006 SCHOOL YEAR; TO PROVIDE THAT THE ACT APPLIES IN ALL ONE HUNDRED COUNTIES AND IN ALL LOCAL SCHOOL ADMINISTRATIVE UNITS; AND TO PROVIDE THAT THE ACT IS EFFECTIVE WHEN IT BECOMES LAW.

The General Assembly of North Carolina enacts:

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

"**§ 115C-84.2. School calendar.**

(a) School Calendar. – Each local board of education shall adopt a school calendar consisting of ~~220~~ 210 days all of which shall fall within the fiscal year. A school calendar shall include the following:

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

(1a) **(Applies only to 2002-2003 school year – See editor's note.)** Notwithstanding subdivision (1) of this subsection, a local board may decide 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 all of the following criteria are met:

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

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

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

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

If a local board adds instructional hours to previously scheduled days under this subdivision, 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.

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

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

(4) ~~Eight~~ Five days, as designated by the local board, for use as teacher ~~workdays, additional instructional days, or other lawful purposes. A local board may delegate to the individual schools some or all of the eight days to schedule under subdivision (5) of this subsection. A local board may schedule different purposes for different personnel on any given day and is not required to schedule the same dates for all personnel.~~workdays. These days shall be protected to allow teachers to complete instructional and classroom administrative duties. The local school administrative unit shall not impose any additional tasks on these days. The local board shall schedule one of these days at the beginning of the school year and one at the end of each academic quarter.

(5) The remaining days scheduled by each school's principal for ~~any of the purposes allowed under subdivision (4) of this subsection.~~ use as teacher workdays, additional instructional days, or other lawful purposes. Before scheduling these days, the principal shall work with the school improvement team to determine the days to be scheduled and the purposes for which they should be scheduled. Days may be scheduled and planned for different purposes for different personnel and there is no requirement to schedule the same dates for all personnel. ~~However, if during the last two years the local school administrative unit has made up an average of at least eight days for school closing because of inclement weather, the local board may designate up to two~~ In order to make up days for school closing because of inclement weather, the local board may designate any of these days as additional make-up days to be scheduled after the last day of student attendance.

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

Local boards and individual schools may designate any of the days scheduled under subdivision (4) of this subsection and shall designate at least two of the days scheduled

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

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

(1) The total number of teacher workdays for teachers employed for a 10 month term shall not exceed ~~200~~ 190 days.

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

(3) School shall not be held on Sundays.

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

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

(d) Opening and Closing Dates. – Local boards of education shall determine the dates of opening and closing the public schools under subdivision (a)(1) of this section. Except for year-round schools, the opening date for students shall not be before August 25, and the closing date for students shall not be after June 10. On a showing of good cause, the State Board of Education may waive this requirement to the extent that school calendars are able to provide sufficient days to accommodate anticipated makeup days due to school closings. A local board may revise the scheduled closing date if necessary in order to comply with the minimum requirements for instructional days or instructional time. ~~Different opening and closing dates may be fixed for schools in the same administrative unit.~~ For purposes of this subsection, the term 'good cause' means that schools in the local school administrative unit have been closed eight days per year during any four of the last 10 years because of severe weather conditions, energy shortages, power failures, or other emergency situations.

(e) Year-Round Schools. – Local boards of education may designate schools as year-round schools. As used in this Chapter, the term 'year-round school' means the school has a school calendar that covers at least 11 calendar months."

SECTION 2. G.S. 115C-302.1(b) reads as rewritten:

"(b) Salary Payments. – State-allotted teachers shall be paid for a term of 10 months. State-allotted months of employment for vocational education to local boards shall be used for the employment of teachers of vocational and technical education for a term of employment to be determined by the local boards of education. However, local

boards shall not reduce the term of employment for any vocational agriculture teacher personnel position that was 12 calendar months for the 1982-83 school year for any school year thereafter.

Each local board of education shall establish a set date on which monthly salary payments to State-allotted teachers shall be made. This set pay date may differ from the end of the month of service. The daily rate of pay for teachers shall equal ~~one twenty-second~~ one twenty-first of the monthly rate of pay. Except for teachers employed in a year-round school or paid in accordance with a year-round calendar, or both, the initial pay date for teachers shall be no later than August 31 and shall include a full monthly payment. Subsequent pay dates shall be spaced no more than one month apart and shall include a full monthly payment.

Teachers may be prepaid on the monthly pay date for days not yet worked. A teacher who fails to attend scheduled workdays or who has not worked the number of days for which the teacher has been paid and who resigns, is dismissed, or whose contract is not renewed shall repay to the local board any salary payments received for days not yet worked. A teacher who has been prepaid and continues to be employed by a local board but fails to attend scheduled workdays may be subject to dismissal under G.S. 115C-325 or other appropriate discipline.

Any individual teacher who is not employed in a year-round school may be paid in 12 monthly installments if the teacher so requests on or before the first day of the school year. The request shall be filed in the local school administrative unit ~~which~~ that employs the teacher. The payment of the annual salary in 12 installments instead of 10 shall not increase or decrease the teacher's annual salary nor in any other way alter the contract made between the teacher and the local school administrative unit. Teachers employed for a period of less than 10 months shall not receive their salaries in 12 installments.

Notwithstanding this subsection, the term 'daily rate of pay' for the purpose of G.S. 115C-12(8) or for any other law or policy governing pay or benefits based on the teacher salary schedule shall not exceed one twenty-second of a teacher's monthly rate of pay."

SECTION 3. For certified and noncertified employees employed on or after the effective date of this act, the annual rate of pay beginning with the 2005-2006 school year shall not be reduced as the result of this act. Furthermore, nothing in this act shall be construed to change the pay cycle for noncertified employees. The State Board of Education shall report annually to the Joint Legislative Education Oversight Committee on local compliance with this section.

SECTION 4. Nothing in this act shall require the General Assembly to appropriate funds to implement it or require a local school administrative unit to spend additional funds to implement it.

SECTION 5. This act is effective when it becomes law and applies to school years beginning with the 2005-2006 school year. This act shall apply in all 100 counties and in all local school administrative units.

PUBLIC BILL

Title Change

~~Proposed~~ Committee Substitute For
H.B. 1464

ID: 51213

SESSION LAW _____

A BILL TO BE ENTITLED

AN ACT TO REDUCE BY TEN THE NUMBER OF NONINSTRUCTIONAL TEACHER WORKDAYS; TO PROVIDE THAT PUBLIC SCHOOLS SHALL OPEN NO SOONER THAN AUGUST 25 AND CLOSE NO LATER THAN JUNE 10 EXCEPT IN YEAR-ROUND SCHOOLS OR IN SCHOOLS IN LOCAL SCHOOL ADMINISTRATIVE UNITS THAT HAVE BEEN CLOSED EIGHT DAYS PER YEAR DURING ANY FOUR OF THE LAST TEN YEARS BECAUSE OF SEVERE WEATHER CONDITIONS, ENERGY SHORTAGES, POWER FAILURES, OR OTHER EMERGENCY SITUATIONS; TO ENSURE THAT TEACHERS ARE PAID IN AUGUST; TO PROVIDE THAT LOCAL BOARDS OF EDUCATION SCHEDULE FIVE NONINSTRUCTIONAL TEACHER WORKDAYS AT THE BEGINNING OF THE SCHOOL YEAR AND AT THE END OF EACH ACADEMIC QUARTER, AND THAT THESE DAYS ARE PROTECTED FOR TEACHERS TO COMPLETE INSTRUCTIONAL AND CLASSROOM ADMINISTRATIVE DUTIES; TO PROVIDE THAT NONINSTRUCTIONAL TEACHER WORKDAYS MAY CONTINUE TO BE DESIGNATED AS DAYS ON WHICH TEACHERS WITH ACCUMULATED VACATION LEAVE MAY TAKE THAT LEAVE AND TO REQUIRE AT LEAST TWO OF THOSE DAYS THAT ARE SCHEDULED BY THE SCHOOL'S PRINCIPAL TO BE DESIGNATED AS DAYS ON WHICH TEACHERS WITH ACCUMULATED VACATION LEAVE MAY TAKE THAT LEAVE; TO ALLOW ANY OF THE NONINSTRUCTIONAL TEACHER WORKDAYS THAT ARE SCHEDULED BY THE SCHOOL'S PRINCIPAL TO BE DESIGNATED AS MAKE-UP DAYS FOR DAYS MISSED DUE TO INCLEMENT WEATHER; TO DEFINE "YEAR-ROUND SCHOOL" AS HAVING A SCHOOL CALENDAR THAT COVERS AT LEAST ELEVEN CALENDAR MONTHS; TO PROVIDE THAT THE REDUCTION IN TEACHER WORKDAYS DOES NOT REDUCE THE ANNUAL RATE OF PAY FOR TEACHERS AND OTHER EMPLOYEES; TO PROVIDE THAT NOTHING IN THIS ACT SHALL BE CONSTRUED AS CHANGING THE PAY CYCLE FOR NONCERTIFIED EMPLOYEES; TO PROVIDE THAT NOTHING IN THIS ACT REQUIRES THE GENERAL ASSEMBLY TO APPROPRIATE FUNDS FOR ITS IMPLEMENTATION OR REQUIRES LOCAL SCHOOL ADMINISTRATIVE UNITS TO EXPEND ADDITIONAL FUNDS FOR ITS IMPLEMENTATION; TO PROVIDE THAT THIS ACT APPLIES TO SCHOOLS BEGINNING WITH THE 2005-2006 SCHOOL YEAR; TO PROVIDE THAT THE ACT APPLIES IN ALL ONE HUNDRED COUNTIES AND IN ALL LOCAL SCHOOL ADMINISTRATIVE UNITS; AND TO PROVIDE THAT THE ACT IS EFFECTIVE WHEN IT BECOMES LAW.

Introduced by Representative(s): C. Wilson, Culpepper, Niven, Hill (Primary Sponsors)

Principal Clerk's Use Only

The Committee on Commerce
a majority being present, having considered this bill, recommend that it do V pass.

Rep. C. Wilson
For the Committee

FAVORABLE TO COMM. SUB.
UNFAVORABLE TO BILL

JUL 1 2004

TITLE CHANGE

AND PLACED ON CALENDAR FOR 36b

ON MOTION OF Rep. Blackwood
WITHDRAWN FROM Cal 36b
JUL 7 2004
RECOMMITTED TO Appropriations

PUBLIC BILL

The Committee on Appropriations
a majority being present, having considered
this bill, recommend that it do ✓ pass.
Reps. Baker, Clary, Crawford, Earle,
Grady, Owens, Sherrill and Wright
For the Committee

REPORTED FAVORABLY JUL 0 8 2004

PURSUANT TO RULE 36(b)
JUL 8 2004
PLACED ON CALENDAR
OF 7-13-04

PASSES 2nd READING
66-40 EV (adj)
JUL 13 2004
AND PLACED ON THE
CALENDAR

PASSED 3rd READING
67-44 EV
JUL 14 2004
ORDERED SENT TO SENATE

Special Message
Denise Weeks

Received from House of Rep.
By Clerk 4:30 AM/PM JUL 14 2004

BT6 - PCS60517

PASSED 1st READING
JUL 14 2004
AND REFERRED TO COMMITTEE
ON Ed / Higher Ed

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2003

H **D**

HOUSE BILL 1464*
Committee Substitute Favorable 7/1/04
PROPOSED SENATE COMMITTEE SUBSTITUTE H1464-PCS80486-RH-73

Short Title: School Calendar Changes. (Public)

Sponsors:

Referred to:

May 17, 2004

A BILL TO BE ENTITLED

AN ACT TO REDUCE BY FIVE THE NUMBER OF NONINSTRUCTIONAL TEACHER WORKDAYS; TO PROVIDE THAT PUBLIC SCHOOLS SHALL OPEN NO SOONER THAN AUGUST 25 AND CLOSE NO LATER THAN JUNE 10 EXCEPT IN YEAR-ROUND SCHOOLS OR IN SCHOOLS IN ANY LOCAL SCHOOL ADMINISTRATIVE UNITS IN A COUNTY THAT HAVE BEEN CLOSED EIGHT DAYS PER YEAR DURING ANY FOUR OF THE LAST TEN YEARS BECAUSE OF SEVERE WEATHER CONDITIONS, ENERGY SHORTAGES, POWER FAILURES, OR OTHER EMERGENCY SITUATIONS; TO ENSURE THAT TEACHERS ARE PAID IN AUGUST; TO PROVIDE THAT FIVE NONINSTRUCTIONAL TEACHER WORKDAYS ARE PROTECTED FOR TEACHERS TO COMPLETE INSTRUCTIONAL AND CLASSROOM ADMINISTRATIVE DUTIES AND ARE DESIGNATED AS DAYS ON WHICH TEACHERS WITH ACCUMULATED VACATION LEAVE MAY TAKE THAT LEAVE; TO PROVIDE THAT THE REMAINING NONINSTRUCTIONAL TEACHER WORKDAYS ARE SCHEDULED BY THE LOCAL BOARD OF EDUCATION IN CONSULTATION WITH EACH SCHOOL'S PRINCIPAL FOR USE AS TEACHER WORKDAYS, ADDITIONAL INSTRUCTIONAL DAYS, OR OTHER LAWFUL PURPOSES AND MAY BE DESIGNATED AS MAKEUP DAYS FOR DAYS MISSED DUE TO INCLEMENT WEATHER; TO DEFINE "YEAR-ROUND SCHOOL"; TO PROVIDE THAT THE REDUCTION IN TEACHER WORKDAYS DOES NOT REDUCE THE ANNUAL RATE OF PAY FOR TEACHERS AND OTHER EMPLOYEES; TO PROVIDE THAT NOTHING IN THIS ACT SHALL BE CONSTRUED AS CHANGING THE PAY CYCLE FOR NONCERTIFIED EMPLOYEES; TO PROVIDE THAT NOTHING IN THIS ACT REQUIRES THE GENERAL ASSEMBLY TO APPROPRIATE FUNDS FOR ITS IMPLEMENTATION OR REQUIRES LOCAL SCHOOL

ADMINISTRATIVE UNITS TO EXPEND ADDITIONAL FUNDS FOR ITS IMPLEMENTATION; TO PROVIDE THAT THIS ACT APPLIES TO SCHOOLS BEGINNING WITH THE 2005-2006 SCHOOL YEAR; TO PROVIDE THAT THE ACT APPLIES IN ALL ONE HUNDRED COUNTIES AND IN ALL LOCAL SCHOOL ADMINISTRATIVE UNITS; AND TO PROVIDE THAT THE ACT IS EFFECTIVE WHEN IT BECOMES LAW.

The General Assembly of North Carolina enacts:

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

"**§ 115C-84.2. School calendar.**

(a) School Calendar. – Each local board of education shall adopt a school calendar consisting of ~~220~~ 215 days all of which shall fall within the fiscal year. A school calendar shall include the following:

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

(1a) **(Applies only to 2002-2003 school year – See editor's note.)** Notwithstanding subdivision (1) of this subsection, a local board may decide 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 all of the following criteria are met:

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

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

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

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

If a local board adds instructional hours to previously scheduled days under this subdivision, 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.

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

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

(4) ~~Eight~~ Five days, as designated by the local board, for use as teacher ~~workdays, additional instructional days, or other lawful purposes. A local board may delegate to the individual schools some or all of the eight days to schedule under subdivision (5) of this subsection. A local board may schedule different purposes for different personnel on any given day and is not required to schedule the same dates for all personnel.~~workdays that are protected to allow teachers to complete instructional and classroom administrative duties. The local school administrative unit shall not impose any additional tasks on these five days.

(5) The remaining days scheduled by the local board in consultation with each school's principal for ~~any of the purposes allowed under subdivision (4) of this subsection.~~ use as teacher workdays, additional instructional days, or other lawful purposes. Before ~~scheduling these days, the principal~~ consulting with the local board, each principal shall work with the school improvement team to determine the days to be scheduled and the purposes for which they should be scheduled. Days may be scheduled and planned for different purposes for different personnel and there is no requirement to schedule the same dates for all personnel. ~~However, if during the last two years the local school administrative unit has made up an average of at least eight days for school closing because of inclement weather, the local board may designate up to two~~ In order to make up days for school closing because of inclement weather, the local board may designate any of these days as additional make-up days to be scheduled after the last day of student attendance.

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

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

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

(1) The total number of teacher workdays for teachers employed for a 10 month term shall not exceed ~~200~~ 195 days.

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

(3) School shall not be held on Sundays.

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

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

(d) Opening and Closing Dates. – Local boards of education shall determine the dates of opening and closing the public schools under subdivision (a)(1) of this section. Except for year-round schools, the opening date for students shall not be before August 25, and the closing date for students shall not be after June 10. On a showing of good cause, the State Board of Education may waive this requirement to the extent that school calendars are able to provide sufficient days to accommodate anticipated makeup days due to school closings. A local board may revise the scheduled closing date if necessary in order to comply with the minimum requirements for instructional days or instructional time. ~~Different opening and closing dates may be fixed for schools in the same administrative unit.~~ For purposes of this subsection, the term 'good cause' means that schools in any local school administrative unit in a county have been closed eight days per year during any four of the last 10 years because of severe weather conditions, energy shortages, power failures, or other emergency situations.

(e) Year-Round Schools. – Local boards of education may adopt different calendars for different schools. Any school with a school calendar that has at least one school calendar day that falls in a minimum of 11 calendar months is considered a 'year-round school' for the purpose of this Chapter."

SECTION 2. G.S. 115C-302.1(b) reads as rewritten:

"(b) Salary Payments. – State-allotted teachers shall be paid for a term of 10 months. State-allotted months of employment for vocational education to local boards shall be used for the employment of teachers of vocational and technical education for a term of employment to be determined by the local boards of education. However, local boards shall not reduce the term of employment for any vocational agriculture teacher personnel position that was 12 calendar months for the 1982-83 school year for any school year thereafter.

Each local board of education shall establish a set date on which monthly salary payments to State-allotted teachers shall be made. This set pay date may differ from the end of the month of service. The daily rate of pay for teachers shall equal ~~one twenty-second~~ midway between one twenty-first and one twenty-second of the monthly

rate of pay. Except for teachers employed in a year-round school or paid in accordance with a year-round calendar, or both, the initial pay date for teachers shall be no later than August 31 and shall include a full monthly payment. Subsequent pay dates shall be spaced no more than one month apart and shall include a full monthly payment.

Teachers may be prepaid on the monthly pay date for days not yet worked. A teacher who fails to attend scheduled workdays or who has not worked the number of days for which the teacher has been paid and who resigns, is dismissed, or whose contract is not renewed shall repay to the local board any salary payments received for days not yet worked. A teacher who has been prepaid and continues to be employed by a local board but fails to attend scheduled workdays may be subject to dismissal under G.S. 115C-325 or other appropriate discipline.

Any individual teacher who is not employed in a year-round school may be paid in 12 monthly installments if the teacher so requests on or before the first day of the school year. The request shall be filed in the local school administrative unit ~~which~~ that employs the teacher. The payment of the annual salary in 12 installments instead of 10 shall not increase or decrease the teacher's annual salary nor in any other way alter the contract made between the teacher and the local school administrative unit. Teachers employed for a period of less than 10 months shall not receive their salaries in 12 installments.

Notwithstanding this subsection, the term 'daily rate of pay' for the purpose of G.S. 115C-12(8) or for any other law or policy governing pay or benefits based on the teacher salary schedule shall not exceed one twenty-second of a teacher's monthly rate of pay."

SECTION 3. For certified and noncertified employees employed on or after the effective date of this act, the annual rate of pay beginning with the 2005-2006 school year shall not be reduced as the result of this act. Furthermore, nothing in this act shall be construed to change the pay cycle for noncertified employees. The State Board of Education shall report annually to the Joint Legislative Education Oversight Committee on local compliance with this section.

SECTION 4. Nothing in this act shall require the General Assembly to appropriate funds to implement it or require a local school administrative unit to spend additional funds to implement it.

SECTION 5. This act is effective when it becomes law and applies to school years beginning with the 2005-2006 school year. This act shall apply in all 100 counties and in all local school administrative units.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2003

H D

HOUSE BILL 1464*

Committee Substitute Favorable 7/1/04

PROPOSED SENATE COMMITTEE SUBSTITUTE H1464-CSRH-73 [v.2]

7/15/2004 3:30:45 PM

Short Title: School Calendar Changes. (Public)

Sponsors:

Referred to:

May 17, 2004

A BILL TO BE ENTITLED

AN ACT TO REDUCE BY FIVE THE NUMBER OF NONINSTRUCTIONAL TEACHER WORKDAYS; TO PROVIDE THAT PUBLIC SCHOOLS SHALL OPEN NO SOONER THAN AUGUST 25 AND CLOSE NO LATER THAN JUNE 10 EXCEPT IN YEAR-ROUND SCHOOLS OR IN SCHOOLS IN ANY LOCAL SCHOOL ADMINISTRATIVE UNITS IN A COUNTY THAT HAVE BEEN CLOSED EIGHT DAYS PER YEAR DURING ANY FOUR OF THE LAST TEN YEARS BECAUSE OF SEVERE WEATHER CONDITIONS, ENERGY SHORTAGES, POWER FAILURES, OR OTHER EMERGENCY SITUATIONS; TO ENSURE THAT TEACHERS ARE PAID IN AUGUST; TO PROVIDE THAT FIVE NONINSTRUCTIONAL TEACHER WORKDAYS ARE PROTECTED FOR TEACHERS TO COMPLETE INSTRUCTIONAL AND CLASSROOM ADMINISTRATIVE DUTIES AND ARE DESIGNATED AS DAYS ON WHICH TEACHERS WITH ACCUMULATED VACATION LEAVE MAY TAKE THAT LEAVE; TO PROVIDE THAT THE REMAINING NONINSTRUCTIONAL TEACHER WORKDAYS ARE SCHEDULED BY THE LOCAL BOARD OF EDUCATION IN CONSULTATION WITH EACH SCHOOL'S PRINCIPAL FOR USE AS TEACHER WORKDAYS, ADDITIONAL INSTRUCTIONAL DAYS, OR OTHER LAWFUL PURPOSES AND MAY BE DESIGNATED AS MAKE-UP DAYS FOR USE DAYS MISSED DUE TO INCLEMENT WEATHER; TO DEFINE "YEAR-ROUND SCHOOL"; TO PROVIDE THAT THE REDUCTION IN TEACHER WORKDAYS DOES NOT REDUCE THE ANNUAL RATE OF PAY FOR TEACHERS AND OTHER EMPLOYEES; TO PROVIDE THAT NOTHING IN THIS ACT SHALL BE CONSTRUED AS CHANGING THE PAY CYCLE FOR NONCERTIFIED EMPLOYEES; TO PROVIDE THAT NOTHING IN THIS ACT REQUIRES THE GENERAL ASSEMBLY TO APPROPRIATE FUNDS FOR ITS IMPLEMENTATION OR REQUIRES LOCAL SCHOOL

ADMINISTRATIVE UNITS TO EXPEND ADDITIONAL FUNDS FOR ITS IMPLEMENTATION; TO PROVIDE THAT THIS ACT APPLIES TO SCHOOLS BEGINNING WITH THE 2005-2006 SCHOOL YEAR; TO PROVIDE THAT THE ACT APPLIES IN ALL ONE HUNDRED COUNTIES AND IN ALL LOCAL SCHOOL ADMINISTRATIVE UNITS; AND TO PROVIDE THAT THE ACT IS EFFECTIVE WHEN IT BECOMES LAW.

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"**§ 115C-84.2. School calendar.**

(a) School Calendar. – Each local board of education shall adopt a school calendar consisting of ~~220~~ 215 days all of which shall fall within the fiscal year. A school calendar shall include the following:

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

(1a) **(Applies only to 2002-2003 school year – See editor's note.)** Notwithstanding subdivision (1) of this subsection, a local board may decide 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 all of the following criteria are met:

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

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

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

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

If a local board adds instructional hours to previously scheduled days under this subdivision, 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.

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

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

(4) ~~Eight~~ Five days, as designated by the local board, for use as teacher ~~workdays, additional instructional days, or other lawful purposes. A local board may delegate to the individual schools some or all of the eight days to schedule under subdivision (5) of this subsection. A local board may schedule different purposes for different personnel on any given day and is not required to schedule the same dates for all personnel.~~workdays that are protected to allow teachers to complete instructional and classroom administrative duties. The local school administrative unit shall not impose any additional tasks on these five days.

(5) The remaining days scheduled by the local board in consultation with each school's principal for ~~any of the purposes allowed under subdivision (4) of this subsection.~~ use as teacher workdays, additional instructional days, or other lawful purposes. Before ~~scheduling these days, the principal~~ consulting with the local board, each principal shall work with the school improvement team to determine the days to be scheduled and the purposes for which they should be scheduled. Days may be scheduled and planned for different purposes for different personnel and there is no requirement to schedule the same dates for all personnel. ~~However, if during the last two years the local school administrative unit has made up an average of at least eight days for school closing because of inclement weather, the local board may designate up to two~~ In order to make up days for school closing because of inclement weather, the local board may designate any of these days as additional make-up days to be scheduled after the last day of student attendance.

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

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

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

(1) The total number of teacher workdays for teachers employed for a 10 month term shall not exceed ~~200~~ 195 days.

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

(3) School shall not be held on Sundays.

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

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

(d) Opening and Closing Dates. – Local boards of education shall determine the dates of opening and closing the public schools under subdivision (a)(1) of this section. Except for year-round schools, the opening date for students shall not be before August 25, and the closing date for students shall not be after June 10. On a showing of good cause, the State Board of Education may waive this requirement to the extent that school calendars are able to provide sufficient days to accommodate anticipated makeup days due to school closings. A local board may revise the scheduled closing date if necessary in order to comply with the minimum requirements for instructional days or instructional time. ~~Different opening and closing dates may be fixed for schools in the same administrative unit.~~ For purposes of this subsection, the term 'good cause' means that schools in any local school administrative unit in a county have been closed eight days per year during any four of the last 10 years because of severe weather conditions, energy shortages, power failures, or other emergency situations.

(e) Year-Round Schools. – Local boards of education may adopt different calendars for different schools. Any school with a school calendar that has at least one school calendar day that falls in a minimum of 11 calendar months is considered a 'year-round school' for the purpose of this Chapter."

SECTION 2. G.S. 115C-302.1(b) reads as rewritten:

"(b) Salary Payments. – State-allotted teachers shall be paid for a term of 10 months. State-allotted months of employment for vocational education to local boards shall be used for the employment of teachers of vocational and technical education for a term of employment to be determined by the local boards of education. However, local boards shall not reduce the term of employment for any vocational agriculture teacher personnel position that was 12 calendar months for the 1982-83 school year for any school year thereafter.

Each local board of education shall establish a set date on which monthly salary payments to State-allotted teachers shall be made. This set pay date may differ from the end of the month of service. The daily rate of pay for teachers shall equal ~~one twenty-second~~ midway between one twenty-first and one-twenty-second of the monthly

rate of pay. Except for teachers employed in a year-round school or paid in accordance with a year-round calendar, or both, the initial pay date for teachers shall be no later than August 31 and shall include a full monthly payment. Subsequent pay dates shall be spaced no more than one month apart and shall include a full monthly payment.

Teachers may be prepaid on the monthly pay date for days not yet worked. A teacher who fails to attend scheduled workdays or who has not worked the number of days for which the teacher has been paid and who resigns, is dismissed, or whose contract is not renewed shall repay to the local board any salary payments received for days not yet worked. A teacher who has been prepaid and continues to be employed by a local board but fails to attend scheduled workdays may be subject to dismissal under G.S. 115C-325 or other appropriate discipline.

Any individual teacher who is not employed in a year-round school may be paid in 12 monthly installments if the teacher so requests on or before the first day of the school year. The request shall be filed in the local school administrative unit ~~which~~ that employs the teacher. The payment of the annual salary in 12 installments instead of 10 shall not increase or decrease the teacher's annual salary nor in any other way alter the contract made between the teacher and the local school administrative unit. Teachers employed for a period of less than 10 months shall not receive their salaries in 12 installments.

Notwithstanding this subsection, the term 'daily rate of pay' for the purpose of G.S. 115C-12(8) or for any other law or policy governing pay or benefits based on the teacher salary schedule shall not exceed one twenty-second of a teacher's monthly rate of pay."

SECTION 3. For certified and noncertified employees employed on or after the effective date of this act, the annual rate of pay beginning with the 2005-2006 school year shall not be reduced as the result of this act. Furthermore, nothing in this act shall be construed to change the pay cycle for noncertified employees. The State Board of Education shall report annually to the Joint Legislative Education Oversight Committee on local compliance with this section.

SECTION 4. Nothing in this act shall require the General Assembly to appropriate funds to implement it or require a local school administrative unit to spend additional funds to implement it.

SECTION 5. This act is effective when it becomes law and applies to school years beginning with the 2005-2006 school year. This act shall apply in all 100 counties and in all local school administrative units.

NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
House Bill 1464*

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

H1464-ARQ-55 [v.2]

Date _____,2004

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

Senator Stevens

moves to amend the bill on page 1, line 9, by rewriting the line to read: "& Waterpos,
"POWER FAILURES, OR OTHER EMERGENCY SITUATIONS; TO ALLOW THE STATE BOARD OF EDUCATION TO GRANT OTHER EXEMPTIONS FROM THE SCHOOL START AND FINISH DATES FOR ANY OTHER REASONS IT DEEMS APPROPRIATE; TO ENSURE";

and on page 4, line ~~36~~ 38 by rewriting the line to read: "Energy
"shortages, power failures, or other emergency situations. The term 'good cause' shall also include any other reason determined to be appropriate by the State Board of Education.".

SIGNED _____
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED _____ FAILED ✓ TABLED _____

Failed by Voice Vote
#1. - Stevens

NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
House Bill 1464*

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

H1464-ARQ-59 [v.3]

Date _____,2004

Comm. Sub. [YES]
Amends Title [YES]
Sen PCS H1464-CSRH-73 v.2

Senator Nesbitt

Moves to amend the bill on page 1, line 5, by inserting after the word "IN", the following:
"SCHOOLS IN LOCAL SCHOOL ADMINISTRATIVE UNITS EXEMPTED BY THIS ACT;"; and

on page 2, lines 3-5, by deleting the following:
"TO PROVIDE THAT THE ACT APPLIES IN ALL ONE HUNDRED COUNTIES AND IN ALL LOCAL SCHOOL ADMINISTRATIVE UNITS;"

and on page 5, lines 34-35 by rewriting the lines to read:
"years beginning with the 2005-2006 school year. This act shall apply to all local school administrative units, except that G.S. 115C-84.2(d), as amended in Section 1 of this act shall not apply to the following local school administrative units: the Asheville City School System, the Avery County School System, the Buncombe County School System, the Cherokee County School System, the Clay County School System, the Graham County School System, the Haywood County School System, Jackson County School System, the Madison County School System, the McDowell County School System, the Mitchell County School System, the Swain County School System, and the Yancey County School System. These local school administrative units are encouraged

Nesbitt Amendment # 2

NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
House Bill 1464*

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

H1464-ARQ-59 [v.3]

to set the opening dates for school for students as late in August of each year as feasible.".

SIGNED _____
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED _____ FAILED _____ TABLED _____

HOUSE BILL 1464:
School Calendar Changes

BILL ANALYSIS

Committee:	**Senate Education**	**Introduced by:**	Reps. C. Wilson, Culpepper, Miner & Hill
Date:	July 15, 2004		
Version:	Second Edition	**Summary by:**	Robin Johnson Research Division

SUMMARY: House Bill 1464 is a recommendation of the Joint Select Committee on Small Business Economic Development.

House Bill 1464 would reduce the number of required days in the school calendar; require schools to open for students no earlier than August 25 and close by June 10 except in unusual circumstances or in year-round schools; ensure teachers and other employees are paid in August; reduce the number of teacher workdays; and provide that salaries are not reduced as a result of the reduction in teacher workdays.

The bill would take effect when it becomes law, would apply to school years beginning with the 2005-2006 school year, and would apply to all 100 counties and all local school administrative units..

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. Their daily rate of pay is 1/22 of monthly rate of pay.

Teachers earn annual vacation leave at the same rate as State employees. Beginning teachers earn 10 days in one school year; senior teachers can earn more than 20 days in a school year. Teachers are not allowed to use these leave days on instructional days. The school calendar is required to provide for 10 teacher vacation days; local boards may designate teacher workdays as additional days on which teachers with accumulated leave may take that leave.

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.

Local boards set the actual opening and closing dates, which can be revised if needed to comply with minimum requirements for instructional time or instructional days. Different schools within a system may have different opening and closing dates.

[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.

BILL ANALYSIS:

Teacher Workdays: The bill would eliminate 5 teacher workdays from the school calendar, thereby reducing the total number of days in the school calendar from 220 days to 215 days.

- Five teacher workdays would be designated by local boards and would be protected for teachers to complete instructional and classroom administrative duties. Local school administrative units would not be allowed to impose any additional tasks on those days. These days would be designated as days on which teachers with accumulated vacation leave may take that leave.
- The remaining teacher workdays (those scheduled by the school's principal) would be reduced from 11-12 days to 9-10 days. These days would continue to be scheduled for use as teacher workdays, additional instructional days, or other lawful purposes. The bill also would remove the limitation that links the use of these days as snow make up days to days missed in the previous two years and would allow a local board to designate any of these days as make-up days for days missed due to school closing because of inclement weather.

First and Last Instructional Day: The bill would require local boards of education to set the first instructional day of school no earlier than August 25 and the last day no later than June 10 for all schools except year-round schools. A local board of education may ask the State Board of Education for a waiver of this requirement if it can show good cause. Good cause means that schools in any local administrative unit in a county have been closed for eight days per year during any four of the last ten years because of severe weather conditions, energy shortages, power failures, or other emergency situations. The bill would define a "year-round school" as one that has a school calendar that covers at least 11 calendar months.

Rate of Pay, Pay Cycles: The bill would change the daily rate of pay for teachers from 1/22 to 1/21 of the monthly rate of pay, but would not reduce the yearly pay. The term "daily rate of pay" for any other law or policy governing pay or benefits based on the teacher salary schedule shall not exceed 1/22 of their monthly rate of pay.

The annual rate of pay for certified and non-certified employees cannot be reduced as the result of this act, nothing in the bill is to be construed to change the pay cycle for non-certified employees, and the State Board must report annually to the Joint Legislative Education Oversight Committee on compliance with these prohibitions

The bill would require the first pay date to be no later than August 31 for teachers, except for those who are employed in year-round schools or who are paid in accordance with a year-round calendar. Subsequent pay dates must be spaced no more than one month apart and must include a full month's pay.

Appropriation or Expenditure of Additional Funds: Section 4 of the bill would provide that nothing in the act requires the General Assembly to appropriate funds to implement the act or require a local school administrative unit to spend additional funds to implement it.

EFFECTIVE DATE: This act would take effect when it becomes law, would apply to school years beginning with the 2005-2006 school year, and would apply in all 100 counties and all local school administrative units.

H1464-SMRH-010

NORTH CAROLINA GENERAL ASSEMBLY

LEGISLATIVE FISCAL NOTE

BILL NUMBER: House Bill 1464 (Second Edition)

SHORT TITLE: School Calendar Changes.

SPONSOR(S): Representatives Culpepper, Hill, Miner, and C. Wilson

FISCAL IMPACT

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

	FY 2004-05	FY 2005-06	FY 2006-07	FY 2007-08	FY 2008-09
REVENUES	**N/A**				
EXPENDITURES (in millions)					
State Public School Fund					
Payments at Separation	N/A	$0.3-1.6	$0.3-1.6	$0.3-1.6	$0.3-1.7
Substitute Teachers	N/A	$0-27.1	$0-27.4	$0-27.8	$0.6-28.2
State Retirement Fund	N/A	** See Assumptions & Methodology section**			
State Total	**At least**	**$0.3-28.7**	**$0.3-29.0**	**$0.3-29.4**	**$0.3-29.9**
Local Education Agencies (LEA)					
Payments at Separation	N/A	$0.1-0.4	$0.1-0.4	$0.1-0.4	$0.1-0.4
Utilities	N/A	($2.5)	($2.8)	($3.1)	($3.4)
LEA Total		**($2.4)-($2.1)**	**($2.7)-($2.4)**	**($3.0)-($2.7)**	**($2.8)-($3.0)**
POSITIONS:	N/A				

PRINCIPAL DEPARTMENT(S) & PROGRAM(S) AFFECTED: Local Education Agencies, State Public School Fund, And State Retirement Fund.

EFFECTIVE DATE: The act is effective July 1, 2004, and applies to school years beginning with the 2005-06 school year.

BILL SUMMARY:

Section one of the bill amends statute (G.S. 115C-84.2*)* by reducing the total number of days required to be in the school calendar from 220 to 210. This bill achieves this reduction by reducing the number of teacher workdays from 200 to 190. The number of instructional days (180) is not affected. Section one also reduces by three (from eight to five) the number of days that had been at the discretion of local boards of education (local boards) for designation as teacher workdays, additional instructional days, or other lawful purposes [G.S. 115C-84.2(a)(4)]. While the bill allows local boards to retain discretion in scheduling the days, it eliminates the local boards' discretion in designating the *type* of day by establishing these five days as "protected" teacher workdays during which teachers are allowed to complete instructional and administrative duties and are exempted from

required meetings or professional development activities. Local Boards may still require teachers to work on these five workdays. One of the days must be scheduled at the beginning of the year and one day must be scheduled at the end of each academic quarter. Of the remaining 4-5 teacher workdays, two must be designated as days on which teachers may take accumulated vacation leave.

Section one of the bill also establishes that, except for year-round schools, the opening date for students shall not be before August 25 and the closing date shall not be after June 10. The State Board of Education (State Board) can waive this requirement for Local Administrative Units (LEAs) in which schools have been closed eight or more days in any four of the past ten years due to severe weather or other emergency situations.

Section two of the bill amends the daily rate of pay for teachers to be one twenty-first (instead of one twenty-second) of the monthly rate. The daily rate of pay for the purposes of paying substitute teachers or any other personnel whose pay is based on the daily rate of pay for teachers remains one twenty-second of the monthly rate for teachers. Section two also establishes that the initial pay date for teachers must be no later than August 31, with subsequent pay dates to be no more than one month apart and to include a full monthly payment.

Section three of the bill establishes that no certified or non-certified employee employed on or after the effective date of the act shall experience a reduction in annual rate of pay as a result of the act.

Section five of the bill establishes that the act becomes effective July 1, 2004 and applies to school years beginning with the 2005-06 school year.

ASSUMPTIONS AND METHODOLOGY:

Section One

Impact Resulting from Unused Accumulated Annual Vacation Leave

Under current law, teachers cannot use annual vacation leave on any of the 180 instructional days in the school calendar. The bill does not change this rule. Teachers still may only use vacation leave on optional non-instructional teacher workdays. The bill reduces the number of non-instructional teacher workdays from 19-20 to 9-10.[1] Assuming that LEAs continue the current practice of designating, on average, 5.5 workdays as mandatory LEA-wide teacher workdays, 4-5 *optional* non-instructional workdays will remain. These workdays will be the only days on which teachers can use accumulated annual vacation leave. The reduced opportunity for teachers to utilize vacation leave time will create a situation in which vacation leave accumulates at a greater rate than under current statute. This increased accumulation will create an annual fiscal impact on the State and on LEAs. The fiscal impact derives from the effects that increased accumulation of teachers' vacation leave will likely have on payments for unused vacation leave at separation ("payments at separation"), increased accumulated sick leave, age at retirement, and calculation of retirement benefits.

Teachers earn annual vacation leave monthly at one-twelfth the rate of State employees. A beginning teacher earns ten days, the number of days already built into the calendar explicitly for annual

[1] G.S. 115C-84.2(a)(3) requires "the same or equivalent number of legal holidays occurring within the school calendar as those designated by the State Personnel Commission for State employees." Depending upon the day upon which Christmas day falls, there are ten or eleven State holidays in a given year. In years when there are eleven holidays, nine total teacher workdays are required to complete the 210 day calendar. Local boards are assigned *five* days to designate and the principals are left to schedule *four or five* "remaining days."

vacation leave (typically scheduled as winter and spring breaks). These teachers, therefore, accumulate no additional or "discretionary" vacation leave days to use on non-mandatory, non-instructional workdays. Teachers with two or more years of experience, however, accumulate 11.5 vacation days annually, while teachers with ten or more years of experience accumulate at least 16.5 days, up to an annual maximum of 21.5 days for teachers with twenty or more years of experience. All teachers with two or more years of experience, therefore, accumulate annually between 1.5 and 11.5 days of discretionary vacation leave that will carry over to the following year if not utilized during non-instructional, non-mandatory workdays. The following chart illustrates the number of vacation days accumulated annually by teachers of varying experience levels:

Accumulated Annual Vacation Leave for Teachers

Years of Experience	Vacation Leave Days Accumulated per Year
Less than 2	0.0
2 but less than 5	1.5
5 but less than 10	4.0
10 but less than 15	6.5
15 but less than 20	9.0
20 or more	11.5

The bill directs that local boards and individual schools designate at least two non-instructional teacher workdays as optional days when teachers may use accumulated vacation leave. Assuming that teachers in every LEA have the opportunity to use 4-5 vacation days annually, even if all teachers choose to use leave on all the available days, there would still be an estimated statewide total of between 206,475 and 250,461 unusable vacation days accumulated per year.[2] The following chart illustrates how these unusable days create an annual financial liability to the State based on the payable value of the days:

Accrued State Liability Resulting from Unusable Accumulated Vacation Days

Number of State Holidays in the School Calendar	Minimum Annual Number of Unusable Vacation Days	Annual Salary for Teachers Earning Them	Daily Rate of Pay for Teachers Earning Them	Total Annual Accrued State Liability for Payments at Separation[2]
10	206,475	$41,881	$199.44	$41,178,647
11	250,461	$41,881	$199.44	$49,951,049

In the 2005-06 school year, the first in which the act will apply, the total liability will be greater because of vacation days accumulated in prior years. The incremental annual liability identified in the chart above will increase each year as growth in the student population (average daily membership or "ADM") requires increases in the total number of State-paid teachers (i.e., more teachers = more unusable vacation days). ADM growth is estimated to be approximately 1.33% annually. The total liability will also grow each year because the rate of teacher turnover (and payments at separation) will not keep pace with the rate of accumulation of vacation leave. The

[2] Estimate based on number of State-paid teachers from December 2003. As the number of State paid teachers has increased by approximately 2,500 since that time, this estimate is likely somewhat *understated.* Note also that for any teacher who currently uses no vacation leave, the bill will not create any incremental additional accrued liability. An estimate of the number of teachers currently not using any accrued vacation leave is not available at this time. Assuming some number of teachers fits this description, the estimate is likely somewhat *overstated.*

impact of this liability on annual expenditures will depend upon teacher decisions regarding utilization of vacation and sick leave, continuation of employment in the public schools or State service, and retirement.

Since it is not possible at this time to predict with any precision how teachers will utilize their vacation and sick leave after the changes in the bill are implemented, it is not possible to predict precisely how the annual liability created by the bill will translate into expenditures. It is possible, however, to examine several scenarios under which additional expenditures may be generated by the liability. The scenarios involve vacation leave days accumulating and being paid at separation, and/or rolling over into sick leave and accumulating for potential use as creditable service toward retirement.

The following chart illustrates the most probable scenarios and their fiscal implications:

Effects of Bill on Teacher Utilization of Annual Vacation and Sick Leave

Scenario	Effect on Annual Vacation Leave	Effect on Annual Sick Leave	Fiscal Impact
(1) Teachers use less vacation leave, and use same amount of sick leave as they currently do.	Teachers accumulate more vacation leave.	More unused vacation leave is "rolled over" at fiscal year end into sick leave.	(a) Teachers are paid for more unused vacation leave at separation. (b) Teachers retire earlier and/ or with higher benefits using accumulated sick leave as creditable service time. (c) Teachers' final average compensation is higher due to higher payments at separation, as referenced in (a) above.
(2) Teachers use less vacation leave, but compensate by using more sick leave.	Teachers accumulate more vacation leave.	More unused vacation leave is "rolled over" at fiscal year end into sick leave.	(a) LEAs expend more to pay substitute teachers. (a), (b), and (c) from Scenario (1)
(3) Teachers use same amounts of vacation and sick leave as they do currently.	Teachers accumulate more vacation leave	More unused vacation leave is "rolled over" at fiscal year end into sick leave.	(a), (b), and (c) from Scenario (1) Note: For teachers who currently use zero days of vacation leave, there would be no impact.

In all three scenarios, the bill would increase expenditures from the State Public School Fund (SPSF) and LEA funds for payments at separation, and from the State Retirement Fund for retirement benefits. SPSF expenditures for payments to State-paid teachers separating prior to retirement would increase as accumulated vacation leave increased.[3] Similarly, expenditures by LEAs for payments to

[3] Payments to teachers separating due to retirement likely would not increase, as almost all retiring teachers are currently paid for the maximum number of accumulated vacation days (30).

locally paid teachers would increase. Based on current expenditure data, each additional day of unused vacation leave paid out at separation for a non-retiring teacher would cost the State an estimated $317,436 and LEAs $95,230. If one assumes an average of 3.82 additional days paid out per terminating employee,[4] the total additional annual expenditure for severance would be $1,211,180 for the State and $363,779 for the LEAs.

Estimated Additional Annual Payments to Teachers at Separation

Non-Retiring State-Paid Teachers Separating Annually[5]	Average Additional Accrued Vacation Days Paid Out	Annual Salary for Teachers Earning Them	Daily Rate of Pay for Teachers Earning Them	Total Annual Additional State Expenditure for Payments at Separation
1,772	1	$39,410	$179.14	$317,436
1,772	3.82	$39,410	$179.14	$1,211,180
1,772	5	$39,410	$179.14	$1,587,180

As a result of teachers applying accumulated sick leave toward earlier retirements (creating longer benefit duration), higher benefit levels (because of more creditable State service time at time of retirement), or both, expenditures from the Retirement Fund would increase by an amount that cannot be estimated by the General Assembly staff or the actuaries with whom they confer.

In the second scenario, in addition to the increased expenditures noted above, expenditures from LEA funds, and ultimately from the SPSF, for substitute teachers would increase.[6] On average, each additional substitute teacher day costs $70.91. If each of the 76,314 State-paid teachers[7] used one additional sick day annually as a result of the implementation of the changes in the bill, the additional annual expenditures for substitute teachers would be $5,411,426. If each teacher used one additional sick day in place of each vacation leave day that would now be unusable (i.e., the 206,475 noted above), the additional annual expenditure for substitute teachers would be $14,641,142 (in years with 10 State holidays) or $17,760,190 (in years with 11 holidays). If each teacher uses five additional sick days, the additional cost would be $27,059,129.

Estimated Additional Annual Expenditures for Substitute Teachers

Number of State-Paid Teachers	Number of Additional Sick Days Used per Teacher	Number of Additional Substitute Teacher Days	Average Daily Rate of Pay for Substitute Teachers	Total Additional Expenditure
76,314	1	76,314	$70.91	$5,411,426
76,314	2.71	206,475	$70.91	$14,641,142
76,314	3.28	250,461	$70.91	$17,760,190
76,314	5	381,570	$70.91	$27,057,129

[4] The average accrued unusable vacation days for FY 2002-03 teachers with 5-24 years of experience.
[5] Based on FY2002-03 actual expenditures for payments at separation to teachers with 5-24 years of experience.
[6] While increased cost for substitute teachers is actually borne by the LEAs, this analysis assumes that the General Assembly would appropriate more funds to the LEAs for this purpose.
[7] FY 2003-04 State-paid teachers.

Effects on Professional Development

Current practice in the LEAs is to conduct the majority of LEA- or school-sponsored professional development activities during non-instructional teachers workdays. As noted above, the bill reduces the number of these workdays by ten and mandates that the five local board-designated days, must be set aside for teachers to perform only "instructional and classroom administrative duties." Assuming that these duties do not include LEA-wide organizational meetings or professional development activities, the bill, therefore, prohibits local boards from requiring teachers to attend such activities on the five local board-designated workdays. This change effectively removes from local boards any direct authority to require LEA-wide professional development on non-instructional teacher workdays.

School principals will still have the ability to schedule mandatory professional development activities on all but two of the 4-5 days over which they have discretion. Given that current practice in the LEAs is to schedule an average of 5.5 mandatory, or "protected," workdays, it seems likely that 2-3 principal days will be used in this manner. These 2-3 days will represent the only remaining opportunities outside of the instructional calendar to hold LEA-wide organizational meetings or provide professional development to instructional staff. As a result, local boards and schools will either explore alternative schedules for delivering the same amount of professional development as is currently scheduled for instructional staff, or the amount of LEA- or school-sponsored professional development to which staff is exposed in the course of their work year will decline. It is not possible to predict which of these scenarios will come to be. It is clear, however, that both of these possibilities carry significant personnel and/or policy implications. In addition, the possibility of reduced staff development activities carries potential fiscal implications.

FY 2002-03 expenditures from all sources for professional development totaled approximately $65 million, of which $18.4 million were state funds and $22 million were local funds. The State allots $11.9 million specifically for professional development. The other $6.5 million of State dollars used for this purpose come from other supplemental allotment categories, such as At-Risk Student Services, Limited English Proficiency, Academically Gifted, and Children with Special Needs. If professional development activities are reduced as a result of the bill such that expenditures for this purpose from various supplemental allotment categories are reduced, the LEAs will be able to use the funding that had been used for professional development for other purposes. Since it is not possible to predict with any precision whether or by how much LEAs or schools will reduce the amount of professional development activities they conduct, it is not possible to estimate the potential reductions in expenditures for these activities. It seems reasonable to assume, however, that if these activities are reduced, the LEAs will still utilize at least the full $12 million State allotment and the approximately $24.5 million in federal dollars currently used for professional development. Approximately $6.5 million in State dollars and up to $22 million in local dollars may therefore be freed for use for other purposes.

Impact of New Start and Closing Dates

The bill allows the State Board of Education to waive the school opening and closing date requirements for LEAs in which schools have been closed for eight days or more during any four of the last ten years as a result of severe weather conditions, energy shortages, power failures, or other emergency situations.

The following chart illustrates how 21 of 115 LEAs would be eligible for a waiver if the act were in effect the 2004-05 school year.[8] FY 2003-04 data for some LEAs is not available (N/A) at this time. Were it available, four additional LEAs; Guilford, Orange, Randolph, and Wilkes Counties, might appear as eligible for the waiver.

Number of Days Schools Closed in LEAs each of Past Ten Years

LEA	2003 -04	2002 -03	2001 -02	2000 -01	1999 -00	1998 -99	1997 -98	1996 -97	1995 -96	1994 -95	Years >=8 Days	Eligible for Waiver?
Avery County	17	16	8	16	13	11	18	12	22	14	*10*	Yes
Alleghany County	11	14	7	10	13	9	9	15	20	8	*9*	Yes
Ashe County	14	16	7	10	12	13	15	15	22	14	*9*	Yes
Mitchell County	15	16	7	12	13	14	18	8	24	13	*9*	Yes
Yancey County	13	13	1	14	12	14	15	10	23	13	*9*	Yes
Watauga County	N/A	17	7	14	12	11	13	10	23	14	*8*	Yes
Madison County	13	13	5	14	15	8	13	7	24	7	*7*	Yes
Haywood County	7	10	1	11	9	7	9	5	17	8	*6*	Yes
Buncombe County	10	8	4	6	7	7	8	6	18	4	*4*	Yes
Davidson County	9	8	3	1	11	2	0	3	12	2	*4*	Yes
Lexington City	9	8	0	1	11	1	0	3	10	2	*4*	Yes
Thomasville City	8	8	2	1	9	2	0	3	9	2	*4*	Yes
Forsyth County	8	10	2	0	9	2	0	3	12	1	*4*	Yes
Granville County	9	9	3	2	14	0	0	3	14	3	*4*	Yes
Chapel Hill-Carrboro	8	8	0	0	9	0	0	3	10	0	*4*	Yes
Person County	10	10	1	2	10	0	0	3	12	3	*4*	Yes
Rockingham County	11	12	0	3	13	3	0	3	14	1	*4*	Yes
Rowan-Salisbury	8	8	3	0	8	1	0	2	10	2	*4*	Yes
Stokes County	14	13	3	2	14	5	1	6	14	2	*4*	Yes
Surry County	14	13	3	7	11	7	1	5	14	2	*4*	Yes
Mount Airy City	11	10	2	4	8	3	0	2	12	1	*4*	Yes
Vance County	5	9	3	2	11	0	0	3	12	8	*4*	Yes
Alamance-Burlington	6	8	3	0	13	1	0	3	11	2	*3*	No
Alexander County	8	8	0	2	6	4	0	3	10	1	*3*	No
Caldwell County	8	8	1	3	6	6	0	2	10	1	*3*	No
Caswell County	9	6	0	0	12	1	0	3	11	2	*3*	No
Durham County	7	9	2	0	11	0	0	6	8	3	*3*	No
Guilford County	N/A	9	1	0	13	1	0	2	12	1	*3*	No
Halifax County	10	7	0	1	16	2	0	2	10	2	*3*	No
Hertford County	12	3	3	2	14	2	0	1	9	1	*3*	No

[8] Data for FY 2004-05 would be required to determine eligibility for waiver in the 2005-06 school year, the first year that the act would require adherence to the new school start and end dates.

LEA	2003 -04	2002 -03	2001 -02	2000 -01	1999 -00	1998 -99	1997 -98	1996 -97	1995 -96	1994 -95	Years >=8 Days	Eligible for Waiver?
Northampton County	9	5	0	1	13	2	0	1	9	1	3	No
Orange County	N/A	9	2	0	11	1	0	3	10	2	3	No
Randolph County	N/A	9	1	0	12	2	0	2	10	3	3	No
Warren County	7	8	1	2	14	0	0	2	14	2	3	No
Wilkes County	N/A	10	0	5	10	6	1	4	11	3	3	No
Yadkin County	9	9	2	3	7	2	0	3	12	1	3	No
Bertie County	11	3	0	2	16	2	1	1	6	1	2	No
Burke County	N/A	8	0	3	6	5	0	2	11	2	2	No
Chatham County	N/A	7	3	0	9	1	0	5	12	3	2	No
Edenton/Chowan	10	2	0	1	8	3	1	1	6	1	2	No
Dare County	10	5	1	0	11	0	0	0	2	2	2	No
Davie County	7	9	0	1	7	2	0	2	11	1	2	No
Franklin County	5	7	1	1	10	1	0	5	12	3	2	No
Gates County	10	2	0	1	10	2	0	1	6	1	2	No
Roanoke Rapids City	7	6	3	1	10	2	0	1	8	1	2	No
Weldon City	6	2	2	1	16	2	0	1	10	1	2	No
Henderson County	9	6	1	6	4	4	5	7	12	3	2	No
Iredell-Statesville	N/A	8	2	1	6	2	0	2	9	1	2	No
Jackson County	N/A	7	5	6	5	5	8	4	14	5	2	No
Johnston County	7	5	2	0	13	2	0	6	8	1	2	No
McDowell County	9	7	0	6	4	5	2	2	11		2	No
Nash-Rocky Mount	6	5	3	1	13	2	0	2	9	1	2	No
Pender County	3	2	0	0	12	3	1	8	0	0	2	No
Asheboro City	6	7	2	0	9	2	0	2	8	2	2	No
Elkin City	11	10	2	3	7	3	0	3	7	1	2	No
Transylvania County	9	6	2	7	2	3	4	6	10	5	2	No
Wake County	7	6	3	0	12	0	0	6	8	1	2	No
Washington County	9	2	2	1	8	3	0	1	3	1	2	No
Wilson County	6	3	2	1	10	2	0	3	9	1	2	No
Beaufort County	3	2	2	2	11	3	0	1	2	1	1	No
Bladen County	6	2	0	1	11	2	0	3	2	0	1	No
Brunswick County	1	2	2	0	9	3	0	6	0	0	1	No
Asheville City	7	6	4	3	5	4	6	5	15	4	1	No
Camden County	7	2	2	1	8	3	1	1	5	2	1	No
Catawba County	7	7	2	1	4	2	0	2	9	1	1	No
Hickory City	6	6	2	1	2	3	0	2	9	1	1	No
Newton-Conover	6	7	2	1	2	2	0	2	9	1	1	No
Cherokee County	3	4	1	3	3	2	3	2	15	4	1	No

LEA	2003 -04	2002 -03	2001 -02	2000 -01	1999 -00	1998 -99	1997 -98	1996 -97	1995 -96	1994 -95	Years >=8 Days	Eligible for Waiver?
Clay County	3	0	4	2	2	2	0	2	13	5	*1*	No
Columbus County	5	1	2	0	8	3	0	4	1	1	*1*	No
Whiteville City	5	1	0	0	8	3	0	4	1	1	*1*	No
Cumberland County	N/A	3	2	1	9	2	0	4	3	1	*1*	No
Currituck County	5	2	0	1	10	3	1	1	4		*1*	No
Duplin County	5	3	0	1	17	3	0	6	2	0	*1*	No
Edgecombe County	5	3	3	2	19	2	0	1	7	1	*1*	No
Graham County	5	5	6	5	4	5	6	2	19	6	*1*	No
Greene County	3	0	0	2	17	2	0	1	4		*1*	No
Harnett County	7	4	3	0	9	2	0	6	7	1	*1*	No
Hyde County	3	4	0	1	9	3	0	3	2	1	*1*	No
Jones County	4	2	0	1	12	2	0	2	1	0	*1*	No
Lee County	7	4	2	0	9	0	0	2	7	1	*1*	No
Lenoir County	N/A	2	2	1	18	2	0	4	2	0	*1*	No
Lincoln County	6	7	2	0	3	1	0	1	8	0	*1*	No
Macon County	2	3	2	1	3	3	3	1	10	3	*1*	No
Martin County	5	2	0	2	13	0	0	1	6	1	*1*	No
Montgomery County	6	7	2	0	12	0	0	1	7	1	*1*	No
Moore County	N/A		3	0	11	0	0	2	7	0	*1*	No
Onslow County	5	2	0	1	10	3	1	4	1	0	*1*	No
Pasquotank County	8	2	2	1	7	3	0	1	5	1	*1*	No
Perquimans County	9	2	2	1	7	2	1	2	6	1	*1*	No
Pitt County	7	2	0	2	17	2	0	1	4	1	*1*	No
Polk County	7	6	1	2	3	2	1	3	9		*1*	No
Richmond County	5	3	3	0	9	0	0	1	4		*1*	No
Robeson County	6	3	2	1	8	2	0	2	3	0	*1*	No
Rutherford County	5	6	2	2	4	2	2	3	8	0	*1*	No
Sampson County	6	2	3	1	14	2	0	6	3	0	*1*	No
Clinton City	5	3	2	1	8	2	0	2	1	0	*1*	No
Scotland County	5	2	2	0	8	2	0	1	3	1	*1*	No
Stanly County	5	6	0	0	8	0	0	1	7	0	*1*	No
Swain County	4	5	4	2	5	5	4	1	10	5	*1*	No
Tyrrell County	8	2	2	0	5	4	0	1	3	1	*1*	No
Wayne County	5	4	2	1	15	0	0	6	3	1	*1*	No
Anson County	5	5	2	0	6	0	0	1	4	0	*0*	No
Cabarrus County	6	7	1	0	6	0	0	1	7	1	*0*	No
Kannapolis City	6	7	2	0	5	0	0	1	7	1	*0*	No
Carteret County	5	2	1	1	7	3	0	2	1	1	*0*	No

LEA	2003 -04	2002 -03	2001 -02	2000 -01	1999 -00	1998 -99	1997 -98	1996 -97	1995 -96	1994 -95	Years >=8 Days	Eligible for Waiver?
Cleveland County	7	6	2	1	2	1	0	2	7	0	*0*	No
Kings Mountain	5	5	2	0	3	1	0	1	6	0	*0*	No
Shelby City	5	5	2	0	2	2	0	1	4	0	*0*	No
Craven County	3	2	2	1	6	2	0	2	3	0	*0*	No
Gaston County	N/A	6	0	0	4	0	0	0	7	0	*0*	No
Hoke County	5	4	0	0	6	0	0	1	2	1	*0*	No
Mooresville City	5	6	2	0	3	2	0	0	7	0	*0*	No
Mecklenburg County	5	7	2	0	4	0	0	0	6		*0*	No
New Hanover County	1	2	2	0	7	3	0	7	0	0	*0*	No
Pamlico County	1	2	0	1	5	3	1	1	2	1	*0*	No
Union County	5	6	2	0	7	0	0	1	3	0	*0*	No

Impact on Utility Costs

By requiring that school begin later in August, the bill will allow schools to operate on fewer late summer days when temperatures are high and air conditioning systems must run constantly. As a result, LEAs that do not receive waivers from the calendar requirements may save up to 2% of their total annual costs for electricity.[9] Assuming 84% of the total expenditures for electricity in FY 2002-03 were in non-waiver LEAs, the total estimated annual savings is up to $2.5 million.

Estimated Annual Reduction in LEA Expenditures for Electricity

Statewide Total LEA Expenditures for Electricity (FY 2002-03)	Percentage of LEA Expenditures for Electricity in Non-Waiver LEAs	Estimated Reduction in Expenditures	Annual Reduction in Statewide Total LEA Expenditure for Electricity
$148,490,890	84%	2%	$2,494,647

Section Two

Impact of Amending Daily Rate of Teacher Pay

By amending the daily rate of pay for teachers to effectively hold their salaries harmless from any effects of other changes in the bill, section two creates a situation in which teachers (and other ten month certified personnel paid off of the teachers salary schedule) are paid the same salaries for ten fewer days of work. The following are two ways to interpret this situation:

- Teachers receive an increase of 4.8% in their daily rate of pay.
- Schools will be losing 10 days of work, but paying teachers the same salaries.

[9] According to a 2003 estimate by Duke Power Company.

The following chart illustrates the costs to the State and LEAs:

Cost of Paying Teachers and Other Certified Personnel for 10 Days Not Worked

Type of Employee	Number of State-Paid Employees	Cost of 10 days of Work*	Number of Locally-Paid Employees	Cost of 10 Days of Work**
Teachers	76,314	$132,040,564	5,973	$10,334,648
Instructional Support	8,878	$17,217,670	2,052	$2,155,717
Assistant Principals	1,735	$3,748,389	774	$1,672,192
Total	**86,927**	**$153,006,623**	**8,799**	**$14,162,557**

*Costs calculated using average salaries from the 6th pay period of FY 2003-04.
**Local costs do not include the average local salary supplements. The cost of ten days of average local salary supplements for teachers would add another $11,531,082. Data on average supplements for instructional support and assistant principals is not available at this time.

SOURCES OF DATA: Department of Public Instruction, State Board of Education, Duke Power Company.

TECHNICAL CONSIDERATIONS:

1. **Changes to existing school calendars required by bill:** Each LEA's eligibility for a waiver from the requirements of the act theoretically could change each year as the ten years upon which the waiver is based changes. Most local boards establish their school calendars at least a year in advance of a given school year. Many, particularly the larger LEAs, establish their calendars two years in advance. Given that final school closing data will not be available to local boards until, on average, March of each year, many LEAs will not know at the time that they plan their calendars whether or not they are eligible for a waiver. A number of LEAs have already established a school calendar for the 2005-06 school year. Passage of the bill will require them to change those calendars to comply with the new opening and closing dates. For LEAs that plan their calendars only one year at a time, as is the practice in Virginia, whose waiver policy is the basis for the policy in the bill, no changes to existing calendars should be necessary.

2. **"Hold harmless" clause for non-certified employees:** The bill requires that the annual rate of pay for non-certified employees "not be reduced as the result of this act." While the requirement does prevent LEAs from reducing the annual pay for these employees specifically because their duties have been reduced "as a result of this act," LEAs are not prevented from establishing another reason for reducing these employees' pay. LEAs interested in avoiding a violation of this "hold harmless" clause could find a number of justifications for altering terms of employment (such as moving employees from full-time to part-time) in ways that would effectively reduce employees' annual rates of pay. It would be very difficult to verify that these changes had been made as a result of the bill.

3. **Effects on high schools employing block scheduling:** Approximately 292 (65%) of the State's 446 high schools currently employ block scheduling. As a result of the later school start date, these high schools will no longer be able to schedule second quarter exams prior to the winter holiday break.

4. **Use of the term "protected":** The term "protected" is used in the bill in a manner that is inconsistent with the typical usage in the public schools. This difference will likely be a source of confusion for those familiar with the public schools. In the bill, the term is used to characterize the five local board-designated workdays as being ineligible for scheduling of mandatory professional development or organizational activities. Local boards may still mandate teacher attendance on these days, but these days are "protected" to "allow teachers to complete instructional and classroom administrative duties" and "shall not impose any additional tasks on these days." In public schools vernacular, the term "protected" is used simply to refer to "required/mandatory" workdays.

5. **Conflicting clauses regarding school closing date:** The bill is inconsistent regarding flexibility in setting the closing date for schools. One sentence states that "the closing date for students shall not be after June 10." Two sentences later the bill states that "a local board may revise the scheduled closing date if necessary in order to comply with the minimum requirements for instructional days or instructional time."

FISCAL RESEARCH DIVISION: (919) 733-4910

PREPARED BY: Adam Levinson

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

DATE: July 1, 2004

Signed Copy Located in the NCGA Principal Clerk's Offices

VISITOR REGISTRATION SHEET

Senate Education/Higher Education — July 15, 2003
Name of Committee — Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Anne Marie Knighton	State Board of Community Colleges
Gene Causby	NCSFSA
Ann McArthur	Gov's Off.
JB Buxton	Gov Off
Adam Pridemore	NCASA
Katherine Joyce	NCASA
Suzanne Woods	NCCCS
John Motley	Gov office
Jere Royall	NCFPC
Jane Pinsley	NCCAI

Attachment 1

PUBLIC SCHOOLS OF NORTH CAROLINA

STATE BOARD OF EDUCATION :: Howard N. Lee, *Chairman* WWW.NCPUBLICSCHOOLS.ORG
DEPARTMENT OF PUBLIC INSTRUCTION :: Michael E. Ward, *State Superintendent*

July 6, 2004

The Honorable Marc Basnight
The North Carolina Senate
North Carolina General Assembly
Raleigh, NC 27601

Dear Senator Basnight:

I have listened and analyzed the debate on both sides of HB 1464, School Calendar Changes. As chairman of the State Board of Education and as a former legislator, I appreciate the tough challenge you face as you try to determine the right decision.

I would like to suggest a possible middle ground to you. I suggest that the State Board could endorse a reasonable start date for schools throughout the State. I further suggest that the teacher workdays be retained. After all, we need to ensure that we enhance teacher training opportunities in order to reduce the 13,000 teachers in our classrooms who currently don't hold clear certification. I further suggest that this legislation direct the State Board of Education and the State Tourism Board to conduct a joint study and make recommendations to the 2005 General Assembly. Such a recommendation could be presented early enough in the 2005 session to allow for implementation during the 2005-2006 school years, the same timeline as proposed in House Bill 1464.

The State Board and I recognize that some of the school start dates for students in North Carolina have reached a point of being unreasonable. However, there are many factors which should be considered before we make a permanent change to how school calendars are set at the local level. Missing from this whole debate has been the educational impacts on students. I urge you to take time for these issues to be examined before making a decision that will so dramatically affect education excellence in this state.

A decision on this issue has the potential to create real problems if not carefully crafted and all unintended consequences not anticipated and managed. I ask that you consider my proposal as an option to achieve the ultimate goal of reasonable start dates for students without sacrificing much-needed teacher workdays.

I send this letter to you with kindest regards and best wishes, trusting that you will make the decision on this bill that ensures North Carolina will continue to move forward in education.

Respectfully,

Howard N. Lee

Howard N. Lee

PUBLIC SCHOOLS OF NORTH CAROLINA
State Board of Education • Department of Public Instruction
www.ncpublicschools.org

Linda S. Suggs
Legislative Director

301 N. Wilmington Street
Raleigh, NC 27601-2825
lsuggs@dpi.state.nc.us

Phone: 919.807.3402
Fax: 919.807.3407
or
919.807.3198

State of North Carolina
Office of the Governor
20301 Mail Service Center • Raleigh, NC 27699-0301

Michael F. Easley
Governor

Governor Mike Easley's Teacher Working Conditions Initiative

In response to an estimated annual need to hire 11,600 teachers in North Carolina and data showing that of the 3,300 graduates from our teacher education programs, only 1,400 were teaching in NC classrooms two years later, the Governor, with the support of BellSouth NC, the North Carolina Professional Teaching Standards Commission (NCPTSC), and the North Carolina Association of Educators distributed the first statewide teacher working conditions survey in May of 2002. The survey, developed by NCPTSC, was designed to provide information at the school, district and state level about what teachers and administrators believe to be the critical components of improving working conditions. This allows schools to target resources to stem teacher attrition. The survey analyzed five critical areas related to working conditions: teacher empowerment; school leadership; facilities and resources; time; and professional development.

More than 40,000 teachers and 1,300 principals in North Carolina responded to the 39-question survey, representing two-thirds of NC schools in 98 percent of districts. District reports were mailed to 115 of the state's 117 districts that included: a letter from the governor, a summary of all responses of teachers in the district, an exemplary school report showing the top 10 schools in each category across the state, and an electronic copy of each school's report. At the school level, principals received an eight-page frequency report that compared the school to the district and state, an average report, and an exemplary schools report.

Findings from the survey showed that North Carolina teachers were only modestly satisfied with their working conditions (the most positive response was 4.2 on a 6.0 scale). Teachers were least positive about issues of time, citing extraneous duties and the need for more time to work on curriculum and with mentors and colleagues. Teachers were most positive about aspects of school leadership, viewing principals as often being a strong and supportive leader. Teachers in smaller and higher performing schools tended to be more satisfied. Finally, there were great disparities in the perceptions of principals and teachers about working conditions in their school.

The Governor's Teacher Working Conditions Initiative included the use of the annual school report cards as a tool to provide data to parents and educators about teacher quality issues. Beginning in May 2002 North Carolina was the first state to include *the teacher turnover rate per school*, as well as by district and state on its annual school report card. This data showed the school-to-school migration of teachers and the importance of positive working conditions in retention of teachers at all levels. Additionally, the Governor included in the 2003 report cards the number of *teachers per school* that responded to the survey and information for parents as to where to obtain results for their schools.

The next administration of the survey will be March 22-April12, 2004, and will be conducted on-line, allowing an up-to-date analysis of the school level response rate. Teachers will be given anonymous logon numbers and will have a three-week window within which they may complete the survey at their leisure. Individual school and district results will be available June 1, 2004.

Some changes were made to the original survey based on input from the education community, including questions that attempt to gather more information on school level practices in each of the five domains. Also, a toolkit is being developed to help principals analyze results and understand potential data driven reform strategies. Nationally recognized researchers are interested in the data from the survey results.

More information is available on the Governor's website at http://www.governor.state.nc.us

PUBLIC SCHOOLS OF NORTH CAROLINA
STATE BOARD OF EDUCATION :: Howard N. Lee, *Chairman* WWW.NCPUBLICSCHOOLS.ORG
DEPARTMENT OF PUBLIC INSTRUCTION :: Michael E. Ward, *State Superintendent*

Remarks to House Commerce Committee Regarding HB 1464, School Calendar Changes

June 30, 2004

To reiterate remarks made by SBE Chairman Howard N. Lee to the committee last week:

- Devastating to abolish 10 teacher workdays.
- Nearly 13,000 teachers in NC don't hold clear licenses and need workdays to complete licensure requirements, acquire needed professional development, and work with mentors.
- In addition, General Assembly has mandated renewal credits in reading for K-8 teachers.
- Also, House Committee on Appropriate Education for Students on Long-Term Suspension recommended renewal credits in diversity, anger management, etc, for ALL teachers (Rep. Parmon and Rep. Sauls served on this committee).
- Likely to be no days available for such staff development (see chart of school closings for last 10 years).
- You also heard Chairman Lee say last week that he shares your concerns about the increasingly early start dates of the instructional year for students.
- He is committed to convening a special task force to look into all the issues involved and to recommend solutions to the General Assembly that will shorten the year for students without sacrificing critical teacher workdays.
- He will invite Tourism and other stakeholders to participate in crafting these recommendations.
- He is confident that this can be accomplished in time for recommendations to be implemented by the 2005-2006 school year, which is the same timeline this bill proposes.

SBE discussed this issue extensively this morning in the monthly SBE meeting.

- SBE members fully support Chairman Lee's proposal and share his concerns.
- Adopted resolution at May meeting (attached).
- Appalled that a decision that so dramatically affects education has not been heard in an education policy committee.
- Also appalled at what they're hearing from some teachers about the value of teacher workdays and professional development. While they are confident that this is not universally true, they are also committed to examining those issues to ensure that teacher workdays are effectively used to improve instruction for children and that professional development for NC teachers is of the highest quality.

Respectfully submitted,
Linda S. Suggs
Legislative Liaison, State Board of Education, Department of Public Instruction

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6302 Mail Service Center :: Raleigh, North Carolina 27699-6302 :: 919.807.3304 :: Fax 919.807.3198
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STATE BOARD OF EDUCATION :: Howard N. Lee, *Chairman* WWW.NCPUBLICSCHOOLS.ORG
DEPARTMENT OF PUBLIC INSTRUCTION :: Michael E. Ward, *State Superintendent*

North Carolina State Board of Education

Position Statement on House Bill 1464
School Calendar Changes

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The SBE is sensitive to the issues raised by the state's travel and tourism industry; however, there is concern about the long-term implications and unintended consequences of legislation to change the school calendar as currently written.

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The SBE strongly believes that it is the responsibility of the SBE to set standards for the school year and that school calendar decisions should be made at the local level. The SBE is concerned that H.B. 1464 presents an encroachment on local control.

The SBE strongly recommends that the General Assembly commission a comprehensive study of the issues and implications of the school calendar on student learning, family interests, and the impact on the state's economy and competitiveness.

Howard N. Lee, Chairman
NC State Board of Education

Michael E. Ward, State Superintendent
Department of Public Instruction

June 3, 2004
Date

Revised June 21, 2004

Availability of Teacher Workdays for Professional Development

Professional Development Initiative Meeting
June 18, 2004

Annual Vacation Leave (A benefit for teachers unique to North Carolina)

Experienced teachers earn 2.15 days/month, 21.5 days per year if employed 10 months. Law requires 10 to be scheduled in the school calendar by the local board of education.

21.5
-10.0 scheduled by local BOE per Gen. Statute 115C-84.2
11.5 optional days needed for experienced teachers to use annual leave if they wish

Teacher Workdays

20.0 teacher workdays, unless Christmas falls on Tues, Wed., or Thurs. (then 1 additional paid holiday and 1 less teacher workday)

Old Calendar Law (Revised in 1997)

20.0 Workdays
-11.5 "optional" workdays needed so experienced teachers can use annual leave (see above)
8.5 days that could be "protected" or designated as "mandatory" workdays (7.5 if Christmas falls on Tues., Wed., or Thurs.)

Proposed in HB 1464 PCS

10 Teacher Workdays (or total of 9 when Christmas falls on Tues., Wed., or Thurs.)
5 "Protected" from any meetings, other required activities, so teachers can work in classrooms; teachers could use annual leave on these days; one must be scheduled at the beginning of the school year, and one at the end of each academic quarter.
5 (4 days in years Christmas falls on Tues., Wed., or Thurs.) Scheduled by the school's principal in consultation with the school improvement team. Any of these days can be used for make-up days for school closing because of inclement weather; these make-up days would be required to be scheduled after the last student day. At least 2 of these days must be designated as days on which teachers may take accumulated vacation leave.

Net effects

No days that could be scheduled for system-wide required activities, orientation for new teachers, or any other system-mandated activity.
Probably no days that could be used even for principal-designated professional development (see 10-year chart of closings by LEA attached). If NO days were missed because of inclement weather, 3 days (or 2, when Christmas falls mid-week) could be used for professional development if school principal and school improvement team agree.
Not enough days for experienced teachers to use all annual leave earned in a year, under any scenario. (Accumulated annual leave days over 30 would convert to sick leave, to be used or to be converted to service credit at retirement; up to 30 days of annual leave would be paid out in lump sum upon resignation, separation, or retirement.)

Prepared by Linda S. Suggs
Legislative Liaison, State Board of Education, Department of Public Instruction
June 18, 2004

Number of Days for LEA School Closings
School Years 1994/95 - 2003/04
(Individual School Closings Not Included)

LEA	2003 2004	2002 2003	2001 2002	2000 2001	1999 2000	1998 1999	1997 1998	1996 1997	1995 1996	1994 1995
010 Alamance-Burlington	7	8	3	0	13	1	0	3	11	2
020 Alexander County	8	8	0	2	6	4	0	3	10	1
030 Alleghany County	11	14	7	10	13	9	9	15	20	8
040 Anson County	5	5	2	0	6	0	0	1	4	0
050 Ashe County	14	16	7	10	12	13	15	15	22	14
060 Avery County	17	16	8	16	13	11	18	12	22	14
070 Beaufort County	3	2	2	2	11	3	0	1	2	1
080 Bertie County	11	3	0	2	16	2	1	1	6	1
090 Bladen County	6	2	0	1	11	2	0	3	2	0
100 Brunswick County	1	2	2	0	9	3	0	6	0	0
110 Buncombe County	10	8	4	6	7	7	8	6	18	4
111 Asheville City	7	6	4	3	5	4	6	5	15	4
120 Burke County	9	8	0	3	6	5	0	2	11	2
130 Cabarrus County	6	7	1	0	6	0	0	1	7	1
132 Kannapolis City	6	7	2	0	5	0	0	1	7	1
140 Caldwell County	8	8	1	3	6	6	0	2	10	1
150 Camden County	7	2	2	1	8	3	1	1	5	2
160 Carteret County	5	2	1	1	7	3	0	2	1	1
170 Caswell County	9	6	0	0	12	1	0	3	11	2
180 Catawba County	7	7	2	1	4	2	0	2	9	1
181 Hickory City	6	6	2	1	2	3	0	2	9	1
182 Newton-Conover	6	7	2	1	2	2	0	2	9	1
190 Chatham County	9	7	3	0	9	1	0	5	12	3
200 Cherokee County	3	4	1	3	3	2	3	2	15	4

210 Edenton/Chowan	10	2	0	1	8	3	1	1	6	1
220 Clay County	3	0	4	2	2	2	0	2	13	5
230 Cleveland County	7	6	2	1	2	1	0	2	7	0
231 Kings Mountain	5	5	2	0	3	1	0	1	6	0
232 Shelby City	5	5	2	0	2	2	0	1	4	0
240 Columbus County	5	1	2	0	8	3	0	4	1	1
241 Whiteville City	5	1	0	0	8	3	0	4	1	1
250 Craven County	3	2	2	1	6	2	0	2	3	0
260 Cumberland County	6	3	2	1	9	2	0	4	3	1
270 Currituck County	5	2	0	1	10	3	1	1	4	
280 Dare County	10	5	1	0	11	0	0	0	2	2
290 Davidson County	9	8	3	1	11	2	0	3	12	2
291 Lexington City	9	8	0	1	11	1	0	3	10	2
292 Thomasville City	8	8	2	1	9	2	0	3	9	2
300 Davie County	7	9	0	1	7	2	0	2	11	1
310 Duplin County	5	3	0	1	17	3	0	6	2	0
320 Durham County	7	9	2	0	11	0	0	6	8	3
330 Edgecombe County	5	3	3	2	19	2	0	1	7	1
340 Forsyth County	8	10	2	0	9	2	0	3	12	1
350 Franklin County	5	7	1	1	10	1	0	5	12	3
360 Gaston County	5	6	0	0	4	0	0	0	7	0
370 Gates County	10	2	0	1	10	2	0	1	6	1
380 Graham County	5	5	6	5	4	5	6	2	19	6
390 Granville County	9	9	3	2	14	0	0	3	14	3
400 Greene County	3	0	0	2	17	2	0	1	4	
410 Guilford County	7	9	1	0	13	1	0	2	12	1
420 Halifax County	10	7	0	1	16	2	0	2	10	2
421 Roanoke Rapids City	7	6	3	1	10	2	0	1	8	1
422 Weldon City	6	2	2	1	16	2	0	1	10	1
430 Harnett County	7	4	3	0	9	2	0	6	7	1

440 Haywood County	7	10	1	11	9	7	9	5	17	8
450 Henderson County	9	6	1	6	4	4	5	7	12	3
460 Hertford County	12	3	3	2	14	2	0	1	9	1
470 Hoke County	5	4	0	0	6	0	0	1	2	1
480 Hyde County	3	4	0	1	9	3	0	3	2	1
490 Iredell-Statesville	7	8	2	1	6	2	0	2	9	1
491 Mooresville City	5	6	2	0	3	2	0	0	7	0
500 Jackson County	6	7	5	6	5	5	8	4	14	5
510 Johnston County	7	5	2	0	13	2	0	6	8	1
520 Jones County	4	2	0	1	12	2	0	2	1	0
530 Lee County	7	4	2	0	9	0	0	2	7	1
540 Lenoir County	6	2	2	1	18	2	0	4	2	0
550 Lincoln County	6	7	2	0	3	1	0	1	8	0
560 Macon County	2	3	2	1	3	3	3	1	10	3
570 Madison County	13	13	5	14	15	8	13	7	24	7
580 Martin County	5	2	0	2	13	0	0	1	6	1
590 Mcdowell County	9	7	0	6	4	5	2	2	11	
600 Mecklenburg County	5	7	2	0	4	0	0	0	6	
610 Mitchell County	15	16	7	12	13	14	18	8	24	13
620 Montgomery County	6	7	2	0	12	0	0	1	7	1
630 Moore County	6		3	0	11	0	0	2	7	0
640 Nash-Rocky Mount	6	5	3	1	13	2	0	2	9	1
650 New Hanover County	1	2	2	0	7	3	0	7	0	0
660 Northampton County	9	5	0	1	13	2	0	1	9	1
670 Onslow County	5	2	0	1	10	3	1	4	1	0
680 Orange County	9	9	2	0	11	1	0	3	10	2
681 Chapel Hill-Carrboro	8	8	0	0	9	0	0	3	10	0
690 Pamlico County	1	2	0	1	5	3	1	1	2	1
700 Pasquotank County	8	2	2	1	7	3	0	1	5	1
710 Pender County	3	2	0	0	12	3	1	8	0	0

720 Perquimans County	9	2	2	1	7	2	1	2	6	1
730 Person County	10	10	1	2	10	0	0	3	12	3
740 Pitt County	7	2	0	2	17	2	0	1	4	1
750 Polk County	7	6	1	2	3	2	1	3	9	
760 Randolph County	9	9	1	0	12	2	0	2	10	3
761 Asheboro City	6	7	2	0	9	2	0	2	8	2
770 Richmond County	5	3	3	0	9	0	0	1	4	
780 Robeson County	6	3	2	1	8	2	0	2	3	0
790 Rockingham County	11	12	0	3	13	3	0	3	14	1
800 Rowan-Salisbury	8	8	3	0	8	1	0	2	10	2
810 Rutherford County	5	6	2	2	4	2	2	3	8	0
820 Sampson County	6	2	3	1	14	2	0	6	3	0
821 Clinton City	5	3	2	1	8	2	0	2	1	0
830 Scotland County	5	2	2	0	8	2	0	1	3	1
840 Stanly County	5	6	0	0	8	0	0	1	7	0
850 Stokes County	14	13	3	2	14	5	1	6	14	2
860 Surry County	14	13	3	7	11	7	1	5	14	2
861 Elkin City	11	10	2	3	7	3	0	3	7	1
862 Mount Airy City	11	10	2	4	8	3	0	2	12	1
870 Swain County	4	5	4	2	5	5	4	1	10	5
880 Transylvania County	9	6	2	7	2	3	4	6	10	5
890 Tyrrell County	8	2	2	0	5	4	0	1	3	1
900 Union County	5	6	2	0	7	0	0	1	3	0
910 Vance County	5	9	3	2	11	0	0	3	12	8
920 Wake County	7	6	3	0	12	0	0	6	8	1
930 Warren County	7	8	1	2	14	0	0	2	14	2
940 Washington County	9	2	2	1	8	3	0	1	3	1
950 Watauga County	18	17	7	14	12	11	13	10	23	14
960 Wayne County	5	4	2	1	15	0	0	6	3	1
970 Wilkes County	13	10	0	5	10	6	1	4	11	3

980 Wilson County	6	3	2	1	10	2	0	3	9	1
990 Yadkin County	9	9	2	3	7	2	0	3	12	1
995 Yancey County	13	13	1	14	12	14	15	10	23	13
State Total	**844**	**695**	**223**	**246**	**1,059**	**316**	**173**	**366**	**1000**	**234**

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