2005-2006

HOUSE EDUCATION

COMMITTEE MINUTES

HOUSE STANDING COMMITTEE
ON
EDUCATION
2005 SESSION

Volume 1

CHAIRS
Representative Larry Bell
Representative Marvin W. Lucas
Representative Marian McLawhorn

RESEARCH STAFF
Dee Atkinson
Drupti Chauhan
Shirley Iorio
Robin Johnson
Sara Kamprath

COMMITTEE ASSISTANTS
Carolyn Edwards
Thelma T. Utley
Susan Burleson

NORTH CAROLINA GENERAL ASSEMBLY

HOUSE EDUCATION COMMITTEE
2005 – 2006 SESSION



Rep. Bell
Chair



Rep. McLawhorn
Chair



Rep. Lucas
Chair



Rep. Dickson
Vice Chair



Rep. England
Vice Chair



Rep. Glazier
Vice Chair



Rep. Parmon
Vice Chair



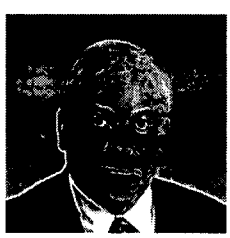
Rep. Preston
Vice Chair



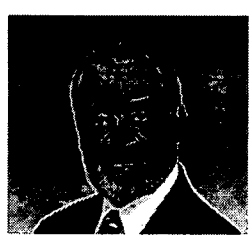
Rep. Sauls
Vice Chair



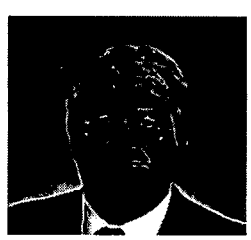
Rep. Hackney
Ex-Officio



Rep. Culpepper
Ex-Officio



Rep. Cunningham
Ex-Officio



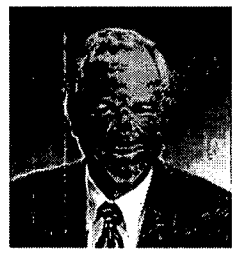
Rep. Eddins
Ex-Officio

NORTH CAROLINA GENERAL ASSEMBLY

HOUSE EDUCATION COMMITTEE
2005 – 2006 SESSION


Rep. Adams

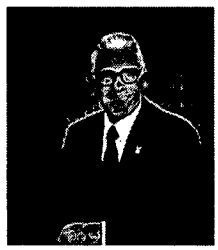

Rep. Allen


Rep. Blackwood


Rep. Borden


Rep. Brown


Rep. Carney


Rep. Cleveland


Rep. Cole


Rep. Coleman

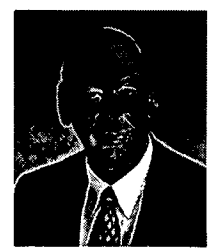

Rep. Crawford


Rep. Daughtridge


Rep. Dockham


Rep. Fisher

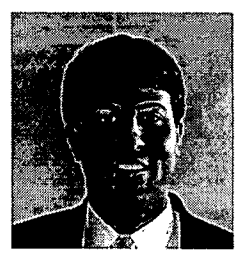
Rep. Folwell


Rep. Frye


Rep. Goforth


Rep. Goodwin


Rep. Grady

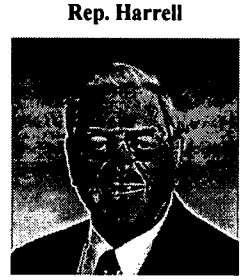

Rep. Harrell


Rep. Harrison


Rep. Hilton


Rep. Hollo


Rep. Holloway


Rep. Holmes

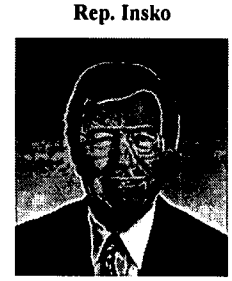

Rep. Insko


Rep. Jeffus


Rep. Johnson


Rep. Justice


Rep. Langdon


Rep. Luebke

NORTH CAROLINA GENERAL ASSEMBLY

HOUSE EDUCATION COMMITTEE
2005 – 2006 SESSION


Rep. Martin

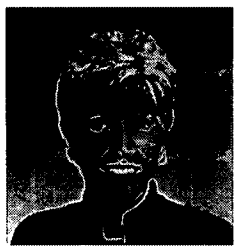

Rep. McAllister


Rep. Michaux


Rep. Nye


Rep. Pate


Rep. Rapp


Rep. Ray


Rep. Stiller


Rep Tolson


Rep. Walker


Rep. Warren


Rep Wiley


Rep. Wilkins


Rep. Womble


Rep. Wray


Rep. Yongue

MINUTES
HOUSE COMMITTEE ON EDUCATION
March 1, 2005

The House Committee on Education met at 11:00 a.m. on Tuesday, March 1, 2005 in Room 643 of the Legislative Office Building. The following ***Representatives*** were present: ***Chairs: Bell, Lucas and McLawhorn; Vice Chairs: Dickson, England, Glazier, Parmon and Sauls; Members: Allen, Blackwood, Brown, Carney, Cleveland, Cole, Coleman, Daughtridge, Fisher, Folwell, Goodwin, Holloway, Holmes, Insko, Jeffus, Johnson, Langdon, McAllister, Pate, Rapp, Stiller, Tolson, Walker, Warren, Wilkins, Wray, and Yongue.***

Research staff persons included: ***Attorneys*** - Drupti Chauhan and Robin Johnson; ***Legislative Analyst*** - Dr. Shirley Iorio and Sara Kamprath; ***Assistant*** Dee Atkinson; ***Legislative Committee Assistants*** - Sue Burleson, Carolyn Edwards and Thelma Utley. The Agenda, Pages/Sergeant at Arms and Visitor Registration Sheets are attached and incorporated into the minutes.

Chairman Bell called the first education organizational meeting to order with a warm welcome. The purpose of the meeting was to set standard operating procedures and logistics as well as the introduction of each member and staff of the Education Committee.

Chairman Bell spoke of the tremendous responsibility for the Education Committee. He stated, "This summer I was fortunate enough to attend a meeting in Florida sponsored by SREB, a Regional Educational Board and I have been following their literature ever since and its been very enlightening. I have been told over the years that the education in North Carolina receives the largest portion of the money in our budget, then health and human services. All deals with children and people. We have been challenged as legislators to help keep our focus on policies that will help our students make smooth transitions from pre-k to elementary, from middle school to high school, and from high school to post-secondary education and the workplace. We must focus on closing the achievement gap as it relates to race and ethnicity, geography and gender. We should also seek to create and maintain an education system in schools, community colleges and universities that work together for students and help them raise their achievements."

Chairmen Bell went over a few logistics by stating that the debates would close on time, 15 minutes before the hour and notification would be given at the beginning for those bills that would need to be voted upon and moved expeditiously. He stated that the Committee would send all appropriate bills immediately to one of the Education Sub-committees: Community Colleges,

Pre-School, Elementary and Secondary Education and Universities, so that they could be handled and go from sub committee directly to the floor when necessary at the permission of the chairs.

The meeting was adjourned at 11:40 A.M.

Respectfully submitted,

Carolyn A. Edwards

Carolyn A. Edwards, Committee Assistant

Representative Larry M. Bell
Presiding Chair

NORTH CAROLINA HOUSE OF REPRESENTATIVES
COMMITTEE MEETING NOTICE
2005-2006 SESSION

You are hereby notified that the Committee on **Education** will meet as follows:

DAY & DATE: **March 1, 2005**

TIME: **11:00 AM**

LOCATION: **643 LOB**

ORGANIZATIONAL MEETING

Respectfully,

Representatives Bell, Lucas, McLawhorn
Co-chairs

I hereby certify this notice was filed by the committee clerk at the following offices at **10:00 A. M.** on **Friday, February 25, 2005**.

___Principal Clerk
___Reading Clerk - House Chamber

Carolyn A. Edwards (Committee Assistant)

AGENDA

HOUSE EDUCATION COMMITTEE
ORGANIZATIONAL MEETING

March 1, 2005
11:00 A.M.
Room 643 LOB

Representative Larry M. Bell
Presiding Chair

CALL TO ORDER

OPENING REMARKS

INTRODUCTIONS

ADJOURNMENT

Chairs:
Representative M. Lucas
Representative M. McLawhorn

VISITOR REGISTRATION SHEET

EDUCATION — MARCH 1, 2005

Name of Committee — **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Lee Hodge	KCLH
Shannon Blosser	Pope Center
Michael Houser	NCAE
Susan Brothers	Rep. Wiley's office
JB Byrd	Office of Gov.
Neil Bath	NCAE

VISITOR REGISTRATION SHEET

EDUCATION — MARCH 1, 2005

Name of Committee — **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
	NCPAPA
	NC. CAT

VISITOR REGISTRATION SHEET

EDUCATION — **Name of Committee**

MARCH 1, 2005 — **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
John Bordsen	ADA
Rebecca Troxler	NCACC
Hal M Miller	NCACCT
Leanne Winner	NCSBA
Molly Ryan	NCSBA
Barbara Walls	UTK
Tina Ayers	SBE / DPI
Kennon Briggs	NCCCS
Hilary Arthur	NCASA
Katherine Joyce	NCASA
Gene Causby	NCSFSA

PAGES INFORMATION SHEET

House Committee On Education
March 1, 2005

NAME	COUNTY	REPRESENTATIVE
1. Katherine Carlton	Wake	Speaker Black
2. Hattie Walter	Wake	Rep. Weiss

SERGEANT AT ARMS

1. Brad Barefoot
2. Paul Curry
3. Martha Parrish
4. Jim Wommack

EDUCATION COMMITTEE MEETING
Minutes
March 15, 2005
11:00 a.m.

Representative Lucas called the meeting to order at 11:00 a.m.

Representative Lucas introduced the Pages and Sargent-at-Arms. Attendance sheets are attached.

The first bill on the agenda was House Bill 11 – Clarify Sch. Admin. Certification Standards. The bill has a PCS. Rep. McAllister moved that we adopt the PCS for discussion. Rep. LaRoque was called upon to explain the bill. Rep. Rapp moved to adopt the PCS, unfavorable to original bill. The PCS was adopted.

The second bill House Bill 16 - Sch. Curriculum Shall Include Consumer Educ. The bill also has a PCS. Rep. Womble moved to adopt the PCS for discussion. Rep. Miller was called upon to explain the bill. There were many questions and comments on the bill. Rep. Miller stated that he would bring the bill back in better condition.

The meeting adjourned at 10:50 a.m.

Respectfully submitted,

Marvin W. Lucas

Marvin W. Lucas, Presiding Chair

Thelma J. Utley

Thelma T. Utley, Committee Assistant

2005 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES

The following report(s) from standing committee(s) is/are presented:
By Representatives **Bell, Lucas, and McLawhorn** (Chairs) for the Committee on **Education**.

☐ Committee Substitute for
H.B. 11 A BILL TO BE ENTITLED AN ACT TO CLARIFY THE CERTIFICATION REQUIREMENTS FOR SCHOOL ADMINISTRATORS.

☐ With a favorable report.

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

☐ With a favorable report, as amended.

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

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

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

☐ With an unfavorable report.

☐ With recommendation that the House concur.

☐ With recommendation that the House do not concur.

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

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

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

☐ Without prejudice.

☐ With an indefinite postponement report.

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

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

03/19/03

HOUSE EDUCATION COMMITTEE MEETING
AGENDA
Tuesday, March 15, 2005
Room 643 LOB
11:00 a.m.

Call to Order – Rep. Lucas

Introductions

Agenda Items

HB 11 Clarify School Administrators Certification Standards
Rep. LaRoque

HB 16 School Curriculum Shall Include Consumer Ed
Rep. Miller

Adjournment

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2005

H D

HOUSE BILL 11
PROPOSED COMMITTEE SUBSTITUTE H11-CSLE-1 [v.3]

3/14/2005 5:27:07 PM

Short Title: Clarify Sch. Admin. Certification Standards. (Public)

Sponsors:

Referred to:

January 31, 2005

A BILL TO BE ENTITLED

AN ACT TO CLARIFY THE CERTIFICATION REQUIREMENTS FOR SCHOOL ADMINISTRATORS.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 115C-290.7(b) reads as rewritten:

"(b) To qualify for certification as a school administrator, an individual must:

(1) Submit a complete application to the State ~~Board.~~Board;

(2) Pay the applicable ~~fee.~~fee;

(3) Have a bachelors degree from an accredited college or accredited ~~university.~~university;

(4) Either (i) have a graduate degree from a public school administration program that meets the public school ~~administrator~~ administration program approval standards set by the State Board of Education, ~~or~~ (ii) have a masters degree from an accredited college or accredited university and have completed by December 31, 1999, a public school administration program that meets the public school administration program approval standards set by the State Board of Education, or (iii) have education and training the State Board of Education determines are equivalent; and

(5) Pass the exam adopted by the State Board.

The State Board may designate initial certification as a license. Advanced training may be designated as a certified area of practice."

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

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2005

H **2**

HOUSE BILL 11
Committee Substitute Favorable 3/16/05

Short Title: Clarify Sch. Admin. Certification Standards. (Public)

Sponsors:

Referred to:

January 31, 2005

A BILL TO BE ENTITLED

AN ACT TO CLARIFY THE CERTIFICATION REQUIREMENTS FOR SCHOOL ADMINISTRATORS.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 115C-290.7(b) reads as rewritten:

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(3) Have a bachelors degree from an accredited college or accredited ~~university.~~university;

(4) Either (i) have a graduate degree from a public school administration program that meets the public school ~~administrator~~ administration program approval standards set by the State Board of Education, ~~or~~ (ii) have a masters degree from an accredited college or accredited university and have completed by December 31, 1999, a public school administration program that meets the public school administration program approval standards set by the State Board of Education, or (iii) have education and training the State Board of Education determines are equivalent; and

(5) Pass the exam adopted by the State Board.

The State Board may designate initial certification as a license. Advanced training may be designated as a certified area of practice."

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

House Bill 11:
Clarify Sch. Admin. Certification Standards

BILL ANALYSIS

Committee:	House Education	**Introduced by:**	Representative LaRoque
Date:	March 15, 2005	**Summary by:**	Shirley Iorio, Ph D
Version:	PCS for First Edition H11-CSLE-1[v.3]		Committee Analyst

SUMMARY: ***This bill would allow an individual who has a bachelors degree from an accredited college or university and education and training that the State Board of Education (State Board) determines are equivalent to a graduate degree from an approved public school administration program to qualify for certification as a school administrator. The individual would also have to meet all the other certification requirements.***

The PCS clarifies that the State Board of Education will determine what is "equivalent" education and training to qualify for certification as a school administrator, and makes technical corrections.

CURRENT LAW: G.S. 115C-290.7 sets out the qualifications for certification as a school administrator. To qualify for this certification an individual must:

- Submit a complete application to the State Board of Education;
- Pay the applicable fee;
- Have a bachelors degree from an accredited college or university;
- Have either (i) a graduate degree from a public school administration program that meets the public school administration program approval standards set by the State Board of Education, or (ii) have a masters degree from an accredited college or university and have completed by December 31, 1999, a public school administration program that meets the public school administration program approval standards set by the State Board of Education; and
- Pass the exam adopted by the State Board.

G.S. 115C-290.2(3) defines school administrators as public school superintendents, deputy superintendents, associate superintendents, assistant superintendents, principals, and assistant principals.

BILL ANALYSIS: Currently, an individual must meet certain criteria to qualify for certification as a school administrator. One of those criteria is a graduate degree from a public school administration program that meets the public school administration program approval standards set by the State Board of Education. The PCS would amend G.S. 115C-290.7(b) to allow an individual to qualify for certification as a school administrator by having education and training that the State Board determines are equivalent to having a graduate degree from a public school administration program.

The State Board will have to adopt a policy that establishes the "equivalent" education and training for a school administrator.

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

H11-SMSF-001

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2005

HOUSE BILL 16

Short Title:	Sch. Curriculum Shall Include Consumer Educ.	(Public)
Sponsors:	Representatives Miller; and Jones.	
Referred to:	Education.	

January 31, 2005

A BILL TO BE ENTITLED

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

The General Assembly of North Carolina enacts:

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

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

SECTION 2. This act is effective when it becomes law and applies beginning with the 2006-2007 school year.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2005

H D

HOUSE BILL 16
PROPOSED COMMITTEE SUBSTITUTE H16-CSRJ-1 [v.2]

3/14/2005 9:07:24 PM

Short Title: Sch. Curriculum Shall Include Consumer Educ. (Public)

Sponsors:

Referred to:

January 31, 2005

A BILL TO BE ENTITLED

AN ACT TO REQUIRE THE PUBLIC SCHOOLS TO PROVIDE INSTRUCTION IN CONSUMER EDUCATION TO ALL HIGH SCHOOL STUDENTS.

The General Assembly of North Carolina enacts:

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

"(i) Both the standard course of study and the Basic Education Program shall include the requirement that the public schools provide instruction in consumer education for all students during the high school years. The State Board of Education shall adopt a consumer education curriculum for grades 9 through 12 and shall specify the minimum amount of instructional time that shall be devoted to it. Topics covered in the curriculum shall include, but not be limited to, installment purchasing, budgeting, investing, banking, bank-lending practices, comparisons between conventional and subprime lending sources, consumer credit issues, comparisons of prices, and an understanding of the consumer's role in formulating and achieving the goals of the mixed free enterprise system through the consumer's interaction with agriculture, business, and government."

SECTION 2. This act is effective when it becomes law and applies beginning with the 2006-2007 school year.

ATTENDANCE

Education

(Name of Committee)

DATES	03/15/05	03/22/05	03/29/05	04/05/05	04/12/05	04/19/05	04/26/05								
BELL, Larry	x														
LUCAS, Marvin	x														
McLAWHORN, Marian	x														
ADAMS, Alma	x														
ALLEN, Bernard	x														
BLACKWOOD, Curtis	x														
BORDSEN, Alice	x														
BROWN, Larry															
CARNEY, Becky	x														
CLEVELAND, George	x														
COLE, Nelson	x														
COLEMAN, Linda	x														
CRAWFORD, James	x														
DAUGHTRIDGE, William	x														
DICKSON, Margaret	x														
DOCKHAM, Jerry															
ENGLAND, Bob	x														
FISHER, Susan	x														
FOLWELL, Dale	x														
FRYE, Phillip	x														
GLAZIER, Rick	x														
GOFORTH, Bruce	x														
WADE-GOODWIN, Melanie	x														
GRADY, Robert															
HARRELL, James	x														
HARRISON, Pricey	x														

DATES	03/15/05	03/22/05	03/29/05	04/05/05	04/12/05	04/19/05	04/26x/05								
HILTON, Mark	x														
HOLLO, Mark	x														
HOLLOWAY, Bryan	x														
HOLMES, George															
INSKO, Verla	x														
JEFFUS, Maggie	x														
JOHNSON, Linda	x														
JUSTICE, Carolyn	x														
LANGDON, James	x														
LUEBKE, Paul	x														
MARTIN, Grier	x														
McALLISTER, Mary	x														
MICHAUX, Mickey															
NYE, Edd	x														
PARMON, Earline	x														
PATE, Louis	x														
PRESTON, Jean	x														
RAPP, Raymond	x														
RAY, Karen	x														
SAULS, John															
STILLER, Bonner															
TOLSON, Joe	x														
WALKER, Tracy	x														
WARREN, Edith	x														
WILEY, Laura	x														
WILKINS, Winkie	x														

DATES	03/15/05	03/22/05	03/29/05	04/05/05	04/12/05	04/19/05	04/26/05								
WOMBLE, Larry	x														
WRAY, Michael	x														
YONGUE, Douglas	x														
Dee Atkinson	x														
Drupti Chauhan	x														
Shirley Iorio	x														
Robin Johnson	x														
Sara Kamprath	x														

House Pages

Name Of Committee: Education Date: 3-15-05

1. Name: Seavy Dickson
   County: Cumberland
   Sponsor: Rep. Margaret Dickson
2. Name: Bradford Johnson
   County: Wake
   Sponsor: Rep. Greig Martin
3. Name: _____
   County: _____
   Sponsor: _____
4. Name: _____
   County: _____
   Sponsor: _____
5. Name: _____
   County: _____
   Sponsor: _____

~~Sgt~~-At-Arms

1. Name: Frank Trevo
2. Name: Willie Dixon
3. Name: Martha Parrish
4. Name: Paul Curry
5. Name: _____

VISITOR REGISTRATION SHEET

EDUCATION — 03/15/05

Name of Committee — **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
LISA JONES	CAROLINA BALLET
WADE PURRINGTON	" "
John Motley	Governor's Office
Alan Chase	University of NC at Pembroke
VENESSA JONES	University of NC @ Pembroke (SGA)
Angela Arnold	NC Justice Center
Michael Houser	NCAE
Amy Fullbright	Hunton & Williams
Susan Harrison	WCPSS
Mary Doty	UIT
John Bowdich	ADA
Butch Gunnells	NCSDA
DONNIE REDMOND	NCDAQ

VISITOR REGISTRATION SHEET

EDUCATION — 03/15/05

Name of Committee — **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Leanne Winner	NCSBA
Molly Ryan	NCSBA
Cecil Bell	NCAE
Hilary Arthur	NCASA
Katherine Joyce	NCASA
BRIAN LEWIS	
Stephanie Erba	Intern, State Board of Ed.
Hal Miller	NCACCT
Brad Lamb	NC Consumers Council
[illegible]	RTI
MARCUS DOWNS	NCAE

VISITOR REGISTRATION SHEET

EDUCATION — 03/15/05

Name of Committee — **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Lee Hedge	KCLK
Henry Stanley	N.C.S.D.A.

MINUTES
HOUSE EDUCATION COMMITTEE

March 29, 2005

The House Education Committee met on Tuesday, March 29, 2005, in Room 643 of the Legislative Office Building at 11:00 AM. The Following members were present: Chairs Bell, Lucas and McLawhorn, Vice Chairs Dickson, England, Glazier, Parmon, and Preston, Representatives Adams, Allen, Blackwood, Bordsen, Carney, Cleveland, Cole, Coleman, Daughtridge, Dockham, Fisher, Folwell, Frye, Goforth, Harrison, Hilton, Hollo, Holloway, Jeffus, Johnson, Langdon, Luebke, McAllister, Nye, Pate, Rapp, Ray, Stiller, Walker, Warren, Wiley, Wilkins, Womble, Wray, and Yongue. Staff Counselors Dee Atkinson, Shirley Iorio, Drupti Chauhan, Robin Johnson, and Sara Kamprath were also in attendance. A Visitor Registration list is attached and made part of these minutes.

Chairwoman Marian McLawhorn called the meeting to order. The first order of business was to name a Subcommittee for HB 443, A BILL TO BE ENTITLED AN ACT TO PROMOTE EFFICIENCY IN GOVERNMENT BY ALLOWING A SALES AND USE TAX EXEMPTION FOR LOCAL SCHOOL BOARDS INSTEAD OF A SALES AND USE TAX REFUND TO LOCAL SCHOOL BOARDS AND TO MODIFY THE SCHOOL ADMISSION REQUIREMENTS TO ENSURE THAT ALL SUDENTS ARE READY TO ENTER KINDERGARTEN. The following members were assigned to the subcommittee: Representative Carney, Chair, Representatives Glazier, Parmon, Pate, and Warren.

The committee considered the following bills:

The first bill to be heard was HB 404, A BILL TO BE ENTITLED AN ACT TO REPEAL A DUPLICATIVE SCHOOL ACCREDITATION REQUIREMENT. A copy of the bill and bill summary is attached and made part of these minutes. Representatives Glazier and Parmon are the primary bill sponsors. Representative Glazier explained the bill. Upon motion made by Representative McAllister, the bill received a favorable report.

The next order of business was HB 28, A BILL TO BE ENTITLED AN ACT PROVIDING FOR A STUDY OF THE FUNDING FORMULA FOR PUBLIC SCHOOL TRANSPORTATION. Representatives Glazier, Dickson, Lucas, and Gibson are the primary bill sponsors. A copy of the original bill and bill summary is attached and made part of these minutes. Representative Glazier, bill sponsor, indicated there was a proposed committee substitute (see attached) and explained the bill. An amendment (see attached) was sent forth and discussion by Representative Folwell and Pate followed. The amendment carried. Representative Nye sent forth a motion to re-refer the proposed committee substitute to the Committee on Appropriations favorable to the proposed committee substitute as amended. Representatives Yongue, Dickson, Lucas, Luebke, Blackwood and Cole spoke in favor of the bill. Ben Matthews, with the North Carolina Department of Public Instruction, spoke briefly on the bill. The committee voted for a favorable report to the proposed committee substitute as

amended rolled into a new proposed committee substitute, with a favorable report to the new committee substitute, unfavorable to the original bill, to be re-referred to the Committee on Appropriations.

The next order of business was HB 595, A BILL ENTITLED AN ACT TO DECREASE THE COST TO A TEACHER WHO TAKES PERSONAL LEAVE. A copy of the bill and bill summary is attached and made part of these minutes. Representative Wainwright, bill sponsor, was asked to explain the bill. Representative Yongue asked to see the fiscal note. In order to consider the fiscal note, the bill will be continued to the next meeting.

The final order of business was HB 535, A BILL ENTITLED AN ACT TO GIVE TEACHERS CREDIT FOR THE EXCESS PERSONAL LEAVE TIME THAT THEY EARN AND TO ENSURE THAT TEACHERS CAN TAKE PERSONAL LEAVE WITH FIVE DAYS' NOTICE. A copy of the original bill, bill summary, and actuarial note is attached and made part of these minutes. Representative Jeffus sent forth an amendment and explained the bill. Representatives Cole, Adams, and Holloway discussed the amendment. Representative Adams made a motion, and the amendment passed. Representatives Womble, Dockham, and Blackwood spoke in favor of the bill. Representative Daughtridge spoke against the bill. Representative Adams made a motion to consider the proposed committee substitute. The proposed committee substitute, as amended, was given a favorable report, unfavorable to the original bill, to be re-referred to the Committee on Pensions and Retirement.

With there being no further business, the chairwoman adjourned the meeting at 11:50 AM.

Respectively submitted,

Rep. Marian McLawhorn
Representative Marian McLawhorn

Susan H. Burleson
Susan H. Burleson, Committee Assistant

NORTH CAROLINA HOUSE OF REPRESENTATIVES
COMMITTEE MEETING NOTICE
AND
BILL SPONSOR NOTIFICATION
2005-2006 SESSION

You are hereby notified that the Committee on **House Education Committee** will meet as follows:

DAY & DATE: **March 29, 2005**

TIME: **11:00 AM**

LOCATION: **643 LOB**

The following bills will be considered (Bill # & Short Title & Bill Sponsor):

HB404 – Repeal Duplicative School Accreditation Req.
Representatives Glazier and Parmon

HB28 – Study School Transportation Funding
Representatives Glazier, Dickson, Lucas, and Gibson

HB 535 – Teachers Convert Personal Leave To Sick Leave
Representative Jeffus

HB 595 – Decrease Teachers' Cost for Personal Leave
Representative Wainwright

Respectfully,
Representatives Bell, Lucas, and McLawhorn
Chairs

I hereby certify this notice was filed by the committee assistant at the following offices at **9:00AM** on **March 24, 2005.**

___Principal Clerk

___Reading Clerk - House Chamber

Susan Burleson (Committee Assistant)

HOUSE EDUCATION COMMITTEE MEETING

March 29, 2005
Room 643 LOB
11:00 AM

OPENING REMARKS AND INTRODUCTIONS

Representative Marian N. McLawhorn, Co-Chair

AGENDA ITEMS

H404 Repeal Duplicative School Accreditation Req.
Representatives Glazier and Parmon

H28 Study of School Transportation Funding
Representatives Glazier, Dickson, Lucas, and Gibson

H535 Teachers Convert Personal Leave to Sick Leave
Representative Jeffus

H595 Decrease Teachers' Cost for Personal Leave
Representative Wainwright

ADJOURNMENT

ATTENDANCE

Education

(Name of Committee)

DATES	03/01/05	03/03/05	03/08/05	03/10/05	03/15/05	03/17/05	03/22/05	03/24/05	03/29/05	03/31/05	04/05/05	04/07/05	04/12/05	04/14/05	04/19/05
BELL, Larry									✓						
LUCAS, Marvin									✓						
McLAWHORN, Marian									✓						
ADAMS, Alma									✓						
ALLEN, Bernard									✓						
BLACKWOOD, Curtis									✓						
BORDSEN, Alice									✓						
BROWN, Larry									✓						
CARNEY, Becky									✓						
CLEVELAND, George									✓						
COLE, Nelson									✓						
COLEMAN, Linda									✓						
CRAWFORD, James															
DAUGHTRIDGE, William									✓						
DICKSON, Margaret									✓						
DOCKHAM, Jerry									✓						
ENGLAND, Bob									✓						
FISHER, Susan									✓						
FOLWELL, Dale									✓						
FRYE, Phillip									✓						
GLAZIER, Rick									✓						
GOFORTH, Bruce									✓						
GOODWIN, Melanie															
GRADY, Robert															
HARRELL, James															
HARRISON, Pricey									✓						

DATES	03/01/05	03/03/05	03/08/05	03/10/05	03/15/05	03/17/05	03/22/05	03/24/05	03/29/05	03/31/05	04/05/05	04/07/05	04/12/05	04/14/05	
HILTON, Mark									✓						
HOLLO, Mark									✓						
HOLLOWAY, Bryan									✓						
HOLMES, George															
INSKO, Verla															
JEFFUS, Maggie									✓						
JOHNSON, Linda									✓						
JUSTICE, Carolyn															
LANGDON, James									✓						
LUEBKE, Paul									✓						
MARTIN, Grier															
McALLISTER, Mary									✓						
MICHAUX, Mickey															
NYE, Edd									✓						
PARMON, Earline									✓						
PATE, Louis									✓						
PRESTON, Jean									✓						
RAPP, Raymond									✓						
RAY, Karen									✓						
SAULS, John															
STILLER, Bonner									✓						
TOLSON, Joe															
WALKER, Tracy									✓						
WARREN, Edith									✓						
WILEY, Laura									✓						
WILKINS, Winkie									✓						

DATES	03/01/05	03/03/05	03/08/05	03/10/05	03/15/05	03/17/05	03/22/05	03/24/05	03/29/05	03/31/05	04/05/05	04/07/05	04/12/05	04/14/05	
WOMBLE, Larry									✓						
WRAY, Michael									✓						
YONGUE, Douglas									✓						

VISITOR REGISTRATION SHEET

EDUCATION — MARCH, 29, 2005

Name of Committee — **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Patricia Roach	NCACC
Jim Blackburn	NCACC
Michael Houser	NCAE
Marcus Dunn	NCAE
Carolyn McKinney	NCAE
Cecil Bell	NCAE
Ann McArthur	Governor's Office
Rebecca L. Key	Rep. Gibson's office
Patrick Buffkin	NCGA

VISITOR REGISTRATION SHEET

EDUCATION — MARCH, 29, 2005

Name of Committee — **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Ben Matthews	NCDPI
Derek Graham	NC DPI
Bill Harrison	Cumberland Co. Schools
Tim Kinlaw	" " "
Bob Crummie MD	Physician on call for the day
Molly Ryan	NCSBA
Leanne Winner	NCSBA
Lloyd Thrasher	NCPAPA
Jim Causby	NCASA
Gene Causby	NCSFSA
Jill Maynard	CMS

VISITOR REGISTRATION SHEET

EDUCATION — **Name of Committee**

MARCH, 29, 2005 — **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Ashley Mackey	Greensboro Housing Authority (GHA
K. Johnson	GHA
L. Mitchell	GHA
Daura Kristine	Greensboro Housing Authority
MARCUS	GHA
M. Greenlee	GHA
L. Shields	GHA
Quentin	GHA
Mario cole	GHA
Brittney Owens	GHA
Shatina Townsend	GHA

VISITOR REGISTRATION SHEET

House Education Committee — Tuesday, March 29, 2005

Name of Committee — **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Mercedes Pleasant	GHA
Chloé-Davis	GHA
Monique Christa	Greensboro Housing Authority
Devida Simpson	GHA
Michael Curtis	GHA
Yolonnigine Neal	GHA
Allen Purser	GREENSBORO CHAMBER OF COMMERCE
Sara Purser	GCOC
NADIA Smith	Greensboro Housing Authority
Nate Robinson	GHA
Robert Turner	6758 NC 39 S. Dobson

VISITOR REGISTRATION SHEET

House Education Committee — Tuesday, March 29, 2005

Name of Committee — **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Betsy Bailey	NCPTA

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2005

HOUSE BILL 404

Short Title:	Repeal Duplicative School Accreditation Req.	(Public)
Sponsors:	Representatives Glazier, Parmon (Primary Sponsors); Harrison and Womble.	
Referred to:	Education.	

March 1, 2005

A BILL TO BE ENTITLED

AN ACT TO REPEAL A DUPLICATIVE SCHOOL ACCREDITATION REQUIREMENT.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 115C-12(9)c. 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:

. . .

(9) Miscellaneous Powers and Duties. – All the powers and duties exercised by the State Board of Education shall be in conformity with the Constitution and subject to such laws as may be enacted from time to time by the General Assembly. Among such duties are:

. . .

c. To adopt rules requiring all local boards of education to implement the Basic Education Program on an incremental basis within funds appropriated for that purpose by the General Assembly and by units of local government. Beginning with the 1991-92 school year, the rules shall require each local school administrative unit to implement fully the standard course of study in every school in the State in accordance with the Basic Education Program so that every student in the State shall have equal access to the curriculum as provided in the Basic Education Program and the standard course of study.

The Board shall establish benchmarks by which to measure the progress that each local board of education has made in implementing the Basic Education Program.

~~The Board shall develop a State accreditation program that meets or exceeds the standards and requirements of the Basic Education Program. The Board shall require each local school administrative unit to comply with the State accreditation program to the extent that funds have been made available to the local school administrative unit for implementation of the Basic Education Program.~~

~~The Board shall use the State accreditation program to monitor the implementation of the Basic Education Program.~~"

SECTION 2. G.S. 115C-81(a3) reads as rewritten:

"**§ 115C-81. Basic Education Program.**

. . .

(a3) Alcohol and Drug Education Program to Be Recommended and Implemented:

(1) A comprehensive education program that includes alcohol and drug use prevention education must be available to every child in North Carolina schools in kindergarten through high school.

(2) The State Board of Education shall develop and maintain a recommended list of alcohol and drug use prevention education materials that include components for teacher training and ongoing assessment and evaluation to verify success and ensure the use of up-to-date information and strategies.

(3) The Department of Public Instruction will work to strengthen instructional offerings in the content and skill areas of the Basic Education Program in which alcohol and drug use prevention education is addressed. Curricular materials and resources will be developed that meet, extend, and supplement drug and alcohol education as outlined in the North Carolina Standard Course of Study and the Teacher Handbook for the competency-based curriculum.

(4) The Department of Public Instruction shall recommend to the State Board of Education any drug use prevention education support materials that should be removed or added to the recommended list of curricular resources developed and maintained by the State Board of Education.

(5) Local boards of education may select supplemental alcohol and drug use prevention education materials from the list maintained by the State Board of Education, or develop their own supplemental materials to be approved by the State Board of Education.

(6) Local boards of education shall implement alcohol and drug use prevention education as a primary part of their comprehensive health education program.

(7) Local boards of education will provide for ongoing evaluation of drug use prevention education resources, to include participation in on-going evaluations with the Department of Public Instruction.

(8) Local boards of education must implement an approved drug and alcohol education prevention program for kindergarten through sixth grade by the 1990-91 school year, and for seventh grade through twelfth grade by the 1991-92 school year.

~~(9) Local boards of education will meet educational State accreditation standards related to instruction in preventing alcohol and drug use in grades K-12.~~

(10) The Department of Public Instruction, in conjunction with local school districts, will provide for staff development to train educators and support personnel to implement a comprehensive alcohol and drug use prevention education program.

(11) Sequential, age-appropriate instruction will be provided that has the following features:

a. Reaches all students in all grades;

b. Presents a clear and consistent message that the use of alcohol and illicit drugs and the misuse of other drugs is unhealthy and harmful;

c. Reflects current research and theory;

d. Includes all abusable substances;

e. Utilizes information that is current and accurate;

f. Involves students in active "hands-on" learning experiences;

g. Integrates substance abuse education with other health and social issues and other subject and skill areas of the North Carolina Basic Education Program and Standard Course of Study;

h. Promotes understanding and respect for the law and values of society;

i. Encourages health, safe, and responsible attitudes and behaviors;

j. Includes strategies to involve parents, family members, and the community;

k. Includes information on intervention and treatment services;

l. Is continually open to revision, expansion and improvement."

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

HOUSE BILL 404:
Repeal Duplicative School Accreditation Req.

BILL ANALYSIS

Committee: House Education Subcommittee on Pre-School, Elementary and Secondary Education
Date: March 29, 2005
Version: First

Introduced by: Reps. Glazier & Parmon
Summary by: Robin Johnson
Committee Counsel

SUMMARY: House Bill 404, a recommendation of the State Board of Education, would repeal references to the State Accreditation program. It would become effective when it becomes law.

CURRENT LAW/BACKGROUND: When the General Assembly enacted the Basic Education Program in 1985, one requirement was for the State Board of Education ("Board") to develop a State accreditation program to monitor the implementation of the Basic Education Program ("BEP"). The BEP required the Board to establish a basic (i.e., minimum) curriculum to be provided for all children in kindergarten through 12th grade and to establish minimum competencies, promotion standards, and graduation requirements. These were intended to evolve over time. The BEP, which also established staffing levels, was meant to be fully funded over a period of time and to be used as a funding formula for determining the State operating funds for the public schools. It continues to be used for this purpose, especially when calculating the funds for personnel needed to implement the basic curriculum.

Implementation of the BEP was a recommendation of a legislative council created by the General Assembly in 1983. In its report to the 1985 General Assembly, the council recommended that school systems must show evidence of compliance with the "State Standards of Quality (SOQ) for grades kindergarten through 12." In addition, the council recommended that the Board file an annual financial report for each school system that included a comprehensive financial statement, achievement gains of students, attendance records, dropout rates, promotion and graduate rates, and other performance goals and output measures identified by the Board. It appears, then, that the accreditation requirement was the result of these recommendations as well as of legislators wanting accountability for a significant infusion of new State funds into the public schools.

Over time, and in response to subsequent legislative initiatives, the accreditation program became more of a way to monitor progress in student achievement. Since the implementation of the ABC's and No Child Left Behind, the need for a separate State Accreditation process is no longer necessary. Schools and school systems are publicly rewarded or penalized, depending on their students' progress on State tests (as well as on other measures). They are required to make public reports on the academic progress of their students as well as on the certification of their teachers. In addition, the State now has much more sophisticated data collection abilities and provides more financial supervision than was possible in 1985.

Schools also may opt to become accredited by the Southern Association of Colleges and Schools (SACS), a non-governmental, international, voluntary organization that promotes school improvement through accreditation. This requires schools to provide on a continuous basis that they are meeting research-based standards, engaging in a process of improving teaching and learning, and providing evidence to their stakeholders that they are fulfilling their expressed missions and reaching their goals.

BILL ANALYSIS: House Bill 404 would amend G.S. 115C-12(9)c. to delete the requirement that the Board develop and use a State accreditation program to monitor the implementation of the BEP. The bill also would repeal G.S. 115C-81(a3)(9), which requires boards to meet educational State accreditation standards related to instruction in preventing alcohol and drug use in grades K-12.

The bill would take effect when it becomes law.

H404-SMRH-001

2005 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES

The following report(s) from standing committee(s) is/are presented:
By Representatives **BELL, LUCAS, AND McLAWHORN** (Chairs) for the Committee on **EDUCATION**.

☐ Committee Substitute for
H.B. 404 A BILL TO BE ENTITLED AN ACT TO REPEAL A DUPLICATIVE SCHOOL ACCREDITATION REQUIREMENT.

☒ With a favorable report.

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

☐ With a favorable report, as amended.

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

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

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

☐ With an unfavorable report.

☐ With recommendation that the House concur.

☐ With recommendation that the House do not concur.

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

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

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

☐ Without prejudice.

☐ With an indefinite postponement report.

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

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

03/19/03

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2005

HOUSE BILL 28

Short Title:	Study of School Transportation Funding.	(Public)
Sponsors:	Representatives Glazier, Dickson, Lucas, Gibson (Primary Sponsors); Alexander, Bordsen, Coates, Farmer-Butterfield, Harrell, Owens, Pate, Rapp, and Yongue.	
Referred to:	Education.	

February 2, 2005

A BILL TO BE ENTITLED

AN ACT PROVIDING FOR A STUDY OF THE FUNDING FORMULA FOR PUBLIC SCHOOL TRANSPORTATION.

The General Assembly of North Carolina enacts:

SECTION 1. The Department of Public Instruction shall use funds within its budget for the 2005-2006 fiscal year to study the current allotment formula for school transportation. The study shall be conducted by an independent consultant.

In the course of the study, the consultant shall consider whether (i) the current formula sufficiently encourages the efficient and effective use of school transportation funds by urban and rural school systems, (ii) the formula is adequately and equitably meeting the needs of school systems, and (iii) the formula is appropriate in light of the Leandro litigation. The consultant shall also propose options for reducing the severe and growing disparity in per bus funding that exists under the formula.

The consultant shall report the results of its study to the State Board of Education by December 1, 2005. The State Board of Education shall consider the consultant's report and shall report its recommendations to the Joint Legislative Education Oversight Committee by March 15, 2006.

SECTION 2. This act becomes effective July 1, 2005.

HOUSE BILL 28:
Study of School Transportation Funding

BILL ANALYSIS

Committee:	House Education	**Introduced by:**	Rep. Glazier
Date:	March 15, 2005	**Summary by:**	Drupti Chauhan
Version:	PCS H28-CSRQ-2[v.1]		Committee Counsel

SUMMARY: ***House Bill 28 would require a study of the funding formula for public school transportation. The PCS changes the "disparity in per bus funding" language on line 13 by directing the consultant to study the "disparity in funding" among the local school administrative units.***

BILL ANALYSIS: House Bill 28 requires the Department of Public Instruction (DPI) to hire an independent consultant to study the current allotment formula for school transportation. DPI is to use funds from within its 2004-2005 budget for the study.

The bill provides that the consultant shall consider the following in the study:

- Whether the current formula sufficiently encourages the efficient and effective use of school transportation funds by urban and rural school systems;
- Whether the current formula is adequately and equitably meeting the needs of school systems;
- Whether the current formula is appropriate in light of the Leandro litigation

The bill also directs the consultant to propose options to reduce the growing disparity in funding under the current formula.

The results of the study are to be reported to the State Board of Education by December 1, 2005. The State Board of Education is to consider the results and then report its recommendations to the Joint Legislative Education Oversight Committee by March 15, 2006.

BACKGROUND: The current funding formula was developed in the 1990s based on a study performed by outside consultants. The formula is a multi-variable analysis based on efficiency ratings and site characteristics including but not limited to pupil density, percentage of exceptional children transported by means other than the yellow buses, and average distances to schools. The transportation needs have increased since the 1990s as LEAs have begun to offer additional educational services such as after school programs and magnet schools. According to DPI, the transporting of students for these additional purposes is not considered in the existing formula. The State contribution for an LEA's transportation costs includes money for replacement buses (LEAs are responsible for the first bus), fuel, bus driver salaries, parts, and maintenance of the buses.

EFFECTIVE DATE: The bill would become effective July 1, 2005.

PLEASE PRESS HARD - 5 COPIES

NORTH CAROLINA GENERAL ASSEMBLY AMENDMENT

(Please type or use ballpoint pen)

EDITION No. _____

H. B. No. 28 DATE 3/29/05

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

COMMITTEE SUBSTITUTE H28-CSRQ-2[v.1]

Rep.) Glazier
Sen.)

1 moves to amend the bill on page 1, line 6
2 ( ) WHICH CHANGES THE TITLE
3 by adding the following after the word "years":
4 "; if available,"
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SIGNED _____

ADOPTED _____ FAILED _____ TABLED _____

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2005

H D

HOUSE BILL 28
PROPOSED COMMITTEE SUBSTITUTE H28-PCS50252-RQ-2

Short Title: Study of School Transportation Funding. (Public)

Sponsors:

Referred to:

February 2, 2005

A BILL TO BE ENTITLED

AN ACT PROVIDING FOR A STUDY OF THE FUNDING FORMULA FOR PUBLIC SCHOOL TRANSPORTATION.

The General Assembly of North Carolina enacts:

SECTION 1. The Department of Public Instruction shall use funds within its budget for the 2005-2006 fiscal year, if available, to study the current allotment formula for school transportation. The study shall be conducted by an independent consultant.

In the course of the study, the consultant shall consider whether (i) the current formula sufficiently encourages the efficient and effective use of school transportation funds by urban and rural school systems, (ii) the formula is adequately and equitably meeting the needs of school systems, and (iii) the formula is appropriate in light of the Leandro litigation. The consultant shall also propose options for reducing the severe and growing disparity in funding that exists under the formula among local school administrative units.

The consultant shall report the results of its study to the State Board of Education by December 1, 2005. The State Board of Education shall consider the consultant's report and shall report its recommendations to the Joint Legislative Education Oversight Committee by March 15, 2006.

SECTION 2. This act becomes effective July 1, 2005.

HB 28

Public Schools of North Carolina
Transportation Expenditure Data
School Year 2001-2002

COUNTY NAME	LEA	TOTAL STATE EXP	TOTAL LOCAL EXP	TOTAL EXPENDITURES	Total # Students Transported	TOTAL # BUSES OPERATED	ANNUAL MILES TRAVELED	PUPIL DENSITY (Students Transported per Mile of Roadway)	AVG DISTANCE TO SCHOOL	cost per bus	cost per student	students per bus
ALAMANCE	10	$ 2,210,470	$ 151,380	$ 2,361,850	9223	156	8,298	7.465175	3.54	15,140.06	256.08	59.12179
ALEXANDER	20	$ 797,129	$ 20,627	$ 817,756	2788	60	3,850	4.877963	5.04	13,629.27	293.31	46.46667
ALLEGHANY	30	$ 345,643	$ 21,894	$ 367,538	846	24	2,231	1.812148	5.09	15,314.07	434.24	35.26667
ANSON	40	$ 918,522	$ 53,053	$ 971,575	3033	76	4,901	3.413877	5.01	12,783.88	320.29	39.91316
ASHE	50	$ 1,095,952	$ 94,836	$ 1,190,788	1879	54	4,236	2.272271	8.33	22,051.63	633.87	34.78889
AVERY	60	$ 581,651	$ 12,022	$ 593,673	1181	33	2,070	2.703569	6.11	17,990.08	502.69	35.78788
BEAUFORT	70	$ 1,178,516	$ 21,871	$ 1,200,387	4180	99	6,972	4.363393	6.16	12,125.12	287.17	42.22222
BERTIE	80	$ 781,345	$ -	$ 781,345	2959	86	4,915	4.36391	8.54	9,085.41	264.09	34.40233
BLADEN	90	$ 1,066,172	$ 9,864	$ 1,076,036	3656	90	6,785	3.968306	6.97	11,955.96	294.32	40.62222
BRUNSWICK	100	$ 1,986,366	$ 289,505	$ 2,275,871	5990	145	9,385	5.404869	7.73	15,695.66	379.95	41.31034
BUNCOMBE	110	$ 4,494,339	$ 252,504	$ 4,746,843	15347	287	15,183	9.205374	3.45	16,539.52	309.30	53.47456
BURKE	120	$ 1,838,608	$ -	$ 1,838,608	7042	109	7,232	7.044666	4.40	16,867.96	261.08	64.60734
CABARRUS	130	$ 3,033,659	$ 193,364	$ 3,227,023	12749	187	12,814	10.52186	3.84	17,256.81	253.13	68.1738
CALDWELL	140	$ 2,002,326	$ 97,001	$ 2,099,327	7194	121	6,482	8.411576	4.19	17,349.81	291.82	59.45455
CAMDEN	150	$ 236,905	$ 14,273	$ 251,178	670	19	1,173	3.314698	8.11	13,219.87	374.89	35.26316
CARTERET	160	$ 1,033,521	$ -	$ 1,033,521	3778	95	4,254	6.77147	5.28	10,879.17	273.59	39.76421
CASWELL	170	$ 942,188	$ 52,720	$ 994,908	2332	66	4,675	3.741935	9.13	15,074.36	426.71	35.32727
CATAWBA	180	$ 3,060,401	$ 232,204	$ 3,292,605	11967	222	11,305	9.102526	3.49	14,831.56	275.14	53.90541
CHATHAM	190	$ 1,245,601	$ 124,489	$ 1,370,090	3639	95	6,142	3.326934	5.41	14,422.00	376.50	38.30526
CHEROKEE	200	$ 718,380	$ 28,444	$ 746,824	1782	46	2,236	2.981928	4.79	16,235.30	419.09	38.73913
CHOWAN	210	$ 404,175	$ 11,260	$ 415,435	1714	44	2,150	6.208345	8.55	9,441.70	242.38	38.95455
CLAY	220	$ 263,338	$ 4,001	$ 267,339	852	20	826	3.344981	5.86	13,366.96	313.78	42.6
CLEVELAND	230	$ 2,252,894	$ 39,426	$ 2,292,320	8581	173	8,542	6.173248	4.39	13,250.41	267.14	49.60116
COLUMBUS	240	$ 1,597,566	$ 303,488	$ 1,901,054	6259	170	8,438	4.636444	5.60	11,182.67	303.72	36.81882
CRAVEN	250	$ 2,031,760	$ 4,840	$ 2,036,600	7729	152	8,400	8.563166	5.80	13,398.69	263.51	50.84605
CUMBERLAND	260	$ 6,796,911	$ 489,306	$ 7,286,217	27255	481	23,300	15.54063	2.78	15,148.06	267.34	56.6632
CURRITUCK	270	$ 695,951	$ 136,593	$ 832,544	2163	52	3,078	7.725828	8.92	16,010.46	384.90	41.59615
DARE	280	$ 566,006	$ 87,623	$ 653,629	1835	45	2,570	4.471792	6.69	14,525.09	356.20	40.77778
DAVIDSON	290	$ 3,413,148	$ 112,610	$ 3,525,758	12284	217	12,390	7.32765	3.74	16,247.73	287.02	56.60829
DAVIE	300	$ 913,622	$ 1,314	$ 914,936	3148	62	3,425	5.965737	5.45	14,757.04	290.64	50.77419
DUPLIN	310	$ 1,284,824	$ 37,584	$ 1,322,408	5039	117	6,696	3.907746	5.51	11,302.63	262.43	43.06838
DURHAM	320	$ 6,980,767	$ 1,141,947	$ 8,122,714	16090	284	22,241	12.80755	3.41	28,601.11	504.83	56.65493
EDGECOMBE	330	$ 986,421	$ 58,647	$ 1,045,068	4275	103	5,881	5.366625	5.84	10,146.29	244.46	41.50485
FORSYTH	340	$ 8,345,215	$ 315,120	$ 8,660,335	24775	354	27,676	12.18738	3.58	24,464.22	349.56	69.98588

Public Schools of North Carolina
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COUNTY NAME	LEA	TOTAL STATE EXP	TOTAL LOCAL EXP	TOTAL EXPENDITURES	Total # Students Transported	TOTAL # BUSES OPERATED	ANNUAL MILES TRAVELED	PUPIL DENSITY (Students Transported per Mile of Roadway)	AVG DISTANCE TO SCHOOL	cost per bus	cost per student	students per bus
FRANKLIN	350	$ 1,428,499	$ 75,434	$ 1,503,933	4617	101	7,668	5.668234	5.94	14,890.43	325.71	45.71683
GASTON	360	$ 2,847,666	$ 60,690	$ 2,908,356	12663	197	9,902	8.682881	2.74	14,763.23	229.67	64.2802
GATES	370	$ 421,801	$ 2,414	$ 424,215	1443	36	2,008	3.954508	7.06	11,783.74	293.98	40.08333
GRAHAM	380	$ 245,467	$ 4,930	$ 250,398	800	21	910	3.579631	5.83	11,923.70	313.00	38.09524
GRANVILLE	390	$ 1,265,288	$ 22,198	$ 1,287,486	4909	106	1,315	5.40371	5.17	12,146.09	262.27	46.31132
GREENE	400	$ 674,307	$ 25,771	$ 700,078	2193	53	3,293	4.571798	7.42	13,209.02	319.23	41.37736
GUILFORD	410	$ 15,882,679	$ 1,925,052	$ 17,807,731	38396	595	42,378	13.48638	3.45	29,928.96	463.79	64.53109
HALIFAX	420	$ 1,728,704	$ 13,087	$ 1,741,791	7025	148	7,574	6.722871	6.11	11,768.86	247.93	47.46892
HARNETT	430	$ 2,412,741	$ 78,840	$ 2,491,581	11373	223	12,655	9.830078	5.68	11,173.01	219.07	51.00179
HAYWOOD	440	$ 1,217,901	$ 93,461	$ 1,311,362	3816	77	4,451	5.366334	4.44	17,030.68	343.65	49.55844
HENDERSON	450	$ 1,639,070	$ 51,956	$ 1,691,026	5193	102	5,442	5.521766	3.96	16,578.69	325.64	50.91176
HERTFORD	460	$ 889,565	$ 66,993	$ 956,558	2908	73	4,736	5.790637	0.00	13,103.54	328.94	39.83562
HOKE	470	$ 1,009,356	$ 27,052	$ 1,036,408	4250	72	5,028	9.125459	5.16	14,394.56	243.86	59.02778
HYDE	480	$ 183,089	$ -	$ 183,089	395	14	944	1.415618	11.73	13,077.77	463.52	28.21429
IREDELL	490	$ 3,500,241	$ 202,173	$ 3,702,414	11854	195	13,035	7.316495	4.59	18,986.74	312.35	60.78769
JACKSON	500	$ 689,962	$ 59,175	$ 749,137	1702	41	2,393	2.851899	5.63	18,271.63	440.28	41.5
JOHNSTON	510	$ 3,204,133	$ 523,014	$ 3,727,147	12237	277	14,752	7.060188	4.84	13,455.40	304.58	44.1769
JONES	520	$ 395,958	$ 6,279	$ 402,237	1158	31	2,557	3.390823	6.96	12,975.38	347.35	37.35484
LEE	530	$ 1,116,186	$ 311	$ 1,116,497	5169	95	4,582	8.655972	4.47	11,752.60	216.00	54.41053
LENOIR	540	$ 1,449,624	$ 46,661	$ 1,496,285	6686	144	6,939	7.594761	4.70	10,390.86	223.79	46.43194
LINCOLN	550	$ 1,614,431	$ 79,904	$ 1,694,335	5430	109	6,138	7.156979	5.36	15,544.36	312.03	49.81651
MACON	560	$ 793,532	$ 24,628	$ 818,160	1978	50	2,442	2.745468	5.25	16,363.20	413.63	39.56
MADISON	570	$ 825,229	$ 62,188	$ 887,417	1880	50	3,571	2.830899	8.39	17,748.34	472.03	37.6
MARTIN	580	$ 686,736	$ 61,917	$ 748,653	2654	64	3,370	4.262084	4.19	11,697.70	282.08	41.46875
McDOWELL	590	$ 950,909	$ 9,483	$ 960,392	3090	74	4,370	4.961385	4.86	12,978.27	310.81	41.75676
MECKLENBURG	600	$ 28,301,884	$ 1,024,716	$ 29,326,600	65680	1023	93,921	22.21238	4.21	28,667.25	446.51	64.20332
MITCHELL	610	$ 562,144	$ 13,469	$ 575,613	1889	36	2,416	5.447415	5.05	15,989.26	304.72	52.47222
MONTGOMERY	620	$ 768,083	$ 27,748	$ 795,831	3005	60	3,465	4.217958	0.00	13,263.84	264.84	50.08333
MOORE	630	$ 1,650,115	$ 244,972	$ 1,895,087	5648	131	8,336	4.161018	5.86	14,466.31	335.53	43.1145
NASH	640	$ 2,394,821	$ 248,686	$ 2,643,507	9916	203	12,204	7.380722	5.61	13,022.20	266.59	48.84729
NEW HANOVER	650	$ 3,641,749	$ 591,105	$ 4,232,855	10883	184	11,030	14.54413	3.51	23,004.64	388.96	59.14402
NORTHAMPTON	660	$ 715,586	$ 7,182	$ 722,768	2413	69	4,371	3.72929	6.85	10,474.89	299.53	34.97101
ONSLOW	670	$ 3,189,674	$ 370,717	$ 3,560,391	12439	218	16,060	14.04333	4.27	16,332.07	286.24	57.0578
ORANGE	680	$ 2,488,102	$ 526,193	$ 3,014,295	6990	133	9,287	7.153734	3.87	22,663.88	431.22	52.55789

Public Schools of North Carolina
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COUNTY NAME	LEA	TOTAL STATE EXP	TOTAL LOCAL EXP	TOTAL EXPENDITURES	Total # Students Transported	TOTAL # BUSES OPERATED	ANNUAL MILES TRAVELED	PUPIL DENSITY (Students Transported per Mile of Roadway)	AVG DISTANCE TO SCHOOL	cost per bus	cost per student	students per bus
PAMLICO	690	$ 405,287	$ 8,619	$ 413,907	1110	33	1,550	3.646158	7.89	12,542.63	372.89	33.63636
PASQUOTANK	700	$ 745,953	$ 86,424	$ 832,377	3126	62	4,927	9.023989	4.65	13,425.44	266.28	50.41935
PENDER	710	$ 1,418,967	$ 118,494	$ 1,537,461	4090	91	5,296	5.358284	6.82	16,895.17	375.88	44.94835
PERQUIMANS	720	$ 384,103	$ 49,815	$ 433,918	1067	33	2,526	3.33094	7.14	13,149.03	406.71	32.3303
PERSON	730	$ 907,052	$ 24,840	$ 931,892	3165	76	3,674	4.509189	5.12	12,261.73	294.44	41.64474
PITT	740	$ 2,860,005	$ 290,578	$ 3,150,583	10606	201	11,900	7.849261	4.46	15,674.54	297.06	52.76617
POLK	750	$ 452,601	$ 36,744	$ 489,345	1189	33	2,039	2.539025	5.72	14,828.64	411.56	36.0303
RANDOLPH	760	$ 3,387,555	$ 91,798	$ 3,479,353	9719	185	13,872	5.32913	4.53	18,807.31	357.99	52.53514
RICHMOND	770	$ 1,521,315	$ 63,274	$ 1,584,589	5474	92	5,700	6.36865	3.60	17,223.79	289.50	59.49565
ROBESON	780	$ 3,159,692	$ 270,861	$ 3,430,553	14678	265	14,734	7.361342	3.75	12,945.48	233.72	55.38868
ROCKINGHAM	790	$ 2,166,689	$ 304,280	$ 2,470,969	6819	155	9,406	4.896002	4.97	15,941.74	362.35	43.99484
ROWAN	800	$ 2,807,508	$ 61,592	$ 2,869,100	11375	199	12,135	8.357211	4.05	14,417.59	252.23	57.1608
RUTHERFORD	810	$ 1,563,814	$ 77,277	$ 1,641,091	5293	114	6,878	4.369922	4.17	14,395.53	310.08	46.42544
SAMPSON	820	$ 1,952,334	$ 56,348	$ 2,008,682	6842	159	9,840	4.362153	6.61	12,633.22	293.60	43.02893
SCOTLAND	830	$ 1,189,709	$ 127,984	$ 1,317,693	4006	77	6,186	5.977708	4.97	17,112.89	328.91	52.02857
STANLY	840	$ 1,136,934	$ -	$ 1,136,934	4836	103	4,778	4.695179	3.61	11,038.20	235.11	46.94951
STOKES	850	$ 1,870,503	$ 150,606	$ 2,021,109	4473	105	7,697	4.601236	5.77	19,248.66	451.85	42.6
SURRY	860	$ 1,677,345	$ 113,569	$ 1,790,914	6078	131	7,597	5.035417	4.49	13,671.10	294.66	46.39695
SWAIN	870	$ 345,328	$ 6,141	$ 351,469	869	22	1,411	3.213137	5.46	15,975.87	404.55	39.49091
TRANSYLVANIA	880	$ 586,836	$ 3,931	$ 590,767	1448	36	1,931	3.318209	4.49	16,410.20	407.99	40.22222
TYRRELL	890	$ 135,677	$ 567	$ 136,244	357	12	624	1.827302	7.45	11,353.68	381.64	29.75
UNION	900	$ 4,360,892	$ 188,798	$ 4,549,691	12815	192	15,301	8.168976	4.45	23,696.31	355.03	66.74479
VANCE	910	$ 930,380	$ 12,459	$ 942,839	4574	88	4,282	8.384625	3.73	10,714.07	206.11	51.98182
WAKE	920	$ 24,658,175	$ 1,740,935	$ 26,399,110	53299	714	72,312	17.14463	4.49	36,973.54	495.30	74.64902
WARREN	930	$ 909,381	$ 85,865	$ 995,246	2440	57	4,066	3.724586	7.96	17,460.46	407.85	42.81053
WASHINGTON	940	$ 398,284	$ 10,402	$ 408,686	1584	39	2,008	4.952786	5.72	10,479.12	258.01	40.61538
WATAUGA	950	$ 863,968	$ 30,617	$ 894,585	2098	52	3,080	3.290726	4.87	17,203.56	426.36	40.35
WAYNE	960	$ 2,709,243	$ 445,692	$ 3,154,935	11250	221	10,534	8.956864	4.12	14,275.72	280.44	50.90498
WILKES	970	$ 2,072,765	$ 112,587	$ 2,185,352	5154	96	6,664	3.823896	4.52	22,764.09	424.01	53.6875
WILSON	980	$ 1,348,428	$ 56,282	$ 1,404,710	5588	132	7,029	5.972703	4.05	10,641.74	251.37	42.33561
YADKIN	990	$ 909,084	$ 32,461	$ 941,545	2961	71	3,867	4.051894	4.32	13,261.20	318.00	41.70141
YANCEY	995	$ 605,512	$ 40,544	$ 646,056	1910	41	1,998	4.814843	5.25	15,757.47	338.25	46.58537

2005 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES

The following report(s) from standing committee(s) is/are presented:
By Representatives **BELL, LUCAS, AND MCLAWHORN** (Chairs) for the Committee on **EDUCATION.**

☐ Committee Substitute for
H.B. 28 A BILL TO BE ENTITLED AN ACT PROVIDING FOR A STUDY OF THE FUNDING FORMULA FOR PUBLIC SCHOOL TRANSPORTATION.

☐ With a favorable report.

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

☐ With a favorable report, as amended.

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

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

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

☐ With an unfavorable report.

☐ With recommendation that the House concur.

☐ With recommendation that the House do not concur.

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

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

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

☐ Without prejudice.

☐ With an indefinite postponement report.

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

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

03/19/03

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2005

HOUSE BILL 535

Short Title:	Teachers Convert Personal Leave to Sick Leave.	(Public)
Sponsors:	Representatives Jeffus; Adams, B. Allen, Faison, Farmer-Butterfield, Frye, Insko, Wainwright, and Wray.	
Referred to:	Education.	

March 9, 2005

A BILL TO BE ENTITLED

AN ACT TO GIVE TEACHERS CREDIT FOR THE EXCESS PERSONAL LEAVE TIME THAT THEY EARN AND TO ENSURE THAT TEACHERS CAN TAKE PERSONAL LEAVE WITH FIVE DAYS' NOTICE.

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 on June 30. At the time of retirement, a teacher may also convert accumulated personal leave to sick leave for creditable service towards retirement.

Personal leave may be used only upon the authorization of the teacher's immediate ~~supervisor, but~~ supervisor. A teacher shall not take personal leave on the first day the teacher is required to report for the school year, on a required teacher workday, or on the day before or the day after a holiday or scheduled vacation day, unless the request is approved by the principal. On all other days, if the request is made at least five days in advance, the request shall be automatically granted, and 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, 2005.

HOUSE BILL 535:
Teachers Convert Personal Leave to Sick Leave.

BILL ANALYSIS

Committee:	House Education	**Introduced by:**	Rep. Jeffus
Date:	March 21, 2005	**Summary by:**	Sara Kamprath
Version:	First Edition		Committee Analyst

SUMMARY: ***House Bill 535 would allow teachers to accumulate personal leave without any maximum until June 30 of each year and to carry forward to July 1 a maximum of five days of personal leave. Any additional accumulated personal leave would be converted to sick leave. At the time of retirement, a teacher could convert any accumulated personal leave to sick leave to count as creditable service towards retirement.***

A request for personal leave shall be automatically granted if the request is made 5 days in advance and the principal doesn't need to approve the request. The bill does not change the current requirement that the principal needs to approve personal leave if a teacher wants to 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.

The bill would become effective July 1, 2005.

CURRENT LAW: Teachers earn personal leave at the rate of .20 days per month of employment, not to exceed two days per year. Personal leave is a benefit that is available to classroom teachers and school media specialists who requires substitutes. *(See attached Board Policy)* Unused personal leave may be carried forward from one year to another and may be accumulated to a maximum of five days. Personal leave may be used only upon the authorization of the teacher's immediate supervisor.

Unless approved by the principal, a teacher may not take personal leave on the first day the teacher is required to report for the school year, on required teacher workdays, or on the day before or the day after holidays or scheduled vacation days.

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

Teachers using personal leave receive full salary minus the required substitute deduction.

Accumulated sick leave counts as creditable service towards retirement. One month of credit is allowed for each 20 days of unused sick leave upon retirement. One more month is allowed for any part of 20 days left over.

Teachers also earn annual vacation leave at the same rate as State employees. This leave cannot be used when students are in attendance if doing so would require a substitute. The leave may be accumulated up to 30 days, for which teachers are paid in a lump sum when they retire or terminate their employment. Days over 30 days convert to sick leave (which, in turn, count toward retirement).

BACKGROUND: Personal Leave began as an administrative rule adopted by the State Board. In 1997, the General Assembly codified this benefit as part of the revisions to the school calendar laws.

H535-SMRJ-001

05.1 – Personal Leave

05.1.1 Eligibility and Rate of Earning

Personal leave is earned by classroom teachers and school media specialists who require substitutes. In order to be eligible, the employee must be in a permanent full- or part-time position. Personal leave is earned at the rate of .20 days for each full month of employment not to exceed two days per year. Part-time personnel earn a pro rata share of the rate for full-time employees. Unused personal leave may be carried forward from one year to another and may be accumulated to a maximum of five days. Thereafter earnings will cease to be accumulated until the leave balance is reduced below five days by employee use.

05.1.2 Use of Personal Leave

(a) Personal leave may be used only upon the authorization of the immediate supervisor.

(b) Unless approved by the principal, a teacher shall not take personal leave on the first day teachers are required to report for the school year, on required teacher workdays, or on the last working day before or the next working day after holidays or annual vacation days scheduled in the calendar.

(c) A teacher who requests personal leave at least five days in advance cannot be required to provide a reason.

(d) Personal leave may be used on any instructional day or workday except as noted in paragraph (b) above.

05.1.3 Limitations on Personal Leave

(a) Personal leave should be used with due and proper consideration given to the welfare of the students and teachers alike and shall not be advanced.

(b) Personal leave may not be used during summer employment.

(c) When an employee is no longer eligible to earn personal leave, that employee may not use previously accumulated personal leave.

(d) When an employee resigns or separates from service, personal leave cannot be paid out in lump sum.

05.1.4 Personal Leave Increments

Personal leave must be used in one-half or whole day units.

05.1.5 Deduction

Employees using personal leave receive full salary less the required substitute deduction. The deduction is mandatory whether or not a substitute is employed. The standard deduction is $50 per day.

05.1.6 Transfer of Personal Leave

Personal leave must be transferred between local administrative units.

05.1.7 Reinstatement of Personal Leave

An employee must be credited with all personal leave accumulated up to the time of reassignment or separation provided that the employee is reinstated as an eligible permanent full-time or part-time employee within 60 calendar months from the date of separation or reassignment.

Legal Reference(s)

G.S. 115C-302.1(d)
16 NCAC 6C.0403
G.S. 115C-325(a)(6)

North Carolina General Assembly
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March 29, 2005

MEMORANDUM

TO: Representative Maggie Jeffus

FROM: Stanley Moore
Fiscal Research Division

SUBJECT: Actuarial Note for House Bill 535

Re: Teacher Credit for Excess Personal Leave

In accordance with North Carolina General Statute 120-114 and applicable Rules of the North Carolina Senate and House of Representatives, attached is a certified copy of an original actuarial note on the above subject as prepared by the General Assembly's Consulting Actuary. A certified copy of an original actuarial note on the same subject from the Plan Administrator's Consulting Actuary is also attached for your review.

cc: House Principal Clerk

Attachment(s):
(1) Legislative Actuarial Note
(2) Actuarial Note, Mellon, March 28, 2005
(3) Actuarial Note. Hartman & Associates, March 28, 2005

GENERAL ASSEMBLY OF NORTH CAROLINA

Session 2005

Legislative Actuarial Note

RETIREMENT

BILL NUMBER: House Bill 535 (First Edition)

SHORT TITLE: Teachers Convert Personal Leave to Sick Leave.

SPONSOR(S): Representative Jeffus

FUNDS AFFECTED: General Fund, Highway Fund, and Receipt Fund

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

EFFECTIVE DATE: July 1, 2005

BILL SUMMARY: Teachers earn personal leave days at the rate of two days per year, and at year end, up to five days can be carried forward into the next year. Any balance over five days at the end of each year will be converted to sick leave, which the teacher can use for sick leave purposes or to add additional retirement service at the date of retirement. At retirement, one month of additional service is allowed for each 20 days of sick leave.

ESTIMATED IMPACT ON STATE: Both, Mellon, the Retirement System's actuary, and Hartman & Associates, the General Assembly's actuary, agree that the cost would be negligible.

ASSUMPTIONS AND METHODOLOGY:

Teachers' & State Employees' Retirement System

The cost estimates of the System's Actuary are based on the employee data, actuarial assumptions and actuarial methods used to prepare the December 31, 2003 actuarial valuation of the fund. The data included 303,768 active members with an annual payroll of $10.1 billion and 123,077 retired members in receipt of annual pensions totaling $2.1 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

TECHNICAL CONSIDERATIONS: None

FISCAL RESEARCH DIVISION: (919) 733-4910. The above information is provided in accordance with North Carolina General Statute 120-114 and applicable rules of the North Carolina Senate and House of Representatives.

PREPARED BY: Stanley Moore

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



DATE: March 28, 2005

Signed Copy Located in the NCGA Principal Clerk's Offices

Mellon

Human Resources & Investor Solutions

March 28, 2005

Mr. J. Brett Joyal
Policy Director
Retirement Systems Division
Department of State Treasurer
325 North Salisbury Street
Raleigh, NC 27603-1385

House Bill 535

Dear Mr. Joyal:

We have received your letter of March 23 regarding House Bill 535 which affects the Teachers' and State Employees' Retirement System.

House Bill 535 appears to allow teachers to accumulate personal leave without any applicable maximum until June 30 of each year. One June 30, a maximum of five days of personal leave may be carried into the following year. Each year, any amount of personal leave in excess of five days is converted to sick leave. At the time of retirement, any remaining personal leave may also be converted to sick leave. Accumulated sick leave counts toward creditable service at the time of a teacher's retirement.

There does not appear to be a funding provision included in this legislation for any costs generated by its implementation.

Note: This legislation also includes provisions governing a teacher's use of personal leave. We do not believe this section of the legislation has any bearing on the Retirement System's implementation and administration of House Bill 535.

We have no data regarding the amount of excess accumulated personal leave that would be converted to sick leave under the provisions of this bill. Although it would appear some teachers would receive additional creditable service, the cost to the State for this legislation would be negligible.

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

Sincerely,

Edward A. Macdonald
Principal, Consulting Actuary

EAM:sh

P:\North Carolina Teachers\2005\Correspondence\House Bill 535.doc
387 R-ET03-180

Suite 1900 • 200 Galleria Parkway, N.W. • Atlanta, GA 30339-5945
(770) 955-2488 Office • (770) 933-8336 Fax
www.mellon.com

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HARTMAN & ASSOCIATES, LLC

ACTUARIAL CONSULTING

MARK V. HARTMAN, FSA, MAAA, MCA, EA

Phone: (336) 731-4038
Fax: (336) 731-2583

668 Link Road
Lexington, NC 27295

March 28, 2005

Mr. Stanley Moore
Fiscal Research Division
North Carolina General Assembly
300 N. Salisbury Street
Raleigh, NC 27603-5925

Re: House Bill 535: An Act to Give Teachers Credit for Excess Personal Leave

Dear Mr. Moore:

This bill would amend G.S. 115C-302.1(d) to allow a teacher to convert unused personal leave to sick leave. Teachers earn personal leave of up to two days per year. Currently, personal leave may be accumulated to a maximum of five days and any excess is forfeited. Under this revision, the excess would be converted to sick leave as of June 30 of each year, and accumulated personal leave at retirement could be converted to sick leave. This act is effective July 1, 2005.

Under the Teachers= and State Employees= Retirement System (TSERS), a member receives one month of creditable service at retirement for each 20 days of unused sick leave. Thus, conversion of excess personal leave to sick leave could potentially increase retirement benefits for some members. We do not have data regarding the usage of personal or sick leave. However, the increase in creditable service at retirement is not expected to be significant, so this bill is not expected to have a significant financial impact on the TSERS.

If you have any questions, let me know.

Sincerely,

Mark Hartman

Mark V. Hartman, FSA, MAAA, MCA, EA
Consulting Actuary

MVH/mt

PLEASE PRESS HARD - 5 COPIES

NORTH CAROLINA GENERAL ASSEMBLY AMENDMENT

(Please type or use ballpoint pen)

EDITION No. 1st

H. B. No. 535 DATE 3/29/05

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

COMMITTEE SUBSTITUTE _____

Rep.)
) Jeffers
Sen.)

moves to amend the bill on page 1, line ~~19~~ 16

( ) WHICH CHANGES THE TITLE

by rewriting the line to read:

"teacher is required to report for the school year, on a required teacher workday, on days scheduled for State testing, or on"; and

on page 1, line 19 by rewriting the line to read:

"advance, the request shall be automatically granted subject to the availability of a substitute teacher, and the teacher cannot be required".

SIGNED _____

ADOPTED _____ FAILED _____ TABLED _____

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2005

H D

HOUSE BILL 535
PROPOSED COMMITTEE SUBSTITUTE H535-PCS30140-RJ-4

Short Title: Teachers Convert Personal Leave to Sick Leave. (Public)

Sponsors:

Referred to:

March 9, 2005

A BILL TO BE ENTITLED

AN ACT TO GIVE TEACHERS CREDIT FOR THE EXCESS PERSONAL LEAVE TIME THAT THEY EARN AND TO ENSURE THAT TEACHERS CAN TAKE PERSONAL LEAVE WITH FIVE DAYS' NOTICE.

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 on June 30. At the time of retirement, a teacher may also convert accumulated personal leave to sick leave for creditable service towards retirement.

Personal leave may be used only upon the authorization of the teacher's immediate ~~supervisor, but~~ supervisor. A teacher shall not take personal leave on the first day the teacher is required to report for the school year, on a required teacher workday, on days scheduled for State testing, or on the day before or the day after a holiday or scheduled vacation day, unless the request is approved by the principal. On all other days, if the request is made at least five days in advance, the request shall be automatically granted subject to the availability of a substitute teacher, and 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, 2005.

2005 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES

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

By Representatives **BELL, LUCAS, AND McLAWHORN** (Chairs) for the Committee on **EDUCATION**.

☐ Committee Substitute for

H.B. 535 A BILL TO BE ENTITLED AN ACT TO GIVE TEACHERS CREDIT FOR THE EXCESS PERSONAL LEAVE TIME THAT THEY EARN AND TO ENSURE THAT TEACHERS CAN TAKE PERSONAL LEAVE WITH FIVE DAYS' NOTICE.

☐ With a favorable report.

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

☐ With a favorable report, as amended.

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

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

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

☐ With an unfavorable report.

☐ With recommendation that the House concur.

☐ With recommendation that the House do not concur.

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

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

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

☐ Without prejudice.

☐ With an indefinite postponement report.

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

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

03/19/03

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2005

HOUSE BILL 595

Short Title:	Decrease Teachers' Cost for Personal Leave.	(Public)
Sponsors:	Representatives Wainwright; B. Allen, Bell, Faison, Farmer-Butterfield, Martin, Pate, Pierce, and Underhill.	
Referred to:	Education.	

March 14, 2005

A BILL TO BE ENTITLED

AN ACT TO DECREASE THE COST TO A TEACHER WHO TAKES PERSONAL LEAVE.

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. 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.~~ If a substitute teacher is required while a teacher is on personal leave, the teacher's salary for the day shall be reduced by twenty-five dollars ($25.00) to partially offset the cost of the substitute."

SECTION 2. This act becomes effective July 1, 2005.

HOUSE BILL 595:
Decrease Teachers' Cost for Personal Leave

BILL ANALYSIS

Committee:	House Education	**Introduced by:**	Rep. Wainwright
Date:	March 29, 2005	**Summary by:**	Shirley Iorio, Ph D
Version:	First Edition		Committee Analyst

SUMMARY: ***This bill would reduce by twenty-five dollars the amount a teacher is required to pay toward the cost of a substitute teacher when the teacher takes personal leave. A substitute teacher is required when a teacher takes personal leave when students are in attendance.***

The act would become effective July 1, 2005.

CURRENT LAW: Teachers earn personal leave at the rate of .20 days per month of employment, not to exceed two days per year. Personal leave is a benefit that is available to classroom teachers and school media specialists. State Board of Education Benefits and Employment Policy #05.1.1. These individuals are prohibited from using annual vacation leave on days when students are in attendance because their absence requires the use of a substitute. G.S. 115C-302.1(c). Unused personal leave may be carried forward from one year to another and may be accumulated to a maximum of five days. Personal leave may be used only upon the authorization of the teacher's immediate supervisor.

Unless approved by the principal, a teacher may not take personal leave on the first day the teacher is required to report for the school year, on required teacher workdays, or on the last working day before or the next working day after holidays or scheduled vacation days.

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

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

BACKGROUND: Personal Leave began as an administrative rule adopted by the State Board. In 1997, the General Assembly codified this benefit as part of the revisions to the school calendar laws.

REFERRAL FORM

NORTH CAROLINA HOUSE OF REPRESENTATIVES
ASSIGNMENT OF BILLS TO SUBCOMMITTEE

COMMITTEE: **EDUCATION**

Chair: **Representatives Bell, Lucas, and McLawhorn**

DATE: **March 24, 2005**

Bill Number (Indicate **H** or **S**): H706

Short Title: Facilitate Hiring of Teachers

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

Re-Assigned to Subcommittee on:

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

Short Title:

Assigned to Subcommittee on:

Re-Assigned to Subcommittee on:

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

Short Title:

Assigned to Subcommittee on:

Re-Assigned to Subcommittee on:

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

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Re-Assigned to Subcommittee on:

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

Short Title:

Assigned to Subcommittee on:

Re-Assigned to Subcommittee on:

REFERRAL FORM

NORTH CAROLINA HOUSE OF REPRESENTATIVES
ASSIGNMENT OF BILLS TO SUBCOMMITTEE

COMMITTEE: **EDUCATION**

Chair: **Representatives Bell, Lucas, and McLawhorn**

DATE: **March 24, 2005**

Bill Number (Indicate **H** or **S**): H780

Short Title: Need-Based Nursing Scholarships

Assigned to Subcommittee on: **Universities**

Re-Assigned to Subcommittee on:

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

Short Title:

Assigned to Subcommittee on:

Re-Assigned to Subcommittee on:

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

Short Title:

Assigned to Subcommittee on:

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Short Title:

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Re-Assigned to Subcommittee on:

REFERRAL FORM

NORTH CAROLINA HOUSE OF REPRESENTATIVES
ASSIGNMENT OF BILLS TO SUBCOMMITTEE

COMMITTEE: **EDUCATION**

Chair: **Representatives Bell, Lucas, and McLawhorn**

DATE: **March 16, 2005**

Bill Number (Indicate **H** or **S**): H563

Short Title: Comm. Coll. May Train Lateral Entry Teachers

Assigned to Subcommittee on: **Community Colleges**

Re-Assigned to Subcommittee on:

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

Short Title:

Assigned to Subcommittee on:

Re-Assigned to Subcommittee on:

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

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

Short Title:

Assigned to Subcommittee on:

Re-Assigned to Subcommittee on:

MINUTES
HOUSE COMMITTEE ON EDUCATION
April 5, 2005

The House Committee on Education met at 11:00 a.m. on Tuesday, April 5, 2005 in Room 643 of the Legislative Office Building. The following ***Representatives*** were present: ***Chairs: Bell, Lucas and McLawhorn; Vice Chairs: Dickson, England, Glazier; Members: Adams, Allen, Blackwood, Bordsen, Carney, Cleveland, Cole, Coleman, Crawford, Dockham, Fisher, Folwell, Frye, Goodwin, Harrison, Hilton, Hollo, Holloway, Jeffus, Johnson, Justice, Langdon, Martin, Michaux, Nye, Pate, Rapp, Ray, Stiller, Tolson, Walker, Wiley, Womble, Wray, and Yongue.***

Research staff persons included: ***Attorneys -*** Drupti Chauhan and Robin Johnson; ***Legislative Analyst -*** Dr. Shirley Iorio and Sara Kamprath; ***Assistant*** Dee Atkinson. ***Legislative Committee Assistants -*** Sue Burleson, Carolyn Edwards and Thelma Utley. The Agenda, Pages/Sergeant at Arms and Visitor Registration Sheets are attached and incorporated into the minutes.

Chairman Bell called the meeting to order and recognized sponsors ***Representatives Glazier and Parmon*** to speak on **HB 693 – A BILL TO BE ENTITLED AN ACT DIRECTING THE JOINT LEGISLATIVE EDUCATION OVERSIGHT COMMITTEE TO STUDY THE NEED TO WEIGHT THE CLASS-SIZE FUNDING FORMULA TO ACCOMMODATE THE LEARNING NEEDS OF SPECIAL POPULATIONS OF CHILDREN.**

Rep. Glazier states that HB 693 is a study bill intended to direct Joint Education Oversight Committee to study whether to weight the class size funding formula to account for different learning needs of different children. The request for the study is a legislative goal of NCAE. Discussions about what kinds of ways the class size issues should be discussed in modifying the current class allocation formula. Without a study we don't know the effects. A class for an elementary teacher may contain 5 or 6 children who are EMD. The issue is should the classroom that contains 5 or 6 EMD students along with 25 other children weigh the same while the teacher next door have 25 kids with no exceptionality? Is there some way to look at dealing with the issues? This bill simply asks Legislative Joint Oversight Committee to consider this issue as a possible study. No opposition has been expressed toward the bill.

Cecil Banks, Manager of Government Relations at the North Carolina Association of Educators spoke in support of the bill.

Rep. Womble motions for a favorable report and recommendation that the bill be re-referred to the Committee on Rules, Calendar, and Operations. The vote is taken and the motion passes.

Chairman Bell asks ***Chairman Lucas*** to preside over the meeting while he presents **HB 836 – A BILL TO BE ENTITLED AN ACT TO ENSURE THAT SCHOOL COUNSELORS SPEND THEIR TIME PROVIDING DIRECT SERVICES TO STUDENTS.**

Rep. Bell explains that counselors should spend 80% of their time counseling students and refers to the bill for the job description. The reason why this bill is necessary is because the counselors spend so much time on the mechanics of testing and not the interpretation of testing. Children need a chance to talk with a counselor. This bill is a result of conversations with counselors who came last year to voice their concerns and frustrations. In conclusion he explains that the bill is done with existing resources.

This bill generated much discussion and ***Chairman Lucas*** recognized the following:

Rep. Luebke supports the bill. ***Rep. Blackwood*** asks, "Are we going to quit funding something else because they have to create a whole new position for testing coordinators? Who is going to pick that up?

Leanne Winner of the North Carolina School Board Association is not in support of the bill. The concern is with who is going to pick up this function that is not designated in this piece of legislation. Whoever that group ends up being if the bill is passed, will be back asking to take the function from them. NCSBA is trying to deliver as many services to students as possible with very few resources. NCSBA is very concerned about the bill given what we think may have to be done to school districts during the budgeting process.

Katherine Joyce of the North Carolina School Board Association states that, "We have a resource issue where we have to have people in our districts to conduct the testing that is mandated by both state and federal levels. So it is very important that if this bill passes we ensure that we have a testing coordinator in place in every school district."

Cecil Banks with the North Carolina Association of Educators states, "We are very much in support of the bill. What we would like to see happen is for counselors to be able to counsel and teachers to be able to teach. This is a challenge having to find all the resources our schools need. It is important that we provide young people with the services they need in their growing years. The bill allows some time for the counselors to work with testing. It just simply protects 80 % of their time to do what they were hired for and that is to council young people.

Rep. Bell interjects that teachers are unable to be test administrators because they are directly involved in student learning and a conflict of interests would be of concern.

Rep. Pate asks how the counselors ended up with the task as an official duty?

Gene Causby, the Executive Director of the NC Association of School Administrators states that the volume of work that goes with testing is immense. It was always a part of counselors' responsibility because of guiding students and using that kind of information. The problem is that the requirements for testing has grown so much that it have overwhelmed the schools. He believes in what Rep. Bell is trying to do and supports the bill 100%.

Chairman Lucas adjourned the meeting at 11:45 A. M.

Respectfully submitted,

Carolyn A. Edwards

Carolyn A. Edwards, Committee Assistant

_____

Representative Larry M. Bell
Presiding Chair

_____

Representative Marvin Lucas
Presiding Chair

2005 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES

The following report(s) from standing committee(s) is/are presented:
By Representatives **BELL, LUCAS, McLAWHORN** (Chairs) for the Committee on **EDUCATION.**

☐ Committee Substitute for
H.B. 693 A BILL TO BE ENTITLED AN ACT AN ACT DIRECTING THE JOINT LEGISLATIVE EDUCATION OVERSIGHT COMMITTEE TO STUDY THE NEED TO WEIGHT THE CLASS-SIZE FUNDING FORMULA TO ACCOMMODATE THE LEARNING NEEDS OF SPECIAL POPULATIONS OF CHILDREN.

☐ With a favorable report.

☒ With a favorable report and recommendation that the bill be re-referred to the Committee on ~~Appropriations~~ ☐ ~~Finance~~ ☐ Rules, Calendar, and Operations ☒.

☐ With a favorable report, as amended.

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

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

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

☐ With an unfavorable report.

☐ With recommendation that the House concur.

☐ With recommendation that the House do not concur.

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

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

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

☐ Without prejudice.

☐ With an indefinite postponement report.

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

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

03/19/03

NORTH CAROLINA HOUSE OF REPRESENTATIVES
COMMITTEE MEETING NOTICE
2005-2006 SESSION

You are hereby notified that the Committee on **Education** will meet as follows:

DAY & DATE: **April 5, 2005**

TIME: **11:00 AM**

LOCATION: **643 LOB**

The following bills will be considered (Bill # & Short Title & Bill Sponsor):

HB 805 - Update List of High Priority Schools - Reps. Glazier, Parmon, B. Allen, Lucas

HB 836 - Duties of School Counselors - Rep. Bell

HB 693 - Base Funding on Learning Needs of Students - Reps. Glazier, Parmon

HB 779 - Raise Compulsory School Attendance Age - Rep. Fisher

Respectfully,

Representatives Bell, Lucas, McLawhorn
Chair

I hereby certify this notice was filed by the committee assistant at the following offices at 5:00 P.M. on Thursday, **March 31, 2005.**

___Principal Clerk
___Reading Clerk - House Chamber

Carolyn A. Edwards (Committee Assistant)

AGENDA

HOUSE EDUCATION COMMITTEE

April 5, 2005
11:00 A.M.
Room 643 LOB

Representative Larry M. Bell
Presiding Chair

CALL TO ORDER

OPENING REMARKS

BILLS TO BE CONSIDERED:

HB 836 - Duties of School Counselors - Rep. Bell

HB 693 - Base Funding on Learning Needs of Students - Reps. Glazier, Parmon

ADJOURNMENT

Chairs:
Representative L. Bell
Representative M. Lucas
Representative M. McLawhorn

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2005

HOUSE BILL 693

Short Title:	Base Funding on Learning Needs of Students.	(Public)
Sponsors:	Representatives Glazier, Parmon (Primary Sponsors); Farmer-Butterfield, Jones, and Wainwright.	
Referred to:	Education, if favorable, Rules, Calendar, and Operations of the House.	

March 17, 2005

A BILL TO BE ENTITLED

AN ACT DIRECTING THE JOINT LEGISLATIVE EDUCATION OVERSIGHT COMMITTEE TO STUDY THE NEED TO WEIGHT THE CLASS-SIZE FUNDING FORMULA TO ACCOMMODATE THE LEARNING NEEDS OF SPECIAL POPULATIONS OF CHILDREN.

The General Assembly of North Carolina enacts:

SECTION 1. The Joint Legislative Education Oversight Committee shall study the need to weight the class-size funding formula to accommodate the learning needs of special populations of children. In the course of the study, the Committee shall consider:

(1) The learning needs of special populations of students such as children with disabilities, children with limited English proficiency, and students with personal education plans;

(2) The level of classroom resources, including teachers' time, required to meet the learning needs of special populations of children; and

(3) Any modifications to the class-size funding formula that are necessary, due to the learning needs of special populations of children, to accommodate the educational needs of all children.

The Joint Legislative Education Oversight Committee shall report the results of its study to the 2006 Regular Session of the 2005 General Assembly.

SECTION 2. This act becomes effective July 1, 2005.

HOUSE BILL 693:
Base Funding on Learning Needs of Students.

BILL ANALYSIS

Committee:	House Education	**Introduced by:**	Reps. Glazier and Parmon
Date:	April 5, 2005	**Summary by:**	Robin Johnson
Version:	First		Committee Counsel

SUMMARY: ***HB 693 would direct the Joint Legislative Education Oversight Committee to study whether to weight the class-size funding formula to account for the different learning needs of students, particularly those with disabilities, those with limited English proficiency, and those who have personal education plans.***

The bill would take effect July 1, 2005.

CURRENT LAW: Generally, class size is determined by the allotment of teachers to a local school administrative unit (LEA). G.S. 115C-301 (see attached) specifies that average class size for each grade span in a LEA cannot exceed the funded allotment ratio of teachers to students. These averages cannot be higher than those for which State funds were provided during the 1984-85 schools year. The size of an individual class cannot exceed this ratio by more than three students. The State Board of Education may grant a waiver of the class size requirement for a school if the school requests the waiver as part of a school improvement plan.

LEAs also receive State categorical funds, such as for students with disabilities or for low-wealth LEAs, and they receive federal and local funds. LEAs have flexibility to combine funds in order to adjust the class size in individual classrooms, grade spans, or schools.

BILL ANALYSIS: HB 693 would direct the Joint Legislative Education Oversight Committee to evaluate the general law providing for class size. The Committee must consider the learning needs of special populations of students, the level of classroom resources, and other modifications to the class-size funding formula that it considers necessary to accommodate the educational needs of all students.

The Committee would be required to report the results of its study to the 2006 Regular Session of the General Assembly.

§ 115C-301. Allocation of teachers; class size.

(a) Request for Funds. – The State Board of Education, based upon the reports of local boards of education and such other information as the State Board may require from local boards, shall determine for each local school administrative unit the number of teachers and other instructional personnel to be included in the State budget request.

(b) Allocation of Positions. – The State Board of Education is authorized to adopt rules to allot instructional personnel and teachers, within funds appropriated.

(c) Maximum Class Size. – The average class size for each grade span in a local school administrative unit shall at no time exceed the funded allotment ratio of teachers to students. At the end of the second school month and for the remainder of the school year, the size of an individual class shall not exceed the allotment ratio by more than three students. At no time may the General Assembly appropriate funds for higher unit-wide class averages than those for which State funds were provided during the 1984-85 school year.

(d) Maximum Teaching Load. – Students shall be assigned to classes so that from the 15th day of the school year through the end of the school year the number of students for whom teachers in grades 7 through 12 are assigned teaching responsibilities during the course of the day is no more than 150 students, except as provided in subsection (g) of this section.

(e) Alternative Maximum Class Sizes. – The State Board of Education, in its discretion, may set higher maximum class sizes and daily teaching loads for classes in music, physical education, and other similar subjects, so long as the effectiveness of the instructional programs in those areas is not thereby impaired.

(f) Second Month Reports. – At the end of the second month of each school year, each local board of education, through the superintendent, shall file a report for each school within the school unit with the State Board of Education. The report shall be filed in a format prescribed by the State Board of Education and shall include the organization for each school, the duties of each teacher, the size of each class, the teaching load of each teacher, and such other information as the State Board may require. As of February 1 each year, local boards of education, through the superintendent, shall report all exceptions to individual class size and daily teaching load maximums that occur at that time.

(g) Waivers and Allotment Adjustments. – Local boards of education shall report exceptions to the State Board of Education as provided in G.S. 115C-47(10), and shall request allotment adjustments or waivers from the standards set out above. Within 45 days of receipt of reports, the State Board of Education, within funds available, may allot additional positions or grant waivers for the excess class size or daily load.

(1) If the exception resulted from (i) exceptional circumstances, emergencies, or acts of God, (ii) large changes in student population, (iii) organizational problems caused by remote geographic location, or (iv) classes organized for a solitary curricular area, and

(2) If the local board cannot organizationally correct the exception.

All allotment adjustments and waivers submitted under this provision shall be reported to the Director of the Budget and to the General Assembly by May 15 of each year.

(h) State Board Rules. – The State Board of Education shall adopt rules necessary for the implementation of class size and teaching load provisions.

(i) Penalty for Noncompliance. – If the State Board of Education determines that a local superintendent has willfully failed to comply with the requirements of this section, no State funds shall be allocated to pay the superintendent's salary for the period of time the superintendent is in noncompliance.

HOUSE BILL 836

Short Title: Duties of School Counselors. (Public)

Sponsors: Representatives Bell; Pate, Pierce, and Wainwright.

Referred to: Education.

March 22, 2005

A BILL TO BE ENTITLED

AN ACT TO ENSURE THAT SCHOOL COUNSELORS SPEND THEIR TIME PROVIDING DIRECT SERVICES TO STUDENTS.

The General Assembly of North Carolina enacts:

SECTION 1. Article 21 of Chapter 115C of the General Statutes is amended by adding a new section to read:

"**§ 115C-316.1. Duties of school counselors.**

School counselors shall implement a comprehensive developmental school counseling program in their schools. Counselors shall spend at least eighty percent (80%) of their work time providing direct services to students. These direct services shall consist of:

(1) Delivery of the school guidance curriculum through large-group guidance, interdisciplinary curriculum development, group activities, and parent workshops;

(2) Individual student planning through individual or small-group assistance and individual or small-group advisement; and

(3) Responsive services through consultation with students, families, and staff; individual and small-group counseling; crisis counseling; referrals; and peer facilitation.

Direct services do not include the coordination of standardized testing.

During the remainder of their work time, counselors shall spend adequate time on school counseling program support activities that consist of professional development; consultation, collaboration, and training; and program management and operations."

SECTION 2. Prior to the 2006-2007 school year, each local board of education shall develop a transition plan for implementing Section 1 of this act, within existing resources, by reassigning duties within its schools.

The State Board of Education shall distribute guidelines to all local school administrative units on the implementation of this act.

SECTION 3. The State Board of Education shall report to the Joint Legislative Education Oversight Committee on the implementation of this act.

SECTION 4. This act is effective when it becomes law. Section 1 of this act applies to school years beginning with the 2006-2007 school year.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2005

H D

HOUSE BILL 836
PROPOSED COMMITTEE SUBSTITUTE H836-CSSF-6 [v.1]

4/8/2005 11:24:48 AM

Short Title: Duties of School Counselors. (Public)

Sponsors:

Referred to:

March 22, 2005

A BILL TO BE ENTITLED

AN ACT TO ENSURE THAT SCHOOL COUNSELORS SPEND THEIR TIME PROVIDING DIRECT SERVICES TO STUDENTS.

The General Assembly of North Carolina enacts:

SECTION 1. Article 21 of Chapter 115C of the General Statutes is amended by adding a new section to read:

"**§ 115C-316.1. Duties of school counselors.**

(a) School counselors shall implement a comprehensive developmental school counseling program in their schools. Counselors shall spend at least eighty percent (80%) of their work time providing direct services to students. Direct services do not include the coordination of standardized testing. Direct services shall consist of:

(1) Delivering the school guidance curriculum through large-group guidance, interdisciplinary curriculum development, group activities, and parent workshops;

(2) Guiding individual student planning through individual or small-group assistance and individual or small-group advisement;

(3) Providing responsive services through consultation with students, families, and staff; individual and small-group counseling; crisis counseling; referrals; and peer facilitation; and

(4) Performing other student services listed in the Department of Public Instruction school counselor job description that has been approved by the State Board of Education.

(b) During the remainder of their work time, counselors shall spend adequate time on school counseling program support activities that consist of professional development; consultation, collaboration, and training; and program management and operations. School counseling program support activities do not include the coordination of standardized testing. However, school counselors may assist other staff with the coordination of standardized testing."

SECTION 2. Prior to the 2006-2007 school year, each local board of education shall develop a transition plan for implementing Section 1 of this act, within existing resources, by reassigning duties within its schools.

The State Board of Education shall distribute guidelines to all local school administrative units on the implementation of this act.

SECTION 3. The State Board of Education shall report to the Joint Legislative Education Oversight Committee on the implementation of this act.

SECTION 4. This act is effective when it becomes law. Section 1 of this act applies to school years beginning with the 2006-2007 school year.

HOUSE BILL 836:
Duties of School Counselors

BILL ANALYSIS

Committee:	House Education	**Introduced by:**	Representative Bell
Date:	April 5, 2005	**Summary by:**	Shirley Iorio, Ph D
Version:	First Edition		Committee Analyst

SUMMARY: ***This bill would require school counselors to implement a comprehensive developmental counseling program in their schools. Counselors would spend at least 80% of their work time providing direct services to students, and the remainder of their time would be spent on school counseling program support activities. Counselors would not coordinate standardized testing.***

Each local board of education would be required to develop a transition plan by reassigning duties within its schools. This plan would have to be done within existing resources prior to the 2006-2007 school year.

The State Board of Education would have two requirements regarding the implementation of this act:

-to distribute implementation guidelines to all LEAs, and

-to report to the Joint Legislative Education Oversight Committee.

The act would become effective when it becomes law. Section 1 would apply beginning with the 2006-2007 school year.

BILL ANALYSIS: Currently, there is a job description for school counselors (attached) that was adopted by the State Board of Education in the 1980s and designed to correspond with the evaluation instrument. That job description is, for the most part, still applicable today.

This bill would put in statute the duties of school counselors, applicable beginning with the 2006-2007 school year. Counselors would spend most of their time providing direct services to students:

- Delivering the school guidance curriculum;
- Planning with, assisting, and advising students; and
- Providing responsive services such as consultation with students, families, and staff, individual and small-group counseling, crisis counseling, referrals, and peer facilitation.

Counselors' duties would not include the coordination of standardized testing. When not providing direct service to students, counselors would spend their time on professional development; consultation, collaboration, and training; and program management and operations.

The counselor duties specified in this bill are consistent with the current job description, the guidance curriculum and the American School Counselor Association's National Model.

In order for counselors to implement a comprehensive developmental school counseling program and to perform the duties outlined in this proposed law, local boards of education will have to develop a transition plan by reassigning duties within the schools. This plan would have to be done within existing resources prior to the 2006-2007 school year. The State Board must distribute implementation guidelines to all LEAs, and report to the Joint Legislative Education Oversight Committee.

School Counselor
Student Services Job Description

Please note: This job description is one of several adopted by the State Board of Education between 1984 and 1987 and was designed to correspond with the evaluation instrument. Local school systems can and often do modify job descriptions. Always contact the school system in which you are interested for a finalized job description.

Position: School Counselor

Reports To: Principal and/or Counseling Supervisor

Purpose: To help all students develop skills in the areas of personal-social growth, educational planning, and career and vocational development.

Duties and Responsibilities:

- **Program Planning**
  The school counselor establishes the school counseling program and develops activities and resources to implement and evaluate the program. The school counselor involves other school staff in making decisions about the school counseling program.

- **Counseling**
  The school counselor provides individual and group counseling services to meet the developmental, preventive and remedial needs of students.

- **Consulting**
  The school counselor consults with students, parents, teachers, and other school and community personnel to assist in meeting the needs of students.

- **Coordinating**
  The school counselor coordinates all counseling services for students and assists with the coordination and implementation of student services in the school. The counselor also assists teachers with the Guidance Curriculum.

- **Student Appraisal**
  The school counselor accurately interprets test results and other student data. The counselor also assists teachers with the educational placement of students by using appropriate educational assessment strategies.

- **Professional Practices and Development**
  The school counselor adheres to ethical standards of the counseling profession, and abides by the laws, policies, and procedures that govern the schools. The counselor also participates in professional associations and upgrades professional knowledge and skills when needed.

<back to top>

<Student Services Job Descriptions & License Requirements>

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301 N. Wilmington St.
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HOUSE BILL 836:
Duties of School Counselors

BILL ANALYSIS

Committee:	House Education	**Introduced by:**	Representative Bell
Date:	April 19, 2005	**Summary by:**	Shirley Iorio, Ph D
Version:	PCS to the First Edition H836-CSSF-6 [v.1]		Committee Analyst

SUMMARY: ***This PCS would require school counselors to implement a comprehensive developmental counseling program in their schools. Counselors would spend at least 80% of their work time providing direct services to students. Direct services would not include the coordination of standardized testing. Counselors would spend the remainder of their time on school counseling program support activities. School counseling program support activities would not include the coordination of standardized testing, but school counselors may assist other staff with the coordination of standardized testing.***

Each local board of education would be required to develop a transition plan by reassigning duties within its schools. This plan would have to be done prior to the 2006-2007 school year and within existing resources.

The State Board of Education would have two requirements regarding the implementation of this act:

-to distribute implementation guidelines to all LEAs, and

-to report to the Joint Legislative Education Oversight Committee.

The act would become effective when it becomes law. Section 1 would apply beginning with the 2006-2007 school year.

The differences between the original bill and the PCS are indicated in bold in the Bill Analysis section.

BILL ANALYSIS: Currently, there is a job description for school counselors (attached) that was adopted by the State Board of Education in the 1980s and designed to correspond with the evaluation instrument. That job description is, for the most part, still applicable today.

This bill would put in statute the duties of school counselors, applicable beginning with the 2006-2007 school year. Counselors would spend most of their time providing direct services to students:

- Delivering the school guidance curriculum;
- Planning with, assisting, and advising students; and
- Providing responsive services such as consultation with students, families, and staff, individual and small-group counseling, crisis counseling, referrals, and peer facilitation.
- **Performing other student services listed in the school counselor job description.**

Direct services to students would not include the coordination of standardized testing. When not providing direct service to students, counselors would spend their time on school counseling program support activities including professional development; consultation, collaboration, and training; and program management and operations. **School counseling program support activities do not include the coordination of standardized testing. However, school counselors may assist other staff with the coordination of standardized testing.**

The counselor duties specified in this bill are consistent with the current job description, the guidance curriculum and the American School Counselor Association's National Model.

In order for counselors to implement a comprehensive developmental school counseling program and to perform the duties outlined in this proposed law, local boards of education will have to develop a transition plan by

reassigning duties within the schools. This plan would have to be done within existing resources prior to the 2006-2007 school year. The State Board must distribute implementation guidelines to all LEAs, and report to the Joint Legislative Education Oversight Committee.

VISITOR REGISTRATION SHEET

EDUCATION — APRIL 5, 2005

Name of Committee — **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Natalie Fixmer	Planned Parenthood of Central NC
Stephanie Dorko	Charlotte Chamber
Michael Houser	NCAE
Hilary Arthur	NCASA
Katherine Joyce	NCASA
Lisa Bateman	DJJDP
Molly Ryan	NCSBA
Leanne Winner	NCSBA
Cynthia F. Boyd	NC DPI
[illegible]	WCPSS
[illegible]	NCPTSPTA

VISITOR REGISTRATION SHEET

EDUCATION
Name of Committee

APRIL 5, 2005
Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

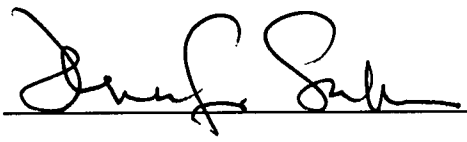
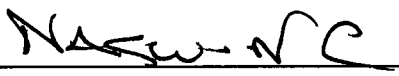
NAME	FIRM OR AGENCY AND ADDRESS
Gene Causby	NCCA
Cecil Banks	NCAE
Julie Dwyer	NCAE
Marcus Dunn	NCAE
Elizabeth Grovenstein	OSBM
Don McCorquodale	SAS
Angela Hurst	NCJCC
Mike Mahaffey	NCCA
[illegible]	NCICU
Brian Lewis	Covenant with NC's Children
[illegible]	JC Mallon Co

VISITOR REGISTRATION SHEET

EDUCATION — APRIL 5, 2005

Name of Committee — **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
	

PAGES INFORMATION SHEET

House Committee On Education
April 5, 2005

NAME	COUNTY	REPRESENTATIVE
1. Terrence Valladares	Mecklenburg	Speaker Black
2. Drake Day	Person	Rep. Wilkins

SERGEANT AT ARMS

1. Willie Dixon
2. Fred Hines
3. Martha Parrish
4. Frank Prevo

HOUSE EDUCATION COMMITTEE MEETING
Minutes
April 7, 2005
3:30 p.m.

Rep. Lucas called the meeting to order and introduced the pages and sergeant at arms. The list is attached.

Rep. Michaux moved to adopt the PCS for discussion. The committee agreed.

There was a bill summary for the original bill. The difference in the two is a problem in numbering.

Rep. Rhoades was called on to explain the bill. He explained the bill and there were many, many comments and questions.

Rep. Justice moved for an unfavorable report to the original bill and unfavorable to proposed committee substitute.

Rep. Lucas called for a show of hands in favor of the motion. There were 35 in favor of the motion and 1 against.

The meeting was adjourned.

Respectfully submitted,

Representative Marvin W. Lucas, Presiding Chair

Marvin W. Lucas

Thelma T. Utley, Committee Assistant

Thelma T. Utley

2005 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES

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

By Representative Bell, Lucas, McLawhorn (Chairs) for the Committee on EDUCATION.

☐ Committee Substitute for

HB 1017 A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR EDUCATION FREEDOM FOR STUDENTS, PARENTS, AND TEACHERS IN MECKLENBURG COUNTY BY PROVIDING FOR THE MECKLENBURG COUNTY SCHOOL ADMINISTRATIVE UNIT TO BE SEPARATED INTO MULTIPLE ADMINISTRATIVE UNITS.

☒ With an unfavorable report.

(FOR JOURNAL USE ONLY)

_____ Pursuant to Rule 32(a), the bill/resolution is re-referred to the Committee on _____.

_____ The bill/resolution is placed on the Unfavorable Calendar.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2005

H D

HOUSE BILL 1017
PROPOSED COMMITTEE SUBSTITUTE H1017-PCS70298-LB-19

Short Title: Mecklenburg Education Freedom Act. (Local)

Sponsors:

Referred to:

March 31, 2005

A BILL TO BE ENTITLED

AN ACT TO PROVIDE FOR EDUCATION FREEDOM FOR STUDENTS, PARENTS, AND TEACHERS IN MECKLENBURG COUNTY BY PROVIDING FOR THE MECKLENBURG COUNTY SCHOOL ADMINISTRATIVE UNIT TO BE SEPARATED INTO MULTIPLE ADMINISTRATIVE UNITS.

Whereas, students throughout Mecklenburg County have a right to be educated in a safe and efficient environment that is conducive to learning; and

Whereas, parents of students throughout Mecklenburg County have the right for their children to be educated in the safest and most efficient environment that is conducive to their child's learning; and

Whereas, educators have a right to work in a safe and efficient environment in which to educate students; and

Whereas, the public school system belongs to the citizens and taxpayers of Mecklenburg County, and being a public system, citizens have the power to choose a system that best, and most efficiently and successfully, educates the children of Mecklenburg County; Now, therefore,

The General Assembly of North Carolina enacts:

SECTION 1.(a) Effective July 1, 2006, the Mecklenburg County School Administrative Unit, as reconstituted by Chapter 378 of the 1959 Session Laws, is divided into multiple school administrative units as provided in this act, and the Charlotte-Mecklenburg County Board of Education is abolished.

SECTION 1.(b) Any vacancies occurring on the Charlotte-Mecklenburg Board of Education because of election of the vacating member to a board of education established by a deconsolidation plan under this act shall be filled by the Board of Commissioners of Mecklenburg County.

SECTION 2. There shall be no election in 2005 for the Charlotte-Mecklenburg Board of Education. The terms of members that would have

expired in 2005 are extended until new boards of education are elected under the plan adopted under Section 3 of this act.

SECTION 3. The State Board of Education shall adopt a plan for the deconsolidation of the Mecklenburg County School Administrative Unit, as reconstituted by Chapter 378 of the 1959 Session Laws, into multiple school administrative units. Prior to adoption of the plan, the draft shall be forwarded to the Charlotte-Mecklenburg Board of Education and to the Board of Commissioners of Mecklenburg County for their comments.

The provisions of the deconsolidation plan shall be consistent with the General Statutes and shall contain, but not be limited to, the following:

(1) The name by which the new school administrative units shall be identified and known.

(2) The effective date of the deconsolidation, July 1, 2006.

(3) The establishment and maintenance of a board of education which shall administer all the public schools of each newly created unit, including the method of constituting and continuing the board of education; the manner of selection of board members, including: (i) the number of members of the board, (ii) the method of their election, (iii) whether members shall be nominated, elected, or appointed from districts or at large or in some combination, (iv) the manner of determining the nominee, and (v) whether the election shall be partisan or nonpartisan; the length of the members' terms of office; the dates of induction into office; the organization of the board; the procedure for filling vacancies; and the compensation to be paid members of the board for expenses incurred in performance of their duties. To the extent that the method conflicts with G.S. 115C-35, G.S. 115C-37, or with any local act, the plan of deconsolidation shall prevail.

(4) The authority, powers, and duties of the board of education with respect to the employment of personnel, the preparation of budgets, and any other related matters which may be particularly applicable to the new unit not inconsistent with the General Statutes.

(5) The transfer of all facilities, properties, structures, funds, contracts, deeds, titles, and other obligations, assets, and liabilities to the boards of education of the new units.

(6) A public hearing, which shall have been announced at least 10 days prior to the hearing, on the proposed plan of deconsolidation.

(7) Any other condition or prerequisite to deconsolidation, together with any other appropriate subject or function that may be necessary for the orderly deconsolidation of the local school administrative units.

The plan referred to above shall be adopted by the county board of commissioners and shall be accompanied by a certification that the plan was approved by the board on a given day and that the action has been duly recorded in the minutes of said board, together with a certification to the effect that the public hearing required above was announced and held. The plan of deconsolidation shall become final and

shall be deemed to have been made by authority of law and shall not be changed or amended except by an act of the General Assembly. The written plan of deconsolidation shall be placed in the custody of the board of education operating and administering the public schools in the merged unit and a copy filed with the Secretary of State.

SECTION 4. Sections 1 and 3 of this act are effective only if approved by the qualified voters of Mecklenburg County in a referendum to be conducted by the Mecklenburg County Board of Elections on November 8, 2005, which election shall be conducted under the laws then governing elections in the State. Ballots, voting systems, or both may be used in accordance with Chapter 163 of the General Statutes. The question to be used in the voting systems and ballots shall be:

"[ ] FOR [ ] AGAINST

The Charlotte-Mecklenburg School System shall be dissolved, and multiple school systems within Mecklenburg County shall be created by a plan adopted by the State Board of Education".

SECTION 5. In the election, if a majority of the votes are cast "For", then Sections 1 and 3 of this act shall become effective on the date that the Mecklenburg County Board of Elections certifies the results of the election. Otherwise, Sections 1 and 3 of this act shall have no force and effect, and the Charlotte-Mecklenburg County Board of Education shall be elected at the time of the primary election in 2006 under the same provisions as if it had been elected in 2005, and the terms of office shall expire at the same time they would have if the election had been held in 2005.

SECTION 6. This act is effective when it becomes law.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2005

H 1

HOUSE BILL 1017

Short Title:	Mecklenburg Education Freedom Act.	(Local)
Sponsors:	Representatives Rhodes and Gulley (Primary Sponsors).	
Referred to:	Education.	

March 31, 2005

A BILL TO BE ENTITLED

AN ACT TO PROVIDE FOR EDUCATION FREEDOM FOR STUDENTS, PARENTS, AND TEACHERS IN MECKLENBURG COUNTY BY PROVIDING FOR THE MECKLENBURG COUNTY SCHOOL ADMINISTRATIVE UNIT TO BE SEPARATED INTO MULTIPLE ADMINISTRATIVE UNITS.

Whereas, students throughout Mecklenburg County have a right to be educated in a safe and efficient environment that is conducive to learning, and

Whereas, parents of students throughout Mecklenburg County have the right for their children to be educated in the safest and most efficient environment that is conducive to their child's learning, and

Whereas, educators have a right to work in a safe and efficient environment in which to educate students, and

Whereas, the public school system belongs to the citizens and taxpayers of Mecklenburg County, and being a public system, citizens have the power to choose a system that best, and most efficiently and successfully, educates the children of Mecklenburg County; Now, therefore,

The General Assembly of North Carolina enacts:

SECTION 1.(a) Effective July 1, 2006, the Mecklenburg County School Administrative Unit, as reconstituted by Chapter 378 of the 1959 Session Laws, is divided into multiple school administrative units as provided in this act, and the Charlotte-Mecklenburg County Board of Education is abolished.

SECTION 1.(b) Any vacancies occurring on the Charlotte-Mecklenburg Board of Education because of election of the vacating member to a board of education established by a deconsolidation plan under this act shall be filled by the Board of Commissioners of Mecklenburg County.

SECTION 2. There shall be no election in 2005 for the Charlotte-Mecklenburg Board of Education. The terms of members that would have expired in 2005 are extended until new boards of education are elected under the plan adopted under Section 3 of this act.

SECTION 3. The State Board of Education shall adopt a plan for the deconsolidation of the Mecklenburg County School Administrative Unit, as reconstituted by Chapter 378 of the 1959 Session Laws, into multiple school administrative units. Prior to adoption of the plan, the draft shall be forwarded to the Charlotte-Mecklenburg Board of Education and to the Board of Commissioners of Mecklenburg County for their comments.

The provisions of the deconsolidation plan shall be consistent with the General Statutes and shall contain, but not be limited to, the following:

(1) The name by which the new school administrative units shall be identified and known.

(2) The effective date of the deconsolidation, July 1, 2006.

(3) The establishment and maintenance of a board of education which shall administer all the public schools of each newly created unit, including the method of constituting and continuing the board of education; the manner of selection of board members, including: (i) the number of members of the board, (ii) the method of their election, (iii) whether members shall be nominated, elected, or appointed from districts or at large or in some combination, (iv) the manner of determining the nominee, and (v) whether the election shall be partisan or nonpartisan; the length of the members' terms of office; the dates of induction into office; the organization of the board; the procedure for filling vacancies; and the compensation to be paid members of the board for expenses incurred in performance of their duties. To the extent that the method conflicts with G.S. 115C-35, G.S. 115C-37, or with any local act, the plan of deconsolidation shall prevail.

(4) The authority, powers, and duties of the board of education with respect to the employment of personnel, the preparation of budgets, and any other related matters which may be particularly applicable to the new unit not inconsistent with the General Statutes.

(5) The transfer of all facilities, properties, structures, funds, contracts, deeds, titles, and other obligations, assets, and liabilities to the boards of education of the new units.

(6) A public hearing, which shall have been announced at least 10 days prior to the hearing, on the proposed plan of deconsolidation.

(7) Any other condition or prerequisite to deconsolidation, together with any other appropriate subject or function that may be necessary for the orderly deconsolidation of the local school administrative units.

The plan referred to above shall be adopted by the county board of commissioners and shall be accompanied by a certification that the plan was approved by the board on a given day and that the action has been duly recorded in the minutes of said board, together with a certification to the effect that the public hearing required above was announced and held. The plan of deconsolidation shall become final and shall be deemed to have been made by authority of law and shall not be changed or amended except by an act of the General Assembly. The written plan of deconsolidation

shall be placed in the custody of the board of education operating and administering the public schools in the merged unit and a copy filed with the Secretary of State.

SECTION 4. Sections 2 and 3 of this act are effective only if approved by the qualified voters of Mecklenburg County in a referendum to be conducted by the Mecklenburg County Board of Elections on November 8, 2005, which election shall be conducted under the laws then governing elections in the State. Ballots, voting systems, or both may be used in accordance with Chapter 163 of the General Statutes. The question to be used in the voting systems and ballots shall be:

"[ ] FOR [ ] AGAINST

The Charlotte-Mecklenburg School System shall be dissolved and multiple school systems within Mecklenburg County shall be created by a plan adopted by the State Board of Education".

SECTION 5. In the election, if a majority of the votes are cast "For", then Sections 2 and 3 of this act shall become effective on the date that the Mecklenburg County Board of Elections certifies the results of the election. Otherwise, Sections 2 and 3 of this act shall have no force and effect, and the Charlotte-Mecklenburg County Board of Education shall be elected at the time of the primary election in 2006 under the same provisions as if it had been elected in 2005, and the terms of office shall expire at the same time they would have if the election had been held in 2005.

SECTION 6. This act is effective when it becomes law.

ATTENDANCE

Education

(Name of Committee)

DATES	03/15/05	03/22/05	03/29/05	04/05/05	04/07/05	04/12/05	04/26/05								
BELL, Larry	x			x	x										
LUCAS, Marvin	x			x	x										
McLAWHORN, Marian	x			x	x										
ADAMS, Alma	x			x	x										
ALLEN, Bernard	x			x	x										
BLACKWOOD, Curtis	x			x											
BORDSEN, Alice	x			x	x										
BROWN, Larry															
CARNEY, Becky	x			x	x										
CLEVELAND, George	x			x	x										
COLE, Nelson	x			x	x										
COLEMAN, Linda	x			x	x										
CRAWFORD, James	x														
DAUGHTRIDGE, William	x			x											
DICKSON, Margaret	x			x	x										
DOCKHAM, Jerry				x											
ENGLAND, Bob	x				x										
FISHER, Susan	x			x	x										
FOLWELL, Dale	x			x											
FRYE, Phillip	x			x	x										
GLAZIER, Rick	x			x	x										
GOFORTH, Bruce	x			x	x										
WADE-GOODWIN, Melanie	x			x											
GRADY, Robert															
HARRELL, James	x														
HARRISON, Pricey	x			x	x										

DATES	03/15/05	03/22/05	03/29/05	04/05/05	04/07/05	04/12/05	04/26x/05								
HILTON, Mark	x			x	x										
HOLLO, Mark	x			x	x										
HOLLOWAY, Bryan	x			x	x										
HOLMES, George															
INSKO, Verla	x														
JEFFUS, Maggie	x			x	x										
JOHNSON, Linda	x				x										
JUSTICE, Carolyn	x			x	x										
LANGDON, James	x			x	x										
LUEBKE, Paul	x			x	x										
MARTIN, Grier	x			x	x										
McALLISTER, Mary	x			x	x										
MICHAUX, Mickey				x	x										
NYE, Edd	x			x	x										
PARMON, Earline	x				x										
PATE, Louis	x			x	x										
PRESTON, Jean	x				x										
RAPP, Raymond	x			x	x										
RAY, Karen	x			x	x										
SAULS, John					x										
STILLER, Bonner				x	x										
TOLSON, Joe	x			x	x										
WALKER, Tracy	x			x	x										
WARREN, Edith	x				x										
WILEY, Laura	x			x	x										
WILKINS, Winkie	x			x	x										

DATES	03/15/05	03/22/05	03/29/05	04/05/05	04/07/05	04/12/05	04/19/05	04/22/05							
WOMBLE, Larry	x			x	x										
WRAY, Michael	x			x											
YONGUE, Douglas	x			x	x										
CULPEPPER, Bill															
CUNNINGHAM, Pete					x										
EDDINS, Rick															
HACKNEY, Joe															
Dee Atkinson	x				x										
Drupti Chauhan	x				x										
Shirley Iorio	x				x										
Robin Johnson	x				x										
Sara Kamprath	x				x										

VISITOR REGISTRATION SHEET

4-7-05

Name of Committee | Date

VISITORS: PLEASE SIGN BELOW AND RETURN TO COMMITTEE ASSISTANT

NAME	FIRM OR AGENCY
John Goodman	Alley Associates
Linda Ayer	SBE/DPI
Peyton Maynard	CMS
John Bowdish	Here for Coffee
[illegible]	[illegible]
[illegible]	NCSBA
[illegible]	[illegible]
[illegible]	[illegible]
Katherine Joyce	NCASA
Michael Houser	NCAE

House Pages

Name Of Committee: Education Date: 4/7/05

1. Name: Jim Wommack
   County: _____
   Sponsor: _____
2. Name: _____
   County: _____
   Sponsor: _____
3. Name: _____
   County: _____
   Sponsor: _____
4. Name: _____
   County: _____
   Sponsor: _____
5. Name: _____
   County: _____
   Sponsor: _____

Sgt-At-Arms

1. Name: Jim Wommack
2. Name: Paul Curry
3. Name: Martha Patrick
4. Name: Charles Williams
5. Name: _____

VISITOR REGISTRATION SHEET

EDUCATION — 04-12-05

Name of Committee — **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Cynthia Matson	Assignment By Choice Inc. 1381 Kildare Farm Rd. #295 Cary, NC 27511
Joan Chickillo	" " " "
Paul Jackson	[illegible]
Freida Hyer	SBE/DPI
Lorraine Williams	NCSBA
Molly Ryan	NCSBA
John Maynard	[illegible]
[illegible]	WCPSS
Hilary Arthur	NCASA
Jim Maynard	CMS
[illegible]	NCPGEA
Gene Causby	~~NC SFSA~~
Hugh Thrasher	NCPAPE

VISITOR REGISTRATION SHEET

EDUCATION. 04-12-05

Name of Committee **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Becky Alexander	Mecklenburg County
Lori Davis	Mecklenburg County
Patrick Buffkin	NCGA
MARLICE GREEN	CHARLOTTE- MECKLENBURG SCHOOLS
DAVID DUNN	UNC CHARLOTTE GO NINERS!
Leslie Kernodle	JMSW program - UNCG + NCA+T / NASW
Allison Herring	JMSW program - UNCG + NCA+T / NASW
DREW M. DAVIS	Winston-Salem / Forsyth County Schools
John Boothes	9314 Marigold Pl. Charlotte
JEN FALANICA	UNC GREENSBORO
Lindalyn Kakadelis	North Cardina Education Alliance / Meck. Resident

SI

VISITOR REGISTRATION SHEET

EDUCATION — Name of Committee

04-12-05 — Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
David Pinard	14020 Timbergreen Dr. Huntersville, NC
Melissa Parker	NASW-NC Raleigh, NC
Tya McGraw	NASW-NC Raleigh, NC
Beverly Cannaday	Mint Hill NC
Curt Cannaday	Mint Hill NC
Christine Pinard	SaveCms.com
Hal Miller	Incaect
Gloria K. Brown	NASW-NC / New Hanover Co. Schools
Rebekah Rochelle	NASW-NC / New Hanover Co. Schools
Stephanie Dorko	Charlotte Chamber
John Brown	Charlotte Chamber

VISITOR REGISTRATION SHEET

EDUCATION — 04-12-05

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
John Bowdish	ADA
Debra Moore	JMSW Prog. UNC-G NC A&T

VISITOR REGISTRATION SHEET

Education — 4/12/05

Name of Committee — Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Victor R Isley	NC-NASW 2807 Ridgeport Dr. W-S, NC 27103
[signature]	[signature]

VISITOR REGISTRATION SHEET

Education — 4/12/05

Name of Committee — **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
[signature]	NC PCBC
Steve Iannarino	Meck Co.
JACK HEILBERN	MECK COUNTY
LARRY GALVREATH	" " CITIZEN
Jim Puckett	MECKLENBURG
Shannah Smith	UNC Center for Civil Rights
Marcus Davis	NCAE
Stephanie Wallace	Forsyth County Public
Gertrude Fambrough	
Michael Houser	NCAE
[signature]	NASW. NC

HOUSE EDUCATION COMMITTEE MEETING
Minutes
April 12, 2005
11:00 a.m.

Rep. Lucas called the meeting to order and welcomed the visitors to the meeting. He introduced the pages and sergeant-at-arms (attached). He also gave the methodology for citizen input for the citizens from Mecklenburg County. Twenty minutes were allotted for each side to debate (total of forty minutes). Speakers need to identify themselves and not be an elected official.

Rep. Bonner Stiller gave motion to reconsider the vote by which the bill failed last Thursday. The Chair declared the bill was properly before the committee and called for Attorney Robin Johnson to give a summary of the PCS.

Rep. Lucas thanked the members that had bills on the calendar for today and allowed bills to be displaced to hear H1017.

The hearing was open to only the citizens of Mecklenburg County. Some elected officials tried to speak. Four persons spoke in favor of the bill and two against.

The public hearing was closed.

Rep. Lucas gave committee members a chance to speak on the bill. Several members spoke on the bill.

Rep. Lucas called for a roll call vote. Vote aye if you are in favor of reconsidering the vote of last Thursday (34 to 1, for unfavorable to original bill and unfavorable to committee substitute) and to vote no if you do not want the vote to be reconsidered. There were 39 no votes and 5 yes votes.

The meeting was adjourned.

Respectfully submitted,

Marvin W. Lucas

Representative Marvin W. Lucas, Presiding Chair

Thelma T. Utley

Thelma T. Utley, Committee Assistant

HOUSE EDUCATION COMMITTEE MEETING
Tuesday, April 12, 2005
Room 643 LOB
11:00 a.m.

Explanation of Bill - Attorney Robin Johnson

Public Hearing

HB 1017 - MECKLENBURG EDUCATION FREEDOM ACT - Reps. Rhodes and Gulley

Methodology for Citizen Input

1. **Forty minutes will be provided for Mecklenburg County Citizens to share information with the Committee on Education. (Twenty minutes for those in favor of the Bill and twenty minutes for those against the Bill.**

2. **Only Mecklenburg County Citizens will be allowed to speak.**

3. **Individuals currently serving in an elected policy-making body will not be allowed to speak.**

4. **Close Public Hearing**

Committee Discussion

Committee Decision

Adjournment

House Bill 1017:
Mecklenburg Education Freedom Act

BILL ANALYSIS

Committee:	House Education	**Date:**	April 11, 2005
Introduced by:	Reps. Rhodes, Gulley	**Summary by:**	Robin Johnson
Version:	First Edition H1017-PCS70298-LB-19		Committee Counsel

SUMMARY: HB 1017 would establish a procedure to deconsolidate the Mecklenburg School System into multiple local school administrative units.

The PCS makes technical changes.

CURRENT LAW: Currently, there are 100 county local school administrative units and 15 city local school administrative units. There are statutory provisions for merging and consolidating local school administrative units. There are none governing a deconsolidation into multiple units.

BILL ANALYSIS:

Section 1, effective July 1, 2006, would divide the Mecklenburg school system into multiple local school administrative units and would abolish the current school board. This section also would provide for the board of county commissioners to fill any vacancies on the Charlotte-Mecklenburg Board of Education caused by a member being elected to a board of education created as a result of the deconsolidation.

Section 2 would provide that there would not be a school board election in 2005 and that the terms of members that would have expired in 2005 would extend until new boards are elected.

Section 3 would direct the State Board of Education to adopt a plan for the deconsolidation into multiple school units after forwarding a draft of the plan to the board of education and board of county commissioners for their comments. The plan must include the following provisions:

- Names of the new school systems.
- Effective date of July 1, 2006.
- Method of constituting local boards, number of members, whether nominated, elected, or appointed; the manner of determining the nominee; whether the election will be partisan or nonpartisan; length of terms of office; dates of induction into office; organization of the board; procedure for filling vacancies; compensation of members.
- Powers and duties of the boards.
- Transfer of all facilities, properties, assets, debts, etc.
- A public hearing on the proposed plan.
- Any other necessary condition or prerequisite.

The county board of commissioners would be required to approve and certify the plan after the State Board adopts it.

Section 4 would provide that Sections 1 and 3 would take effect only if the qualified voters of Mecklenburg County in a referendum on November 8, 2005, vote in favor of deconsolidating into multiple school systems under a plan adopted by the State Board of Education.

Section 5 would provide that if a majority of voters approve the deconsolidation, then Sections 1 and 3 would take effect on the date the Mecklenburg County Board of Elections certifies the election's results. If the deconsolidation is not approved, then the election for the current school board will take place in 2006, and the terms of office will expire at the same time they would have expired if the election had occurred in 2005.

The bill would become effective when it becomes law.

BACKGROUND: As it has been in other states, the trend in North Carolina over the past 100 years has been to reduce the number of school systems rather than to increase them. In 1902, there were 8,115 school districts (5,653 for white children, 2,441 for African-Americans, and 21 for Croatan Indians) and 7,888 schools in North Carolina. By 1934 the number had dropped to 1,449 districts (814 for whites and 635 for nonwhites) and 4,830 schools. By the 1986-87 school year, there were only 1,963 schools, including six special schools. In 1999-2000 there were 2,158 schools as well as 78 charter schools in the state. In both 1983 and 1985 the General Assembly considered but did not pass bills that would have prohibited the state from funding more than one administrative unit per county. In the 1980's, the Superintendent of Public Instruction recommended to the State Board of Education that there be only one school system per county and that the state should consider merging small county administrative units. In 1991, the General Assembly added two more statutes that allow administrative units to consolidate. These laws have promoted further consolidation, which has been controversial, in order to strive for economy, efficiency, and improved quality in public education. [1]

There currently are 115 school systems. In the 2003-2004 school year, there were 2,171 traditional public schools, and 93 charter schools.

H1017e1-SMRH-PCS70298-LB-19

[1] This historical background comes from Chapter A.5, §A.500, Education Law in North Carolina, published by Principals' Executive Program.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2005

HOUSE BILL 1017

Short Title:	Mecklenburg Education Freedom Act.	(Local)
Sponsors:	Representatives Rhodes and Gulley (Primary Sponsors).	
Referred to:	Education.	

March 31, 2005

A BILL TO BE ENTITLED

AN ACT TO PROVIDE FOR EDUCATION FREEDOM FOR STUDENTS, PARENTS, AND TEACHERS IN MECKLENBURG COUNTY BY PROVIDING FOR THE MECKLENBURG COUNTY SCHOOL ADMINISTRATIVE UNIT TO BE SEPARATED INTO MULTIPLE ADMINISTRATIVE UNITS.

Whereas, students throughout Mecklenburg County have a right to be educated in a safe and efficient environment that is conducive to learning, and

Whereas, parents of students throughout Mecklenburg County have the right for their children to be educated in the safest and most efficient environment that is conducive to their child's learning, and

Whereas, educators have a right to work in a safe and efficient environment in which to educate students, and

Whereas, the public school system belongs to the citizens and taxpayers of Mecklenburg County, and being a public system, citizens have the power to choose a system that best, and most efficiently and successfully, educates the children of Mecklenburg County; Now, therefore,

The General Assembly of North Carolina enacts:

SECTION 1.(a) Effective July 1, 2006, the Mecklenburg County School Administrative Unit, as reconstituted by Chapter 378 of the 1959 Session Laws, is divided into multiple school administrative units as provided in this act, and the Charlotte-Mecklenburg County Board of Education is abolished.

SECTION 1.(b) Any vacancies occurring on the Charlotte-Mecklenburg Board of Education because of election of the vacating member to a board of education established by a deconsolidation plan under this act shall be filled by the Board of Commissioners of Mecklenburg County.

SECTION 2. There shall be no election in 2005 for the Charlotte-Mecklenburg Board of Education. The terms of members that would have expired in 2005 are extended until new boards of education are elected under the plan adopted under Section 3 of this act.

SECTION 3. The State Board of Education shall adopt a plan for the deconsolidation of the Mecklenburg County School Administrative Unit, as reconstituted by Chapter 378 of the 1959 Session Laws, into multiple school administrative units. Prior to adoption of the plan, the draft shall be forwarded to the Charlotte-Mecklenburg Board of Education and to the Board of Commissioners of Mecklenburg County for their comments.

The provisions of the deconsolidation plan shall be consistent with the General Statutes and shall contain, but not be limited to, the following:

(1) The name by which the new school administrative units shall be identified and known.

(2) The effective date of the deconsolidation, July 1, 2006.

(3) The establishment and maintenance of a board of education which shall administer all the public schools of each newly created unit, including the method of constituting and continuing the board of education; the manner of selection of board members, including: (i) the number of members of the board, (ii) the method of their election, (iii) whether members shall be nominated, elected, or appointed from districts or at large or in some combination, (iv) the manner of determining the nominee, and (v) whether the election shall be partisan or nonpartisan; the length of the members' terms of office; the dates of induction into office; the organization of the board; the procedure for filling vacancies; and the compensation to be paid members of the board for expenses incurred in performance of their duties. To the extent that the method conflicts with G.S. 115C-35, G.S. 115C-37, or with any local act, the plan of deconsolidation shall prevail.

(4) The authority, powers, and duties of the board of education with respect to the employment of personnel, the preparation of budgets, and any other related matters which may be particularly applicable to the new unit not inconsistent with the General Statutes.

(5) The transfer of all facilities, properties, structures, funds, contracts, deeds, titles, and other obligations, assets, and liabilities to the boards of education of the new units.

(6) A public hearing, which shall have been announced at least 10 days prior to the hearing, on the proposed plan of deconsolidation.

(7) Any other condition or prerequisite to deconsolidation, together with any other appropriate subject or function that may be necessary for the orderly deconsolidation of the local school administrative units.

The plan referred to above shall be adopted by the county board of commissioners and shall be accompanied by a certification that the plan was approved by the board on a given day and that the action has been duly recorded in the minutes of said board, together with a certification to the effect that the public hearing required above was announced and held. The plan of deconsolidation shall become final and shall be deemed to have been made by authority of law and shall not be changed or amended except by an act of the General Assembly. The written plan of deconsolidation

shall be placed in the custody of the board of education operating and administering the public schools in the merged unit and a copy filed with the Secretary of State.

SECTION 4. Sections 2 and 3 of this act are effective only if approved by the qualified voters of Mecklenburg County in a referendum to be conducted by the Mecklenburg County Board of Elections on November 8, 2005, which election shall be conducted under the laws then governing elections in the State. Ballots, voting systems, or both may be used in accordance with Chapter 163 of the General Statutes. The question to be used in the voting systems and ballots shall be:

"[ ] FOR [ ] AGAINST

The Charlotte-Mecklenburg School System shall be dissolved and multiple school systems within Mecklenburg County shall be created by a plan adopted by the State Board of Education".

SECTION 5. In the election, if a majority of the votes are cast "For", then Sections 2 and 3 of this act shall become effective on the date that the Mecklenburg County Board of Elections certifies the results of the election. Otherwise, Sections 2 and 3 of this act shall have no force and effect, and the Charlotte-Mecklenburg County Board of Education shall be elected at the time of the primary election in 2006 under the same provisions as if it had been elected in 2005, and the terms of office shall expire at the same time they would have if the election had been held in 2005.

SECTION 6. This act is effective when it becomes law.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2005

H D

HOUSE BILL 1017
PROPOSED COMMITTEE SUBSTITUTE H1017-PCS70298-LB-19

Short Title: Mecklenburg Education Freedom Act. (Local)

Sponsors:

Referred to:

March 31, 2005

A BILL TO BE ENTITLED

AN ACT TO PROVIDE FOR EDUCATION FREEDOM FOR STUDENTS, PARENTS, AND TEACHERS IN MECKLENBURG COUNTY BY PROVIDING FOR THE MECKLENBURG COUNTY SCHOOL ADMINISTRATIVE UNIT TO BE SEPARATED INTO MULTIPLE ADMINISTRATIVE UNITS.

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(4) The authority, powers, and duties of the board of education with respect to the employment of personnel, the preparation of budgets, and any other related matters which may be particularly applicable to the new unit not inconsistent with the General Statutes.

(5) The transfer of all facilities, properties, structures, funds, contracts, deeds, titles, and other obligations, assets, and liabilities to the boards of education of the new units.

(6) A public hearing, which shall have been announced at least 10 days prior to the hearing, on the proposed plan of deconsolidation.

(7) Any other condition or prerequisite to deconsolidation, together with any other appropriate subject or function that may be necessary for the orderly deconsolidation of the local school administrative units.

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SECTION 6. This act is effective when it becomes law.

ROLL CALL VOTE

5 YES | 39 NO | = 44 (TOTAL) | HB# 1017 | SB# _____

HOUSE STANDING COMMITTEE ON EDUCATION

House Subcommittee on _____

YES	NO	MEMBER (last name)	YES	NO	MEMBER (last name)
____	x	Adams	____	x	Insko
____	x	Allen	____	x	Jeffus
____	____	Blackwood	____	x	Johnson
____	x	Bordsen	____	x	Justice
____	____	Brown	____	x	Langdon
____	x	Carney	____	x	Luebke
x	____	Cleveland	____	x	Martin
____	x	Cole	____	x	McAllister
____	x	Coleman	____	x	Michaux
____	____	Crawford	____	____	Nye
____	x	Daughtridge	____	____	Pate
x	____	Dockham	____	x	Rapp
____	x	Fisher	____	x	Ray, K.
____	x	Folwell	____	x	Stiller
____	x	Frye	____	x	Tolson
____	x	Goforth	____	____	Walker
____	x	Wade-Goodwin	____	____	Warren
____	____	Grady	x	____	Wiley
____	____	Harrell	____	x	Wilkins
____	x	Harrison	____	x	Womble
____	x	Hilton	____	x	Wray, M
____	x	Hollo	____	x	Yongue
x	____	Holloway	____	x	Dickson
x	____	Holmes	____	____	England

(Continued from page 1)

YES	NO	MEMBER (last name)	YES	NO	MEMBER (last name)
____	x	Glazier	____	____	
____	x	Parmon	____	____	
____	____	Preston	____	____	
____	____	Sauls	____	____	
____	x	Bell	____	____	
____	x	Lucas	____	____	
____	x	McLawhorn	____	____	
____	____		____	____	
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____	____		____	____	
____	____		____	____	

Ex-Officio Members

____	____	Culpepper	____
____	x	Cunningham	
____	____	Eddins	
____	____	Hackney	

ATTENDANCE

Education

(Name of Committee)

DATES	03/15/05	03/22/05	03/29/05	04/05/05	04/07/05	04/12/05	04/19/05	04/26/05							
BELL, Larry	x			x	x	x									
LUCAS, Marvin	x			x	x	x									
McLAWHORN, Marian	x			x	x	x									
ADAMS, Alma	x			x	x	x									
ALLEN, Bernard	x			x	x	x									
BLACKWOOD, Curtis	x			x		x									
BORDSEN, Alice	x			x	x	x									
BROWN, Larry															
CARNEY, Becky	x			x	x	x									
CLEVELAND, George	x			x	x	x									
COLE, Nelson	x			x	x	x									
COLEMAN, Linda	x			x	x	x									
CRAWFORD, James	x														
DAUGHTRIDGE, William	x			x		x									
DICKSON, Margaret	x			x	x	x									
DOCKHAM, Jerry				x		x									
ENGLAND, Bob	x				x	x									
FISHER, Susan	x			x	x	x									
FOLWELL, Dale	x			x		x									
FRYE, Phillip	x			x	x	x									
GLAZIER, Rick	x			x	x	x									
GOFORTH, Bruce	x			x	x	x									
WADE-GOODWIN, Melanie	x			x		x									
GRADY, Robert															
HARRELL, James	x														
HARRISON, Pricey	x			x	x	x									

DATES	03/15/05	03/22/05	03/29/05	04/05/05	04/07/05	04/12/05	04/19/05	04/26/05							
HILTON, Mark	x			x	x	x									
HOLLO, Mark	x			x	x	x									
HOLLOWAY, Bryan	x			x	x	x									
HOLMES, George						x									
INSKO, Verla	x					x									
JEFFUS, Maggie	x			x	x	x									
JOHNSON, Linda	x				x	x									
JUSTICE, Carolyn	x			x	x	x									
LANGDON, James	x			x	x	x									
LUEBKE, Paul	x			x	x	x									
MARTIN, Grier	x			x	x	x									
McALLISTER, Mary	x			x	x	x									
MICHAUX, Mickey				x	x	x									
NYE, Edd	x			x	x	x									
PARMON, Earline	x				x	x									
PATE, Louis	x			x	x	x									
PRESTON, Jean	x				x										
RAPP, Raymond	x			x	x	x									
RAY, Karen	x			x	x	x									
SAULS, John					x										
STILLER, Bonner				x	x	x									
TOLSON, Joe	x			x	x	x									
WALKER, Tracy	x			x	x										
WARREN, Edith	x				x										
WILEY, Laura	x			x	x	x									
WILKINS, Winkie	x			x	x	x									

DATES	03/15/05	03/22/05	03/29/05	04/05/05	04/07/05	04/12/05	04/19/05	04/22/05							
WOMBLE, Larry	x			x	x	x									
WRAY, Michael	x			x		x									
YONGUE, Douglas	x			x	x	x									
CULPEPPER, Bill															
CUNNINGHAM, Pete					x	x									
EDDINS, Rick															
HACKNEY, Joe															
Dee Atkinson	x				x										
Drupti Chauhan	x				x										
Shirley Iorio	x				x										
Robin Johnson	x				x										
Sara Kamprath	x				x										

House Pages

Name Of Committee: Edu. Date: 5/12/05

1. Name: April Bowden
   County: Montgomery
   Sponsor: Melinda Goodwin
2. Name: Jody Owens
   County: Mitchell
   Sponsor: Phil Frye
3. Name: Jamaal Griffin
   County: Harnett
   Sponsor: David Lewis
4. Name: _____
   County: _____
   Sponsor: _____
5. Name: _____
   County: _____
   Sponsor: _____

Sgt-At-Arms

1. Name: Bill Freeman
2. Name: Fred Hines
3. Name: Martha Parnell
4. Name: Frank Prevo
5. Name: Willie Dixon

VISITOR REGISTRATION SHEET

EDUCATION | 04-12-05

Name of Committee | **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Cynthia Matson	Assignment By Choice Inc. 1381 Kildare Farm Rd. #295 Cary, NC 27511
Joan Cheklis	" " " "
Paul Jofferson	Jofferson Inc.
Linda Hyer	SBE/DPI
Leanne Winner	NCSBA
Molly Ryan	NCSBA
John Marshall	Governor's Office
[illegible]	WCPSS
Hilary Arthur	NCASA
Jim Maynard	CMS
Ed Logan	NCRGEA
Gene Causby	~~NC SFSA~~
Lloyd Thrasher	NCPAPE

VISITOR REGISTRATION SHEET

EDUCATION — 04-12-05

Name of Committee — **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Becky Alexander	Mecklenburg County
Lori Davis	Mecklenburg County
Patrick Buffkin	NCGA
MAURICE GREEN	CHARLOTTE-MECKLENBURG SCHOOLS
DAVID DUNN	UNC CHARLOTTE GO NINERS!
Leslie Kernodle	JMSW program - UNCG + NC A+T / NASW
Allison Herring	JMSW program - UNCG & NCA+T / NASW
DREW M. DAVIS	Winston-Salem/Forsyth County Schools
John Boothes	9314 Marigold Pl. Charlotte
JEN FALANCIA	NAIC GREENSBORO
Lindalyn Kakadelis	North Cardina Education Alliance / Mech. Resident

SI

VISITOR REGISTRATION SHEET

EDUCATION — 04-12-05

Name of Committee — **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
David Pinard	14020 Timbergreen Dr. Huntersville, NC
Melissa Parker	NASW-NC Raleigh, NC
Tya McGuire	NASW-NC Raleigh, NC
Beverly Cannaday	Mint Hill NC
Curt Cannaday	Mint Hill NC
Christine Pinard	SaveCms.com
Hal Miller	NCACCT
Lisa K. Brown	NASW-NC / New Hanover Co. Schools
Rebekah Rochelle	NASW-NC / New Hanover Co. Schools
Stephanie Dorko	Charlotte Chamber
John Brown	Charlotte Chamber

VISITOR REGISTRATION SHEET

EDUCATION — 04-12-05

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
John Bowdish	ADA
Debra Moore	JMSW Prog. NC A&T / UNC-G

VISITOR REGISTRATION SHEET

Education — 4/12/05

Name of Committee — **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Victor R Isley	NC-NABCA 2807 Ridgeport Dr. W-S, NC 27103
Mark Gibson	Capitol Group

VISITOR REGISTRATION SHEET

Education — 4/12/05

Name of Committee — **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
[signature]	MJCRC
Steve Iannarino	Meck Co.
JACK HEILBRON	MECK COUNTY
LARRY GAUVREAU	" " CITIZEN
Jim Puckett	MECKLENBURG
Shannah Smith	UNC Center for Civil Rights
Marus Davis	NCAE
Stephanie Wallace	Forsyth County NCAE
Gertrude Funkhouser	
Michael Houser	NCAE
[signature]	NASW. NC

ROLL CALL VOTE

____ ____ = _____(TOTAL) HB# _____
YES NO SB# _____

HOUSE STANDING COMMITTEE ON
Education

House Subcommittee on _____

YES	NO	MEMBER (last name)	YES	NO	MEMBER (last name)
	✓	ADAMS			HOLLO
	✓	ALLEN	✓		HOLLOWAY
	✓	BLACKWOOD	✓		HOLMES
	✓	BORDSEN		✓	INSKO
	✓	BROWN		✓	JEFFUS
	✓	CARNEY		✓	JOHNSON
✓		CLEVELAND		✓	JUSTICE
	✓	COLE		✓	LANGDON
	✓	COLEMAN		✓	LUEBKE
	✓	CRAWFORD		✓	MARTIN
	✓	DAUGHTRIDGE		✓	McALLISTER
	✓	DICKSON		✓	MICHAUX
✓		DOCKHAM			NYE
	✓	ENGLAND		✓	PARMON
	✓	FISHER			PATE
	✓	FOLWELL			PRESTON
	✓	FRYE		✓	RAPP
	✓	GLAZIER		✓	RAY
	✓	GOFORTH			SAULS
	✓	WADE-GOODWIN		✓	STILLER
		GRADY		✓	TOLSON
	✓	HARRELL			WALKER
	✓	HARRISON	✓		WARREN
	✓	HILTON	✓		WILEY

ROLL CALL VOTE

____ ____ = _____(TOTAL) HB# _____
YES NO SB# _____

HOUSE STANDING COMMITTEE ON _____

House Subcommittee on
EDUCATION

YES	NO	MEMBER (last name)	YES	NO	MEMBER (last name)
___	✓	WILKINS	___	___	
___	✓	WOMBLE	___	___	
___	✓	WRAY	___	___	
___	✓	YONGUE	___	___	
___	___		___	___	
___	✓	BELL - CHAIR	___	___	
___	✓	LUCAS - CHAIR	___	___	
___	___	McLAWHORN - CHAIR	___	___	
___	___		___	___	
___	___		___	___	
___	___

MINUTES
HOUSE EDUCATION COMMITTEE

April 19, 2005

The House Education Committee met on Tuesday, April 19, 2005, in Room 643 of the Legislative Office Building at 11:00 AM. The following members were present: Chairs Bell, Lucas and McLawhorn, Vice Chairs Dickson, England, Glazier, Parmon, Preston, and Sauls, Representatives Adams, Allen, Blackwood, Bordsen, Brown, Carney, Cleveland, Cole, Coleman, Daughtridge, Fisher, Folwell, Frye, Goforth, Harrell, Harrison, Hilton, Hollo, Holloway, Insko, Johnson, Langdon, Luebke, Martin, McAllister, Nye, Pate, Rapp, Ray, Tolson, Walker, Wiley, Wilkins, Womble, Wray, and Yongue. Staff Counselors Dee Atkinson, Shirley Iorio, Drupti Chauhan, Robin Johnson, and Sara Kamprath were also in attendance. A Visitor Registration list is attached and made part of these minutes.

Chairwoman Marian McLawhorn called the meeting to order.

The first bill to be heard was HB 651, A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR BEREAVEMENT LEAVE FOR PUBLIC SCHOOL EMPLOYEES. Representative Wainwright is the primary bill sponsor. A copy of the original bill and bill summary is attached and made part of these minutes. Representative Bell made a motion to properly bring the proposed committee substitute before the committee for discussion. Representative Wainwright explained the proposed committee substitute (see attached). Alec Senter, an educator with the Wake County Public School System, and Cecil Banks, Director of Government Relations with NCAE, both spoke on behalf of the bill. Representative Daughtridge sent forth an amendment (see attached), which failed. Leanne Winner, representing the NC School Boards Association, expressed concerns over the bill. Upon motion made by Representative Allen, the committee voted for a favorable report to the committee substitute, unfavorable to the original bill, and re-referred to the Committee on Appropriations.

The next order of business was HB 836, A BILL TO BE ENTITLED AN ACT TO ENSURE THAT SCHOOL COUNSELORS SPEND THEIR TIME PROVIDING DIRECT SERVICES TO STUDENTS. Representative Bell is the primary bill sponsor. A copy of the original bill and bill summary is attached and made part of these minutes. Representative Lucas made a motion to properly bring the proposed committee substitute before the committee for discussion. Representative Bell explained the proposed committee substitute (see attached). Cecil Banks, Director of Government Relations with NCAE, spoke in favor of the bill. Upon motion made by Representative Blackwood, the committee voted for a favorable report to the committee substitute, unfavorable to the original bill.

The next order of business was HB 911, A BILL TO BE ENTITLED AN ACT TO ELIMINATE THE REQUIREMENT THAT THE STATE BOARD OF EDUCATION DEVELOP A HIGH SCHOOL EXIT EXAM AND ADDITIONAL END-OF-COURSE TESTS EXCEPT AS REQUIRED BY FEDERAL LAW. Representatives Glazier, Parmon, Carney, and Dickson are the primary bill sponsors. A copy of the original bill and bill summary is attached and made part of these minutes. Representative Parmon made a motion to properly bring the proposed committee substitute before the committee for discussion. Representative Glazier explained the proposed committee substitute (see attached). Lou Fabrizio, Director of Accountability Services with the North Carolina Department of Public Instruction, spoke favorably on the bill. Upon motion made by Representative Lucas, the committee voted for a favorable report to the committee substitute, unfavorable to the original bill.

With there being very little time left to hear any more bills, the chairwoman adjourned the meeting at 11:45AM.

Respectively submitted,

Marian McLawhorn
Representative Marian McLawhorn

Susan H. Burleson
Susan H. Burleson, Committee Assistant

NORTH CAROLINA HOUSE OF REPRESENTATIVES
COMMITTEE MEETING NOTICE
AND
BILL SPONSOR NOTIFICATION
2005-2006 SESSION

You are hereby notified that the Committee on EDUCATION will meet as follows:

DAY & DATE: **Tuesday, April 19, 2005**

TIME: **11:00 AM**

LOCATION: **643 LOB**

The following bills will be considered (Bill # & Short Title & Bill Sponsor):

H651 – Bereavement Leave for School Employees – Rep. Wainwright
H836 – Duties of School Counselors – Rep. Bell
H1079- Study Raising Compulsory Attendance Age -
Reps. Parmon, Glazier, Womble, McLawhorn
H779 - Raise Compulsory School Attendance Age – Rep. Fisher
H911 - Streamline School Testing Program –
Reps. Glazier, Carney, Parmon, Dickson

Respectfully,
Representative Bell, Lucas, and McLawhorn
Chairs

I hereby certify this notice was filed by the committee assistant at the following offices at **12:00AM** on **April 14, 2005.**

___Principal Clerk
___Reading Clerk - House Chamber

Susan Burleson (Committee Assistant)

HOUSE EDUCATION COMMITTEE MEETING

April 19, 2005
Room 643 LOB
11:00 AM

OPENING REMARKS AND INTRODUCTIONS

Representative Marian N. McLawhorn, Co-Chair

AGENDA ITEMS

H651 – Bereavement Leave for School Employees
Representative Wainwright

H836 - Duties of School Counselors
Representative Bell

H911 – Streamline School Testing Program
Representatives Glazier, Carney, Parmon, and Dickson

H779 – Raise Compulsory School Attendance Age
Representative Fisher

H1079 – Study Raising Compulsory Attendance Age
Representatives Parmon, Glazier, Womble, McLawhorn

ADJOURNMENT

ATTENDANCE

Education

(Name of Committee)

DATES	03/15/05	03/22/05	03/29/05	04/05/05	04/12/05	04/19/05	04/26/05								
BELL, Larry	x			x		✓									
LUCAS, Marvin	x			x		✓									
McLAWHORN, Marian	x			x		✓									
ADAMS, Alma	x			x		✓									
ALLEN, Bernard	x			x		✓									
BLACKWOOD, Curtis	x			x		✓									
BORDSEN, Alice	x			x		✓									
BROWN, Larry						✓									
CARNEY, Becky	x			x		✓									
CLEVELAND, George	x			x		✓									
COLE, Nelson	x			x		✓									
COLEMAN, Linda	x			x		✓									
CRAWFORD, James	x														
DAUGHTRIDGE, William	x			x		✓									
DICKSON, Margaret	x			x		✓									
DOCKHAM, Jerry				x											
ENGLAND, Bob	x					✓									
FISHER, Susan	x			x		✓									
FOLWELL, Dale	x			x		✓									
FRYE, Phillip	x			x		✓									
GLAZIER, Rick	x			x		✓									
GOFORTH, Bruce	x			x		✓									
WADE-GOODWIN, Melanie	x			x											
GRADY, Robert															
HARRELL, James	x					✓									
HARRISON, Pricey	x			x		✓									

DATES	03/15/05	03/22/05	03/29/05	04/05/05	04/12/05	04/19/05	04/26x/05								
HILTON, Mark	x			x		✓									
HOLLO, Mark	x			x		✓									
HOLLOWAY, Bryan	x			x		✓									
HOLMES, George															
INSKO, Verla	x					✓									
JEFFUS, Maggie	x			x											
JOHNSON, Linda	x					✓									
JUSTICE, Carolyn	x			x											
LANGDON, James	x			x		✓									
LUEBKE, Paul	x			x		✓									
MARTIN, Grier	x			x		✓									
McALLISTER, Mary	x			x		✓									
MICHAUX, Mickey				x											
NYE, Edd	x			x		✓									
PARMON, Earline	x					✓									
PATE, Louis	x			x		✓									
PRESTON, Jean	x					✓									
RAPP, Raymond	x			x		✓									
RAY, Karen	x			x		✓									
SAULS, John						✓									
STILLER, Bonner				x											
TOLSON, Joe	x			x		✓									
WALKER, Tracy	x			x		✓									
WARREN, Edith	x														
WILEY, Laura	x			x		✓									
WILKINS, Winkie	x			x		✓									

DATES	03/15/05	03/22/05	03/29/05	04/05/05	04/07/05	04/12/05	04/19/05	04/22/05							
WOMBLE, Larry	x			x			✓								
WRAY, Michael	x			x			✓								
YONGUE, Douglas	x			x			✓								

VISITOR REGISTRATION SHEET

House Education Committee — Tuesday, April 19, 2005

Name of Committee — **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Edith Akpobiyeri	Down East partnership for Children
Greg Malhott	RT
[illegible]	[illegible]
Marge Foreman	NCAE
Michael Houser	NCAE
Eric A. Sentro	NCAE
Marcus Downs	NCAE
Larry Simmons	NCDPI
Jeanna Burton	NCDPI
Paula L. Wolf	El Pueblo
[illegible]	Visitor - NCSU
Hal Miller	NCACCT

VISITOR REGISTRATION SHEET

House Education Committee — Tuesday, April 19, 2005

Name of Committee — **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
C L Anderson	DJJDP
Donn Hargrove	DJJDP
Judy Stephens	DJJDP
Molly Ryan	NCSBA
Jane Wareham	NC SBE
Kelsie C. Leak	NC DPI
Lou Fabrizio	NC DPI
Rebecca Tandy	NC ACC
Jessica Sage	NCFPC
Everett L. Goldston	NCCU
Ellen Graves	PEAK
Pamela Richardson	Down East Partnership for Children
Rep Paury-Hill	NC DPI

VISITOR REGISTRATION SHEET

House Education Committee — Tuesday, April 19, 2005

Name of Committee — **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Eli Langford	Visitor - NCSU
Henry Huntsman	N.C.S.D.A.
Chad Hinton	JWPCI
Joel Maynard	CMS
Rufus L. Edmisten	Edmisten & Webb
[illegible]	GM
Gardner Payne	Edmisten & Webb

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2005

HOUSE BILL 651

Short Title:	Bereavement Leave for School Employees.	(Public)
Sponsors:	Representatives Wainwright; Adams, Faison, Farmer-Butterfield, Parmon, Pierce, Womble, and Wray.	
Referred to:	Education.	

March 16, 2005

A BILL TO BE ENTITLED

AN ACT TO PROVIDE FOR BEREAVEMENT LEAVE FOR PUBLIC SCHOOL EMPLOYEES.

The General Assembly of North Carolina enacts:

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

"**§ 115C-336.1. Bereavement leave.**

Public school employees shall receive three days of paid leave for bereavement upon the death of an immediate family member. As used in this section, "immediate family member" refers to (i) the employee's spouse, child, parent, sibling, grandparent, and grandchild, and any of the corresponding step, half, or in-law relationships, or (ii) any person living within the employee's home for whom the employee may claim a deduction under section 151 of the Internal Revenue Code.

Employees shall not be permitted to accumulate bereavement leave or to use bereavement leave for creditable service toward requirement.

The State Board of Education shall adopt rules to implement the provisions of this section."

SECTION 2. This act becomes effective July 1, 2005.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2005

H D

HOUSE BILL 651
PROPOSED COMMITTEE SUBSTITUTE H651-PCS70377-SF-7

Short Title: Bereavement Leave for School Employees. (Public)

Sponsors:

Referred to:

March 16, 2005

A BILL TO BE ENTITLED

AN ACT TO PROVIDE FOR BEREAVEMENT LEAVE FOR PUBLIC SCHOOL EMPLOYEES.

The General Assembly of North Carolina enacts:

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

"**§ 115C-336.2. Bereavement leave.**

Public school employees shall receive three days of paid leave for bereavement upon the death of an immediate family member. As used in this section, "immediate family member" refers to (i) the employee's spouse, child, parent, sibling, grandparent, and grandchild, and any of the corresponding step, half, or in-law relationships, or (ii) any person living within the employee's home for whom the employee may claim a deduction under section 151 of the Internal Revenue Code.

Employees shall not be permitted to accumulate bereavement leave or to use bereavement leave for creditable service toward retirement.

The State Board of Education shall adopt rules to implement the provisions of this section."

SECTION 2. This act becomes effective July 1, 2005.

HOUSE BILL 651:
Bereavement Leave for School Employees

BILL ANALYSIS

Committee:	House Education	**Introduced by:**	Rep. Wainwright
Date:	April 19, 2005	**Summary by:**	Shirley Iorio, Ph. D.
Version:	PCS to First Edition H651-CSSF-7 [v.1]		Committee Analyst

SUMMARY: ***This PCS would provide public school employees with three days of paid leave for the death of an immediate family member. "Immediate family member" refers to (i) the employee's spouse, child, parent, sibling, grandparent, and grandchild, and any of the corresponding step, half, or in-law relationships, or (ii) any person living within the employee's home for whom the employee may claim a deduction under section 151 of the Internal Revenue Code. These leave days would not accumulate and would not be eligible for creditable service toward retirement. The State Board of Education would have to adopt rules to implement this act.***

This act would become effective July 1, 2005.

The PCS reflects technical changes to the bill.

CURRENT LAW: G.S. 115C-12(8) requires the State Board of Education (State Board) to provide for sick leave with pay for all public school employees. G.S. 115C-336(a) provides that all public school employees shall be permitted a minimum of five days per school term of sick leave, in accordance with the State Board rules.

State Board policy indicates that all permanent, full-time employees working or on paid leave for one-half or more of the workdays in any monthly pay period earn one sick day per month or the number of hours worked daily by a full-time employee in that class of work up to a maximum of eight hours. Therefore, a ten-month employee earns 10 sick leave days per year. All permanent, part-time employees earn sick leave computed on a pro rata basis of the amount earned by a full-time employee in that class of work.

Public school employees may use sick leave for a death in the immediate family. The local school administrative unit, based on individual employee need, determines the length of the leave granted.

Public school employees may use annual vacation leave for bereavement purposes. However, classroom teachers who require a substitute, school media specialists who require a substitute, teacher assistants who require a substitute and bus drivers may not take annual vacation leave at any time that students are scheduled to be in attendance. There are exceptions to this policy for catastrophic illness of the employee, leave for new parents, or for qualification under the Family Medical Leave Act.

Those employees who earn personal leave (teachers and media specialists who require a substitute) may use it for bereavement purposes. Teachers or media specialists using personal leave for any purpose receive full salary less the required substitute deduction of $50 per day.

GENERAL ASSEMBLY OF NORTH CAROLINA

Session 2005

Legislative Fiscal Note

BILL NUMBER: House Bill 651 (First Edition)

SHORT TITLE: Bereavement Leave for School Employees.

SPONSOR(S): Representative Wainwright

FISCAL IMPACT

	Yes (X)	No ( )	No Estimate Available ( )		
	FY 2005-06	FY 2006-07	FY 2007-08	FY 2008-09	FY 2009-10
REVENUES:	N/A	N/A	N/A	N/A	N/A
EXPENDITURES:	Up to $8.6 million annually				
State General Fund	***See Assumptions and Methodology Section***				
Local Governments	***See Assumptions and Methodology Section***				
POSITIONS:	N/A	N/A	N/A	N/A	N/A

PRINCIPAL DEPARTMENT(S) & PROGRAM(S) AFFECTED: Department of Public Instruction (DPI), State Board of Education (SBE), Local Education Agencies (LEAs)

EFFECTIVE DATE: Effective July 1, 2005.

BILL SUMMARY:

The bill enacts a new statute (GS 115C-336.1) that grants all public school employees three days of paid Bereavement leave upon the death of an immediate family member. "Immediate family member" includes "the employee's spouse, child, parent, sibling, grandparent, and grandchild, and any of the corresponding step, half, or in-law relationships." Employees may not accumulate Bereavement leave or use it for creditable service toward retirement.

Source: Bill Digest H.B. 651 (03/16/0200).

ASSUMPTIONS AND METHODOLOGY:

Overview

The bill creates potential additional cost to the State and/or Local Governments by:

1. Granting up to three additional paid leave days to any public schools employee who uses Bereavement Leave, and

2. Potentially increasing the need for substitute teachers.

The bill also potentially affects payouts over time from the Retirement Fund, but is not likely to produce significant impact on the Fund in the time period considered by this fiscal note. In order to understand how the bill creates potential additional costs to the State and/or Local Governments by increasing accrual of leave days, one must first understand current NC public schools leave policy.

Background: NC Public Schools Leave Policy

Sick Leave

Current State Board policy allows all public schools employees to use accrued sick leave for bereavement purposes. All full-time employees earn one day of sick leave per month employed. Most public schools employees are employed for ten months per year and therefore accrue ten sick leave days per year.

Personal Leave

Current State Board policy allows employees who earn personal leave to use it for bereavement purposes. Personal leave is earned only by classroom teachers and school media specialists who require substitutes. In order to be eligible, the employee must be in a permanent full- or part-time position. Personal leave is earned at the rate of 0.20 days for each full month of employment not to exceed two days per year. Part-time personnel earn a pro rata share of the rate for full-time employees. Unused personal leave may be carried forward from one year to another and may be accumulated to a maximum of five days.

Annual Vacation Leave

Current State Board policy allows all public schools employees to use accrued vacation leave for bereavement purposes. All full-time and part-time permanent employees who work or are on paid leave (including paid holidays and workers' compensation) for one-half or more of the workdays in a monthly pay period are entitled to earn annual vacation leave at the same rate provided for state employees. Leave for a part-time employee is computed on a pro rata basis of the amount earned by a full-time employee in that class of work. A single employee working in two or more positions may not earn more than the benefits allowed for one full-time position.

The rate of earning is based on the length of total State service as follows:

Years of State Service	Days of Leave Earned Per Month of Employment
Less than 2 years	1.00
2 but less than 5 years	1.15
5 but less than 10 years	1.40
10 but less than 15 years	1.65
15 but less than 20 years	1.90
20 years or more	2.15

Background: Limitations of Data

There is no data available on the use of leave by NC public schools employees for bereavement purposes. As a result, this analysis must attempt to make a reasonable assumption regarding the likely use of the Bereavement leave granted by the bill. It does not seem reasonable to assume that no employees will use the three days of granted Bereavement leave in a given year, nor does it seem reasonable to assume that all employees will use three days per year. This analysis therefore assumes that an estimated 10-50% of all public schools employees will utilize all three days of Bereavement leave annually. To the extent that 50% is too conservative an estimate of the upper bound on utilization, the cost estimate presented in this analysis is understated. It seems unlikely that 10% could be an overestimate of utilization, therefore it is unlikely that this analysis overstates the lower bound on potential costs.

Employees who use the new Bereavement leave will be "supplanting" other paid leave they would have had to take if the Bereavement leave were not available. Since there is no data available on the reasons for which employees use personal, sick, and annual vacation leave, however, there is also no data upon which to base predictions about which type of leave Bereavement leave will supplant. The only situation in which Bereavement leave would not supplant other paid leave would be if an employee simply would not have used any leave in the absence of Bereavement leave (and therefore not participated in bereavement activities during the scheduled workday). These occurrences are assumed by this analysis to be few if any.

Estimate of Additional Cost to the State

Increased Accrual of Leave Time = Lost Productivity and/or Increased Expenditures

As mentioned above, Bereavement leave will supplant other types of paid leave that otherwise would have been used for bereavement purposes. Use of Bereavement leave by any public schools employee therefore creates a potential additional cost to the State, whether in terms of lost productivity or increased expenditures.

Employees Not Requiring Substitutes

Use of Bereavement leave by the approximately 52,000 State-paid employees who do not require substitutes in their absence generates days of lost productivity. Consider the following scenarios for a hypothetical 10-month non-certified employee (a school custodian, for example) who experiences the death of a family member:

Existing policy:

10 accrued Sick days + 10 accrued Vacation days – 3 days (of some type) used for bereavement purposes = 17 remaining leave days to use for various purposes

New policy (as created by the bill):

10 accrued Sick days + 10 accrued Vacation days + 3 Bereavement days granted – 3 Bereavement days used = 20 remaining leave days to use for various purposes

NET EFFECT: The new policy in effect creates/grants three additional accrued leave days which may or may not be used by the employee within this year.

Several reasonable scenarios exist through which these "additional" days could create cost:

Scenario	Type of Cost	Additional Expenditure
Employee uses 3 "additional" Sick days	Lost Productivity	None (assumes no temps hired)
Employee uses 3 "additional" Vacation days	Lost Productivity	None (assumes no temps hired)
Employee "banks" 3 Sick days	Earlier retirement	Retirement Fund (over time)
Employee "banks" 3 Vacation days	Payment at separation or Earlier retirement	3 days @ average separation payment rate (different for each class of employee), or Retirement Fund (over time)

Employees Requiring Substitutes

Use of Bereavement leave by classroom teachers and media specialists (i.e., the employees who require substitutes) has the greatest potential to generate additional State expenditures. Consider the following scenarios for a hypothetical 10-month classroom teacher who experiences the death of a family member:

Existing policy:

10 accrued Sick days + 10 accrued Vacation days + 2 accrued Personal days – 3 days (of some type) used for bereavement purposes = 19 remaining leave days to use for various purposes

New policy (as created by the bill):

10 accrued Sick days + 10 accrued Vacation days + 2 accrued Personal days + 3 Bereavement days granted – 3 Bereavement days used = 22 remaining leave days to use for various purposes

NET EFFECT: The new policy in effect creates/grants three additional accrued leave days which may or may not be used by the teacher within this year.

Several reasonable scenarios exist through which these "additional" days could create cost:

Scenario	Type of Cost	Additional Expenditure
Teacher uses 3 "additional" Sick days	Substitute teacher	3 days @ average of $71/day
Teacher uses 2 "additional" Personal days, one "additional" Sick day	Substitute teacher	2 days @ average of $21/day (substitute cost minus $50 "substitute deduction"), 1 day @ average of $71/day
Teacher uses 2 "additional" Personal days, one "additional" Vacation day	Substitute teacher	2 days @ average of $21/day (substitute cost minus $50 "substitute deduction"), 1 day @ average of $71/day
Teacher uses 3 "additional" Vacation days	Lost productivity	N/A
Teacher "banks" 3 Sick days	Earlier retirement	Retirement Fund (over time)
Teacher "banks" 3 Vacation days	Payment at separation or Earlier retirement	3 days @ average separation payment of $176/day, or Retirement Fund (over time)

Range of Possible Increased Expenditures

While it is not possible to predict with any precision how these scenarios will translate Bereavement days used into additional State expenditures, a responsible fiscal analysis must consider some "highest cost" examples in order to estimate an upper bound on the bill's potential fiscal impact. The following examples consider some possible expenditure-generating scenarios for the 78,424 State-paid teachers and 2,153 State-paid media specialists (combined total: 80,577) employed in FY 2004-05:

Percent (Number) of Teachers Using 3 Days of Bereavement Leave	Cost if Teacher uses 3 "additional" Sick days (@ $71)	Total Additional Expenditures
10% (8,058)	8,058 x ($71 x 3)	$1,716,290
25% (20,144)	20,144 x ($71 x 3)	$4,290,725
40% (32,231)	32,231 x ($71 x 3)	$6,865,160
50% (40,289)	40,289 x ($71 x 3)	$8,581,451

Since LEAs are responsible for paying the costs of substitute teachers, the additional cost technically would be the responsibility of the LEAs. The State appropriates General Fund dollars through the Non-Instructional Support Allotment, however, to cover the costs of substitute teachers. **The additional expenditures would need to be funded, therefore, either out of additional local dollars or additional State appropriation for Non-Instructional Support.**

Costs and Expenditures for Locally-Paid and Federally-Paid Employees

The NC public schools employ approximately 27,460 locally-paid employees (6,200 of whom are teachers or media specialists) and 15,100 federally paid employees (6,100 of whom are teachers or media specialists). Applying the same logic as above with regard to the locally- and federally-paid employees who do not require substitutes produces approximately 63,780 and 27,000 days of lost productivity, respectively (combined total of 90,780 days). Similarly, applying the above analysis to the locally- and federally-paid teachers and media specialists produces **up to approximately $660,000 and $650,000, respectively, in increased expenditures for substitute teachers to be funded out of local and federal funds, respectively.**

SOURCES OF DATA: Department of Public Instruction, NC Public Schools Benefits & Employment Manual, 2004-05.

FISCAL RESEARCH DIVISION: (919) 733-4910

PREPARED BY: Adam Levinson

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

Official
Fiscal Research Division
Publication

DATE. April 11, 2005

Signed Copy Located in the NCGA Principal Clerk's Offices

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 H651-CSSF-7 (v.1)

Rep.) Daughtridge
Sen.)

1 moves to amend the bill on page 1 between lines 13-14
2 ( ) WHICH CHANGES THE TITLE
3 by inserting between the lines the following:
4 "Employees shall use ~~sick~~ bereavement leave only after all
5 accumulated sick leave and personal leave has been used."
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SIGNED _____

ADOPTED _____ FAILED _____ TABLED _____

PRINCIPAL CLERK'S OFFICE (FOR ENGROSSMENT)

2005 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES

The following report(s) from standing committee(s) is/are presented:
By Representatives **Bell, Lucas, and McLawhorn** (Chairs) for the Committee on **EDUCATION.**

☐ Committee Substitute for
H.B. 651 A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR BEREAVEMENT LEAVE FOR PUBLIC SCHOOL EMPLOYEES.

☐ With a favorable report.

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

☐ With a favorable report, as amended.

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

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

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

☐ With an unfavorable report.

☐ With recommendation that the House concur.

☐ With recommendation that the House do not concur.

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

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

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

☐ Without prejudice.

☐ With an indefinite postponement report.

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

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

03/19/03

HOUSE BILL 836

Short Title:	Duties of School Counselors.	(Public)
Sponsors:	Representatives Bell; Pate, Pierce, and Wainwright.	
Referred to:	Education.	

March 22, 2005

A BILL TO BE ENTITLED

AN ACT TO ENSURE THAT SCHOOL COUNSELORS SPEND THEIR TIME PROVIDING DIRECT SERVICES TO STUDENTS.

The General Assembly of North Carolina enacts:

SECTION 1. Article 21 of Chapter 115C of the General Statutes is amended by adding a new section to read:

"**§ 115C-316.1. Duties of school counselors.**

School counselors shall implement a comprehensive developmental school counseling program in their schools. Counselors shall spend at least eighty percent (80%) of their work time providing direct services to students. These direct services shall consist of:

(1) Delivery of the school guidance curriculum through large-group guidance, interdisciplinary curriculum development, group activities, and parent workshops;

(2) Individual student planning through individual or small-group assistance and individual or small-group advisement; and

(3) Responsive services through consultation with students, families, and staff; individual and small-group counseling; crisis counseling; referrals; and peer facilitation.

Direct services do not include the coordination of standardized testing.

During the remainder of their work time, counselors shall spend adequate time on school counseling program support activities that consist of professional development; consultation, collaboration, and training; and program management and operations."

SECTION 2. Prior to the 2006-2007 school year, each local board of education shall develop a transition plan for implementing Section 1 of this act, within existing resources, by reassigning duties within its schools.

The State Board of Education shall distribute guidelines to all local school administrative units on the implementation of this act.

SECTION 3. The State Board of Education shall report to the Joint Legislative Education Oversight Committee on the implementation of this act.

SECTION 4. This act is effective when it becomes law. Section 1 of this act applies to school years beginning with the 2006-2007 school year.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2005

H D

HOUSE BILL 836
PROPOSED COMMITTEE SUBSTITUTE H836-PCS70374-SF-6

Short Title: Duties of School Counselors. (Public)

Sponsors:

Referred to:

March 22, 2005

A BILL TO BE ENTITLED

AN ACT TO ENSURE THAT SCHOOL COUNSELORS SPEND THEIR TIME PROVIDING DIRECT SERVICES TO STUDENTS.

The General Assembly of North Carolina enacts:

SECTION 1. Article 21 of Chapter 115C of the General Statutes is amended by adding a new section to read:

"**§ 115C-316.1. Duties of school counselors.**

(a) School counselors shall implement a comprehensive developmental school counseling program in their schools. Counselors shall spend at least eighty percent (80%) of their work time providing direct services to students. Direct services do not include the coordination of standardized testing. Direct services shall consist of:

(1) Delivering the school guidance curriculum through large-group guidance, interdisciplinary curriculum development, group activities, and parent workshops;

(2) Guiding individual student planning through individual or small-group assistance and individual or small-group advisement;

(3) Providing responsive services through consultation with students, families, and staff; individual and small-group counseling; crisis counseling; referrals; and peer facilitation; and

(4) Performing other student services listed in the Department of Public Instruction school counselor job description that has been approved by the State Board of Education.

(b) During the remainder of their work time, counselors shall spend adequate time on school counseling program support activities that consist of professional development; consultation, collaboration, and training; and program management and operations. School counseling program support activities do not include the coordination of standardized testing. However, school counselors may assist other staff with the coordination of standardized testing."

SECTION 2. Prior to the 2006-2007 school year, each local board of education shall develop a transition plan for implementing Section 1 of this act, within existing resources, by reassigning duties within its schools.

The State Board of Education shall distribute guidelines to all local school administrative units on the implementation of this act.

SECTION 3. The State Board of Education shall report to the Joint Legislative Education Oversight Committee on the implementation of this act.

SECTION 4. This act is effective when it becomes law. Section 1 of this act applies to school years beginning with the 2006-2007 school year.

HOUSE BILL 836:
Duties of School Counselors

BILL ANALYSIS

Committee:	House Education	**Introduced by:**	Representative Bell
Date:	April 19, 2005	**Summary by:**	Shirley Iorio, Ph D
Version:	PCS to the First Edition H836-CSSF-6 [v.1]		Committee Analyst

SUMMARY: ***This PCS would require school counselors to implement a comprehensive developmental counseling program in their schools. Counselors would spend at least 80% of their work time providing direct services to students. Direct services would not include the coordination of standardized testing. Counselors would spend the remainder of their time on school counseling program support activities. School counseling program support activities would not include the coordination of standardized testing, but school counselors may assist other staff with the coordination of standardized testing.***

Each local board of education would be required to develop a transition plan by reassigning duties within its schools. This plan would have to be done prior to the 2006-2007 school year and within existing resources.

The State Board of Education would have two requirements regarding the implementation of this act:

-to distribute implementation guidelines to all LEAs, and

-to report to the Joint Legislative Education Oversight Committee.

The act would become effective when it becomes law. Section 1 would apply beginning with the 2006-2007 school year.

The differences between the original bill and the PCS are indicated in bold in the Bill Analysis section.

BILL ANALYSIS: Currently, there is a job description for school counselors (attached) that was adopted by the State Board of Education in the 1980s and designed to correspond with the evaluation instrument. That job description is, for the most part, still applicable today.

This bill would put in statute the duties of school counselors, applicable beginning with the 2006-2007 school year. Counselors would spend most of their time providing direct services to students:

- Delivering the school guidance curriculum;
- Planning with, assisting, and advising students; and
- Providing responsive services such as consultation with students, families, and staff, individual and small-group counseling, crisis counseling, referrals, and peer facilitation.
- **Performing other student services listed in the school counselor job description.**

Direct services to students would not include the coordination of standardized testing. When not providing direct service to students, counselors would spend their time on school counseling program support activities including professional development; consultation, collaboration, and training; and program management and operations. **School counseling program support activities do not include the coordination of standardized testing. However, school counselors may assist other staff with the coordination of standardized testing.**

The counselor duties specified in this bill are consistent with the current job description, the guidance curriculum and the American School Counselor Association's National Model.

In order for counselors to implement a comprehensive developmental school counseling program and to perform the duties outlined in this proposed law, local boards of education will have to develop a transition plan by

reassigning duties within the schools. This plan would have to be done within existing resources prior to the 2006-2007 school year. The State Board must distribute implementation guidelines to all LEAs, and report to the Joint Legislative Education Oversight Committee.

2005 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES

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

By Representatives **Bell, Lucas, and McLawhorn** (Chairs) for the Committee on **EDUCATION.**

☐ Committee Substitute for

H.B. 836 A BILL TO BE ENTITLED AN ACT TO ENSURE THAT SCHOOL COUNSELORS SPEND THEIR TIME PROVIDING DIRECT SERVICES TO STUDENTS.

☐ With a favorable report.

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

☐ With a favorable report, as amended.

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

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

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

☐ With an unfavorable report.

☐ With recommendation that the House concur.

☐ With recommendation that the House do not concur.

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

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

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

☐ Without prejudice.

☐ With an indefinite postponement report.

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

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

03/19/03

H 1

HOUSE BILL 911

Short Title:	Streamline School Testing Program.	(Public)
Sponsors:	Representatives Glazier, Carney, Parmon, Dickson (Primary Sponsors); B. Allen, Farmer-Butterfield, Goforth, Harrison, and Wainwright.	
Referred to:	Education.	

March 28, 2005

A BILL TO BE ENTITLED

AN ACT TO ELIMINATE THE REQUIREMENT THAT THE STATE BOARD OF EDUCATION DEVELOP A HIGH SCHOOL EXIT EXAM AND ADDITIONAL END-OF-COURSE TESTS EXCEPT AS REQUIRED BY 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~~ may develop and implement a plan for end-of-course ~~tests for the minimum courses required for admission to the constituent institutions.~~ tests, consistent 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.~~ Benchmarks. – 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,~~ and student proficiency benchmarks for the knowledge and skills necessary to enter the workforce. The State Board may also develop high school exit standards and student proficiency benchmarks for academic courses required for admission to constituent institutions of The University of North Carolina and other courses offered to secondary school ~~students.~~ students, consistent with G.S. 115C-174.11(d). 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.**

. . .

(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 end-of-course tests beyond those that were administered in the 2004-2005 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. Recognizing the need to increase standards and academic achievement for all students is vital for educational accountability to North Carolina citizens and employers, this act shall be construed to provide the State Board of Education with full flexibility to incorporate emerging No Child Left Behind mandates into the existing or modified testing structure referred to in this act to ensure each student's readiness for the global workplace and postsecondary educational opportunities.

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

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2005

H D

HOUSE BILL 911
PROPOSED COMMITTEE SUBSTITUTE H911-PCS30243-RJ-10

Short Title: Streamline School Testing Program. (Public)

Sponsors:

Referred to:

March 28, 2005

A BILL TO BE ENTITLED

AN ACT TO ELIMINATE THE REQUIREMENT THAT THE STATE BOARD OF EDUCATION DEVELOP A HIGH SCHOOL EXIT EXAM AND ADDITIONAL END-OF-COURSE TESTS EXCEPT AS REQUIRED BY FEDERAL LAW.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 115C-12(9a) and G.S. 115C-12(9b) are repealed.

SECTION 2. G.S. 115C-12 is amended by adding a new subdivision to read:

"(9c) Power to develop content standards and exit 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 pursue further postsecondary education or to attain employment in the 21st century economy. The high school

course content standards shall also be aligned with the minimum undergraduate course requirements for admission to the constituent institutions of The University of North Carolina. The Board may develop exit standards that will be required for high school graduation.

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 3. G.S. 115C-174.11 reads as rewritten:

"**§ 115C-174.11. Components of the testing program.**

...

(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. The State Board may develop and implement a plan for end-of-course tests, consistent with G.S. 115C-174.11(d). All end-of-course tests shall be aligned with the content standards developed under G.S. 115C-12(9c). 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 end-of-course tests beyond those that were administered in the 2004-2005 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 end-of-course tests for Civics and Economics and for United States History."

SECTION 4. Recognizing the need to increase standards and academic achievement for all students is vital for educational accountability to North Carolina citizens and employers, this act shall be construed to provide the State Board of Education with full flexibility to incorporate emerging No Child Left Behind mandates into the existing or modified testing structure referred to in this act to ensure each student's readiness for the global workplace and postsecondary educational opportunities.

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

HOUSE 911:
Streamline School Testing Program.

BILL ANALYSIS

Committee:	House Education	**Introduced by:**	Reps. Glazier, Carney, Parmon, Dickson
Date:	April 19, 2005		
Version:	PCS for First Edition (H911-CSRJ-10[v.2]	**Summary by:**	Sara Kamprath Committee Analyst

SUMMARY: ***The Proposed Committee Substitute (PCS) for House Bill 911 would stop implementation of the high school exit exam but allows the State Board of Education to develop high school exit standards. The PCS would also eliminate the requirement that the State Board must administer end-of-course tests for the high school courses that constitute the minimum course requirements for admission to a UNC constituent institution. The Board also is prohibited from requiring any additional end-of-course tests other than those administered during the 2004-05 school year unless the test(s) is necessary to comply with the federal No Child Left Behind Act or other federal law. The bill also makes a technical change by deleting the language referring to a study that has already been conducted. The bill would take effect when it becomes law.***

BILL ANALYSIS:

Section 1 of the bill repeals G.S. 115C-12(9a) Power to Develop Content Standards. and G.S. 115C-12(9b) Power to Develop Exit Exams.

Section 2 of the bill creates a new G.S. 115C-12(9c) Power to Develop Content Standards and Exit Standards. The new subdivision is mostly the language of the old G.S. 115C-12(9a) but includes new language giving the Board discretion to develop exit standards.

Section 3 of the bill adds language giving the State Board discretion to implement end-of-course tests but the number of end-of-course tests shall not exceed the number administered during the 2004-05 school year, unless the test(s) are required to comply with No Child Left Behind or other federal law. This subsection doesn't prevent modification of existing tests or the creation of certain end-of-course tests. The subsection also deletes obsolete language authorizing a study that has already been conducted.

Section 4 of the bill provides that the State Board shall have been construed to be given full flexibility to incorporate emerging No Child Left Behind mandates into the existing or modified testing structure.

EFFECTIVE DATE: House Bill 911 would become effective when it becomes law.

BACKGROUND: In 1997, the General Assembly enacted legislation that directed the State Board of Education (Board) to revise high school course content standards and the standard course of study so that they would be aligned with the coursework required for admission to a UNC constituent institution. 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.

Minimum Course Requirements for Undergraduate Admission/End-of-Course Testing

Since 1988, the UNC Board of Governors has established minimum course requirements for undergraduate admissions. In April 2000, the Board of Governors adopted a policy to increase the minimum admission requirements, which had been in effect since 1990, by adding:

Two units of one foreign language, effective in the fall semester of 2004.

One more unit of math beyond algebra II, effective in the fall semester of 2006 for all institutions except the NC School of the Arts.

Beginning with high school students who graduated in 2003-04, the minimum undergraduate course requirements are:

English - four course units emphasizing grammar, composition, and literature

- two course units of 1 foreign language (became effective in Fall 2004)

Mathematics - three course units including algebra I, algebra II, and geometry, or a higher level math course for which algebra II is a prerequisite

Science - three course units including at least one unit in a life or biological science, one unit in physical science, and at least one lab course

Social studies – two course units including one unit in US History

Recommended – one math unit in 12th grade.

Currently, high school end-of-course tests are administered as part of the State Testing Program for the following courses: English 1, Algebra 1, Algebra 11, Geometry, Civics and Economics, US History, Physical Science, Biology, Chemistry, and Physics.

High School Exit Exam

In April 1999, the State Board of Education established the Statewide Student Accountability Standards. These standards provided four Gateway Standards for student performance at grades 3, 5, 8 and for high school graduation. The exit exam was being designed to measure a student's ability to communicate, process information, solve problems, and use numbers and data. The exit exam would be taken in the spring of 11th grade and a student would need to pass the test as part of the graduation requirements. The exit exam would have been implemented in 2004 for the graduates of 2005.

However, in the 2002 Budget Act, the General Assembly directed the State Board to delay its implementation of the exit exam until it studied the requirements of the federal No Child Left Behind Act and determined whether any revisions to the State testing program or the ABC's program would be necessary to comply with that Act. The State Board was to report any revisions and a timetable for making the revisions to the Joint Legislative Education Oversight Committee before work on the exit exam could continue.

At its April 2005 meeting, the State Board adopted the report required by the 2002 legislation and found that in order to meet the requirements of No Child Left Behind the exit exam would need revisions to the test specifications. Reconfiguring the exit exam would also require field testing and pilot testing. According to the report, the process to reconfigure the test would take at least 3 years and cost about $4 million. The State Board recommended that development of the exit exam stop and that the General Assembly consider using the high school exit standards currently being considered by the Board.

High School Exit Standards

After the delay in the implementation of the exit exam, the State Board started exploring other options and in October 2004 approved a framework using the five end-of-course tests that are taken by a majority of students for graduation and a senior project as the components for new high school exit standards. The five end-of-course tests that would be used are Algebra I, Biology, English 1, Civics and Economics, and U.S. History. The new high school exit standards could be in place for students entering ninth grade in the 2006-07 school year and beyond. At its April 2005 meeting, the State Board began considering 2 options related to implementing the exit standards. The Board will continue to consider the options involving the number of tests that are required to be passed, retesting opportunities and the review process for students not meeting the passing criteria at the next meeting.

H911-SMRJ-001

North Carolina Testing Program
State Board of Education
Required Testing for 2004-05[1,9]

Grade Level	Reading	Math	Social Studies[8]	Science	Writing	Other
3	Pretest [2,4] & EOG[4]	Pretest [2,4] & EOG[4]				
4	EOG[4]	EOG[4]			Narrative[4]	
5	EOG[4]	EOG[4]				
6	EOG[4]	EOG[4]				
7	EOG[4]	EOG[4]			Argumentative[4]	
8	EOG[4]	EOG[4]				Computer Skills[5]
9	English I[3,7]	Algebra I[3,7]		Physical Science[3,7]		Competency Tests[6]
10	High School Comprehensive Test[4,10]	Geometry[3,7] / High School Comprehensive Test[4,10]		Biology[3,7]	Informational[4]	
11		Algebra II[3,7]		Chemistry[3,7]		
12				Physics[3,7]		

[1] Tests currently administered as part of the North Carolina Testing Program are located in the 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).

[2] 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.

[3] The end-of-course tests are administered where the courses are taught within the final 10 days of school (or equivalent for alternative schedules).

[4] Students with disabilities and limited English proficiency who do not participate in the grade 3 pretest, the end-of-grade tests, or the writing assessment (grades 4, 7 and 10) must be administered a state-developed alternate assessment. Currently the state-mandated alternate assessments are the North Carolina Alternate Assessment Academic Inventory (NCAAAI, a curriculum-based checklist) and the North Carolina Alternate Assessment Portfolio (NCAAP-Reading, Mathematics, and Writing). The alternate assessments are implemented in response to the federal Individuals with Disabilities Education Act and No Child Left Behind Act (NCLB).

[5] Effective with the class of 2001, students must demonstrate computer proficiency as a prerequisite for high school graduation. This assessment shall begin at the eighth grade. A student with disabilities may fulfill the proficiency through a portfolio if documented in the IEP or Section 504 Plan. Students following the occupational course of study shall demonstrate proficiency as specified in the IEP. Students enrolled in grades 9-12 who have not met the required minimum standard for graduation may receive remedial instruction and must have at least one opportunity per year to take the tests until the requirement has been met.

[6] Students are required to pass the competency tests in reading and mathematics to receive a high school diploma if they do not perform at or above Achievement Level III (without the standard error of measurement) on the grade 8 end-of-grade tests. All students entering the ninth grade in 1994-95 and beyond and who are following the Career Preparation, College Technical Preparation, or College/University Preparation North Carolina Standard Course of Study are required to pass the competency tests in order to graduate and receive a high school diploma. Students following the Occupational Course of Study are not required to participate in competency testing in order to graduate and receive a high school diploma. Students enrolled in grades 9-12 who have not met the required minimum standard for graduation may receive remedial instruction and must have at least one opportunity per year to take the tests until the requirement has been met.

[7] Students with disabilities and with limited English proficiency who are enrolled in a course for credit but are not able to participate in the standard EOC tests are required to participate in the EOC NCAAAI as an alternate assessment.

[8] For the 2004-05 school year, students enrolled in Civics and Economics and U.S. History will be required to participate in a statewide field test to be administered at the end of the course.

[9] State Board policy mandates that all language minority students be assessed using the state-identified language proficiency test (IPT) upon initial enrollment. All students identified as limited English proficient must be administered the IPT during the annual spring testing window.

[10] Effective the 2004–05 school year for grade 10, Algebra I and a combination of the end-of-course English I and the grade 10 writing assessment will be used in place of the North Carolina High School Comprehensive Tests of Reading and Mathematics. A small number of students will continue being assessed on the North Carolina High School Comprehensive Tests of Reading and Mathematics (or their alternate assessments) to report AYP per federal NCLB requirements.

2005 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES

The following report(s) from standing committee(s) is/are presented:
By Representatives **Bell, Lucas, and McLawhorn** (Chairs) for the Committee on **EDUCATION**.

☐ Committee Substitute for
H.B. 911 A BILL TO BE ENTITLED AN ACT TO ELIMINATE THE REQUIREMENT THAT THE STATE BOARD OF EDUCATION DEVELOP A HIGH SCHOOL EXIT EXAM AND ADDITIONAL END-OF-COURSE TESTS EXCEPT AS REQUIRED BY FEDERAL LAW.

☐ With a favorable report.

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

☐ With a favorable report, as amended.

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

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

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

☐ With an unfavorable report.

☐ With recommendation that the House concur.

☐ With recommendation that the House do not concur.

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

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

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

☐ Without prejudice.

☐ With an indefinite postponement report.

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

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

03/19/03

MINUTES
HOUSE COMMITTEE ON EDUCATION
April 26, 2005

The House Committee on Education met at 11:00 a.m. on Tuesday, April 26, 2005 in Room 643 of the Legislative Office Building. The following ***Representatives*** were present: ***Chairs: Bell, Lucas and McLawhorn; Vice Chairs: Dickson, England, Glazier, Parmon, Preston and Sauls; Members: Adams, Allen, Blackwood, Bordsen, Brown, Carney, Cleveland, Coleman, Daughtridge, Dockham, Fisher, Folwell, Frye, Goforth, Goodwin, Harrell, Harrison, Hilton, Hollo, Holloway, Holmes, Insko, Jeffus, Johnson, Justice, Langdon, Martin, Michaux, Nye, Pate, Rapp, Ray, Stiller, Tolson, Warren, Wiley, Wilkins, Womble, Wray and Yongue.***

Research staff persons included: ***Attorneys*** - Drupti Chauhan and Robin Johnson; ***Legislative Analyst*** - Dr. Shirley Iorio and Sara Kamprath; ***Assistant*** Dee Atkinson; ***Legislative Committee Assistants*** - Sue Burleson, Carolyn Edwards and Thelma Utley.

There are (5) Handouts incorporated into the minutes.
The Handouts are: Pfeiffer University, Community Colleges & Lateral Entry Teacher Preparation Programs, Section IV-Educational Programs, Report & Recommendations from the Select Committee on Lateral Entry, and Lateral Entry Teachers & The Community College.

Chairman Larry Bell called the meeting to order and all introductions were completed.

The only bill to be considered was **HB 563 – A BILL TO BE ENTITLED AN ACT PERMITTING THE COMMUNITY COLLEGE SYSTEM TO PROVIDE COURSEWORK TO PERSONS ENTERING THE TEACHING PROFESSION BY LATERAL ENTRY.**

Chairman Bell recognized ***Rep. Lucas*** who motioned to have the Proposed Committee Substitute H563-CSSF-13 [v.4] before the committee. A verbal vote was taken and the motion carried.

Sponsor, Rep. Tolson was recognized to explain and speak on the bill. He assets that HB 563 is an act to have community colleges train lateral entry teachers. This is an effort to make the lateral entry process a little easier and involve our community colleges in the process. The State Board of Community Colleges shall provide a program of study for lateral entry teachers to complete all of the coursework necessary to earn a teaching certificate. To this end, the State Board of Education, through the Regional Alternative Licensing Centers established by the Department of Public Instruction and in consultation with the State Board of Community Colleges, will establish a competency based, non-credit program of study for lateral entry teachers to be implemented within the Community College System. In order for a community college to provide this lateral entry program of study, a superintendent of a local school administrative unit within the community college's service area must request the program.

The state Board of Community Colleges and the Regional Alternative Licensing Centers shall jointly identify the community college courses that are necessary and appropriate for inclusion in the community college program. The courses offered by a community college as a part of this program of the study will not carry any academic credit toward a degree of any kind, and will be used only for the purpose of earning a teaching certificate. Only people with a master's degree or higher will teach the course

A person seeking certification would have to hold a bachelor's degree from a regionally accredited institution of higher education; Have completed the bachelor's degree at least five years before undertaking the program; Hold a provisional lateral entry teaching certificate and be employed as a teacher in a local school administrative unit. ***Rep. Tolson*** urges support of HB 563.

Chairman Bell asks the committee to hold their questions and comments for the afternoon Education meeting that will be held 10 minutes after session. He acknowledges special professional speakers, both pro and con, to speak on HB 563.

Martin Lancaster, President of the NC Community College System, assets that they can do the job confidently with high quality and can result in access to lateral entry instruction close to where those teachers are needed. If you believe that traditional methods of teacher preparation are not producing the number of teachers needed and that community colleges can, as they always do provide quality instruction for persons seeking lateral entry, we will be happy to provide the need. If there is a request for participation in lateral entry by any LEA's, we would like to have the authority to do so and be responsive to the need of the community. This will be a continuing education course that is competency based according to a plan developed by the Department of Public Instruction in cooperation with community colleges with set standards that must be in compliance.

President Lancaster introduced the following persons: *Dr. Katherine Boswell*, a researcher currently affiliated with the University of Texas at Austin. She used evidence from the state of Texas to credit her support of the bill. Texas currently has 22 community colleges that offer lateral entry programs. Arizona, Virginia and Florida have also adopted community college lateral entry programs. (Handout 2)

Diane Cates of Central Piedmont Community College system spoke favorably on the bill. (Handout 3)

Joyce Rhodes, Sand Hills Community College, spoke of an online lateral entry pilot project that looks positively on the lateral entry program. (Handout 4)

Chairman Bell recognized those in direct opposition to the bill to speak. *Tim McDowell*, Vice President for Government Relations with the NC Independent Colleges and Universities, stated that the program approval standards would not be met by community colleges and they would not have to undergo SACS accreditation or any other state mandated state program evaluations thereby hindering students who earn their teacher certification this way.

Jim Woodward, Chancellor of the University of North Carolina at Charlotte, agrees with the purpose of the bill but not the bill itself. He stated that it would harm the number of teachers that come into the classroom and the quality of the teacher. Before finishing he corrects the teacher numbers related to UNCC teacher programs. He also stated that 319 students took the Praxis exam and 317 passed which is a number that is greater than the number from the community college system.

Dr. Richard Thompson, Vice-President of UNC General Administration assets that the quality of the teacher is the most important vehicle in student achievement. The children that need the most help are getting the teachers that are least prepared. Teacher preparation is more than a set of courses, it is a program and it is support. Retention is a great issue and how teachers are prepared is of great concern. The university system has committed to increase teacher production by 64% within 5 years and look forward to addressing the challenge.

Chairman Bell adjourned the meeting at 11:50 A.M. to resume 10 minutes after session.

Respectfully submitted,

Carolyn A. Edwards

Carolyn A. Edwards, Committee Assistant

Representative Larry M. Bell
Presiding Chair

AGENDA

HOUSE EDUCATION COMMITTEE

April 26, 2005
11:00 A.M.
Room 643 LOB

Representative Larry M. Bell
Presiding Chair

CALL TO ORDER

OPENING REMARKS

BILL TO BE CONSIDERED:

HB 563 –COMM. COLL. MAY TRAIN LATERAL ENTRY TEACHERS – Rep. Tolson

ADJOURNMENT

Chairs:
Representative L. Bell
Representative M. Lucas
Representative M. McLawhorn

NORTH CAROLINA HOUSE OF REPRESENTATIVES
COMMITTEE MEETING NOTICE
AND
BILL SPONSOR NOTIFICATION
2005-2006 SESSION

You are hereby notified that the Committee on Education will meet as follows:

DAY & DATE: **April 26, 2005**

TIME: **11:00 A. M. and 10 minutes after session**

LOCATION: **643 LOB**

The following bills will be considered (Bill # & Short Title & Bill Sponsor):
HB 563 - COMM. COLL. MAY TRAIN LATERAL ENTRY TEACHERS - Rep. Tolson

Respectfully,
Representative Bell, Lucas, Mclawhorn
Chairs

I hereby certify this notice was filed by the committee assistant at the following offices at **9:00 A. M.** on **Thursday April 21, 2005.**

___Principal Clerk
___Reading Clerk - House Chamber

Carolyn A. Edwards (Committee Assistant)

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2005

HOUSE BILL 563

Short Title:	Comm. Coll. May Train Lateral Entry Teachers.	(Public)
Sponsors:	Representatives Tolson; B. Allen, L. Allen, Allred, Bordsen, Brown, Carney, Cleveland, Coleman, Dickson, England, Faison, Farmer-Butterfield, Fisher, Frye, Gibson, Gillespie, Holliman, Howard, Insko, Langdon, McGee, McLawhorn, Parmon, Rapp, Ray, Underhill, Wainwright, Warren, Weiss, Womble, and Wray.	
Referred to:	Education.	

March 10, 2005

A BILL TO BE ENTITLED

AN ACT PERMITTING THE COMMUNITY COLLEGE SYSTEM TO PROVIDE COURSEWORK TO PERSONS ENTERING THE TEACHING PROFESSION BY LATERAL ENTRY.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 115C-296(c) reads as rewritten:

"(c) It is the policy of the State of North Carolina to encourage lateral entry into the profession of teaching by skilled individuals from the private sector. To this end, before the 1985-86 school year begins, the State Board of Education shall develop criteria and procedures to accomplish the employment of such individuals as classroom teachers. Regardless of credentials or competence, no one shall begin teaching above the middle level of differentiation. Skilled individuals who choose to enter the profession of teaching laterally may be granted a provisional teaching certificate for no more than five years and shall be required to obtain certification before contracting for a sixth year of service with any local administrative unit in this State.

The State Board of Education, in consultation with the State Board of Community Colleges, shall develop and implement policies permitting individuals with at least a bachelors degree to complete at a community college all or part of the coursework necessary for lateral entry into the teaching profession.

It is further the policy of the State of North Carolina to ensure that local boards of education can provide the strongest possible leadership for schools based upon the identified and changing needs of individual schools. To this end, before the 1994-95 school year begins, the State Board of Education shall carefully consider a lateral entry program for school administrators to ensure that local boards of education will have sufficient flexibility to attract able candidates."

SECTION 2. G.S. 115D-5 is amended by adding a new subsection to read:

"(o) The North Carolina Community College System may offer courses, in accordance with policies adopted by the State Board of Education pursuant to G.S. 115C-296(c), to individuals who choose to enter the teaching profession by lateral entry. The Community College System and the regional alternative licensing centers established by the Department of Public Instruction shall jointly identify the community college courses that are necessary and appropriate for lateral entry."

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

Jud
Committee
4-26-05

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2005

H D

HOUSE BILL 563
PROPOSED COMMITTEE SUBSTITUTE H563-PCS30273-SF-13

Short Title: Comm. Coll. May Train Lateral Entry Teachers. (Public)

Sponsors:

Referred to:

March 10, 2005

A BILL TO BE ENTITLED

AN ACT PERMITTING THE COMMUNITY COLLEGE SYSTEM TO PROVIDE COURSEWORK TO PERSONS ENTERING THE TEACHING PROFESSION BY LATERAL ENTRY.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 115C-296(c) reads as rewritten:

"(c) It is the policy of the State of North Carolina to encourage lateral entry into the profession of teaching by skilled individuals from the private sector. To this end, before the 1985-86 school year begins, the State Board of Education shall develop criteria and procedures to accomplish the employment of such individuals as classroom teachers. ~~Regardless of credentials or competence, no one shall begin teaching above the middle level of differentiation.~~ Skilled individuals who choose to enter the profession of teaching laterally may be granted a provisional teaching certificate for no more than five years and shall be required to obtain certification before contracting for a sixth year of service with any local administrative unit in this State.

(c1) The State Board of Community Colleges shall provide a program of study for lateral entry teachers to complete all of the coursework necessary to earn a teaching certificate. To this end, the State Board of Education, through the regional alternative licensing centers established by the Department of Public Instruction and in consultation with the State Board of Community Colleges, shall establish a competency-based, noncredit program of study for lateral entry teachers to be implemented within the Community College System no later than May 1, 2006. A community college may offer this lateral entry program of study only if a superintendent of a local school administrative unit within the community college's service area requests the program.

The State Board of Community Colleges and the regional alternative licensing centers shall jointly identify the community college courses that are necessary and appropriate for inclusion in the community college program of study for lateral entry teachers. The courses offered by a community college as a part of this program of study

shall carry no academic credit toward a degree of any kind and shall be used only for the purpose of earning a teaching certificate.

In order to participate in the community college program of study for lateral entry teachers, an individual must:

(1) Hold at least a bachelors degree from a regionally accredited institution of higher education;

(2) Have completed the bachelors degree at least five years before undertaking the program of study under this subsection; and

(3) Hold a lateral entry teaching certificate and be employed as a teacher in a local school administrative unit.

An individual who successfully completes this program of study and meets all other requirements of certification set by the State Board of Education shall be recommended for a North Carolina teaching certificate.

(c2) It is further the policy of the State of North Carolina to ensure that local boards of education can provide the strongest possible leadership for schools based upon the identified and changing needs of individual schools. To this end, before the 1994-95 school year begins, the State Board of Education shall carefully consider a lateral entry program for school administrators to ensure that local boards of education will have sufficient flexibility to attract able candidates."

SECTION 2. G.S. 115D-5 is amended by adding a new subsection to read:

"(o) The North Carolina Community College System may offer courses, in accordance with the lateral entry program of study established under G.S. 115C-296(c1), to individuals who choose to enter the teaching profession by lateral entry."

SECTION 3. The State Board of Education and the State Board of Community Colleges shall submit a report annually to the Joint Legislative Education Oversight Committee on the lateral entry program.

SECTION 4. This act is effective when it becomes law and expires July 1, 2011.

HOUSE BILL 563:
Comm. Coll. May Train Lateral Entry Teachers

BILL ANALYSIS

Committee:	House Education	**Date:**	April 26, 2005
Introduced by:	Rep. Tolson	**Summary by:**	Shirley Iorio
Version:	First Edition H563-CSSF-13		Legislative Analyst

SUMMARY: ***The PCS for House Bill 563 would require the State Board of Education (State Board), in consultation with the State Board of Community Colleges, to establish a program of study for lateral entry teachers (program). Lateral entry teachers would be able to complete at a community college all of the required courses for a teaching certificate. The program would have to be implemented in the Community College System by May 1, 2006. A community college could offer this program only if a superintendent of a local school system within the community college's service area requested it.***

The State Board of Community Colleges and the Regional Alternative Licensing Centers established by the Department of Public Instruction would identify the community college courses that are necessary and appropriate to include in this program. The courses would be competency-based, carry no academic credit toward a degree of any kind, and would be used only to earn a teaching certificate.

Individuals who participate in this program would have to meet certain criteria. Upon successfully completing this program and meeting any other certification requirements set by the State Board, an individual would be recommended for a NC teaching certificate.

CURRENT LAW:

§ 115C-296. Board sets certification requirements.

...

(c) It is the policy of the State of North Carolina to encourage lateral entry into the profession of teaching by skilled individuals from the private sector. To this end, before the 1985-86 school year begins, the State Board of Education shall develop criteria and procedures to accomplish the employment of such individuals as classroom teachers. Regardless of credentials or competence, no one shall begin teaching above the middle level of differentiation. Skilled individuals who choose to enter the profession of teaching laterally may be granted a provisional teaching certificate for no more than five years and shall be required to obtain certification before contracting for a sixth year of service with any local administrative unit in this State.

It is further the policy of the State of North Carolina to ensure that local boards of education can provide the strongest possible leadership for schools based upon the identified and changing needs of individual schools. To this end, before the 1994-95 school year begins, the State Board of Education shall carefully consider a lateral entry program for school administrators to ensure that local boards of education will have sufficient flexibility to attract able candidates.

BILL ANALYSIS: An individual who has not completed an approved teacher education program may enter the teaching profession through lateral entry. That person must meet certain requirements set out by the State Board of Education. One of those requirements is the "completion of an approved education program in the area of licensure at a college or university or teacher education consortium which has evaluated the person's transcripts and outlined required coursework or completion of a program of study outlined by the Regional Alternative Licensing Centers". State Board of Education Policy QP-A-001.

This proposed amendment to the statute would allow a community college to offer a program of study that enables lateral entry teachers to take all of their required courses for a teaching certificate at a community college. However, a community college could offer this program only if a superintendent of a local school system in the community college's service area requests the program. Individuals who would participate in this program must be employed by an LEA and have at least a bachelor's degree relevant to their teaching area that they earned at least five years prior to beginning a program of study for lateral entry teachers at a community college. Therefore, there is no incentive for students in traditional teacher education programs to graduate without completing the teacher education requirements in order to become a participant in this program at a community college.

The program of study that would be established within the Community College System would be competency-based. The courses offered would be non-credit courses and would not be applicable towards a degree of any kind. Therefore, a lateral entry teacher who wants to work toward a master's degree, for example, would have to take courses at a college or university. The courses offered at a community college as a part of this program would not transfer to a college or university, and would count only toward earning a teaching certificate.

The Regional Alternative Licensing Centers would recommend to the State Board of Education (State Board) that individuals who successfully complete this program of study and also meet any other State Board certification requirements be awarded a "full" teaching certificate.

This program of study for lateral entry teachers would be in place for five years unless the law is reenacted by the General Assembly.

EFFECTIVE DATE: The proposed committee substitute would be effective when it becomes law and would expire July 1, 2011.

BACKGROUND:

Regional Alternative Licensing Centers

The Regional Alternative Licensing Centers (Centers) were created by the Department of Public Instruction (DPI) specifically to help lateral entry and provisionally licensed teachers achieve full licensure. The Centers were established in response to concerns about the variability in programs of study issued to lateral entry teachers by colleges and universities, and the accessibility of required courses. The Centers use uniform templates to evaluate transcripts and issue plans of study.

The Centers are located in Charlotte, Fayetteville and Nashville and are authorized by DPI to evaluate transcripts, issue plans of study leading to licensure, and recommend individuals for licensure.

Lateral Entry to Teaching

Applicants for a lateral entry license must:

- be employed by a North Carolina school system;

- hold at least a bachelor's degree from a regionally accredited college or university in the subject area in which they are employed to teach **or** hold at least a bachelor's degree from a regionally accredited college or university **and** have taken and passed the Praxis II testing requirements for the license area;
- have a minimum cumulative grade point average (GPA) of 2.5 or have passed the Praxis I exams **and** have attained one of the following:
    - a GPA of at least 3.0 on all work completed in the senior year;
    - a GPA of at least 3.0 in the major; or
    - a GPA of at least 3.0 in a minimum of 15 semester hours of course work completed within the last five years.

After an individual has obtained a teaching position and a lateral entry teaching license (has met the requirements described above), that individual can pursue a "full" teaching license by successfully completing, within 3 years, a program that includes completing courses or a program of study outlined by a Regional Alternative Licensing Center (Center), taking and passing Praxis subject exam(s), participating in staff development, and completing an initial licensure program. (Lateral entry teachers are considered to be beginning teachers and, therefore, are required to participate in an initial licensure program designed to support new teachers.)

To fulfill the course work requirement, a lateral entry teacher may complete an approved education program in the area of licensure at a college or university or teacher education consortium that has reviewed the person's transcripts and outlined required courses **or** complete a program of study outlined by a Regional Alternative Licensing Center.

If the person chooses to use the Regional Alternative Licensing Centers, one of the Centers will partner with the school system's personnel administrator to review an individual's application and supporting documentation (transcripts, copy of Lateral Entry license, etc.). After evaluation, the Center will provide an appropriate plan of study along with a list of suitable courses offered by colleges or universities. Some training or courses may also be provided by the local school system. After an individual completes the plan of study, the personnel administrator will submit documentation to the Center, which will be responsible for giving the approval for a "full" license. The Regional Alternative Licensing Center will send licensing documentation to the Department of Public Instruction's Licensure Section. The Licensure Section will issue the teaching license.

VISITOR REGISTRATION SHEET

EDUCATION — **Name of Committee**

APRIL 26, 2005 — **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Richard Thompson	UNC
Jane Marsden	NC SBE
Leanne Winner	NCSBA
Janice Davis	NCDPI
Jim Ayre	SBE/DPI
Kathy Sullivan	DPI
Sharon Spence	Lee County Schools
Gary Nelson	Central Piedmont CC
Deanna Cates	Central Piedmont C.C.
Suzanne Adams	Asheville Community College
Kathryn Tutterow	North Carolina State University

VISITOR REGISTRATION SHEET

EDUCATION
Name of Committee

APRIL 26, 2005
Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
	Cowan office
	JIF
Molly Ryan	NCSBA
Katherine Joyce	NCASA
	CMS
Danny Lineberry	ITS
	RALEIGH CHAMBER
	MCACDC
Christina Davis Mc	Blue Springs - Hoke County CDC P.O. Box 157; Raeford NC 28376

VISITOR REGISTRATION SHEET

EDUCATION
Name of Committee

APRIL 26, 2005
Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Michael Dougherty	Western Carolina University
Mary Lynne Calhoun	UNC Charlotte
JAMES H. WOODWARD	UNC CHARLOTTE
Martin Lancaster	NCCCS
Hal Miller	NCDECT
Cathryn Barlow	UNC Wilmington
Kristie Smuggs	NCCCS
David Sullivan	NCCCS
RICHARD W SULLINS	NCCCS
Kenny Briggs	"
	NCICU
Gene Causby	NCSCA
Lloyd THROWER	NCPAPA

VISITOR REGISTRATION SHEET

Education — April 26, 2005

Name of Committee — Date

VISITORS: PLEASE SIGN BELOW AND RETURN TO COMMITTEE ASSISTANT

NAME	FIRM OR AGENCY
Steve Jones	Vance County Chamber of Commerce
Tracy Watkins	"
Carol Meahan	"
Lenny Byczynski	"
Michael Houser	NCAE
Marcus Downs	NCAE
Kristin Chinco	Pfeiffer University
Chuck Ambrose	Pfeiffer University
JAMES D. EDWARDS	HENDERSON-VANCE CO. CHAMBER OF COMMERCE/ DAILY DISPATCH
Matthew W. Thompson	Vance County Chamber of Commerce
Bill Edwards	Henderson-Vance Chamber of Commerce
Shannah Smith	UNC ~~Center~~ for Civil Rights
Greg Neff	"
Katherine M Shea MD, MPH	NC Pediatric Society
Fawn Pattison	Ag. Resources Center
Lewis McClees	McClees Consulting, Inc.
Jackie McLean	Hoke County NAACP - 910 875 7732
A. Barbu Crawford	Office Minority Health
Sallie McLean	Eastern NC Interfaith Workers Justice Center 910 378-4765
Rosetta McLean	Robeson County
Miss Bryan	NC CIA
Randi R. Byrd	NC Commission of Indian Affairs
Gemma Burney	UFCW
Michael Nelson	CONSERVATION COUNCIL

VISITOR REGISTRATION SHEET

Education — April 26, 2005

Name of Committee — Date

VISITORS: PLEASE SIGN BELOW AND RETURN TO COMMITTEE ASSISTANT

NAME	FIRM OR AGENCY
Clarie White	NC PTA
Eruanta Carrington	B.A.S.S. Inc.
Martha R. Beatty	Hoke Co. Community Outreach Advocate
Maylaz Vanegas	U.F.C.W.
Helen L. McLean	U.F.C.W.
JAN Lowery	
Deborah M Blue	Hoke County Schools. TA
Emma Herrera UFCW	United Food & Comercial Workers International Union
Flor Elena Gonzalez	U.F.C.W
Shantaeus Stephens	United Food & Commercial Workers Union
Julie Woodson	NCPC
PGP	NCPE

PAGES INFORMATION SHEET

North Carolina General Assembly
House Committee On Education
April 26, 2005

NAME	COUNTY	REPRESENTATIVE
1. Elizabeth Corney	Wake	Ross
2. Isaac Davis	Duplin	Tucker
3. Marquis Eichelberger	Forsyth	Womble
4. Bradley Harper	Nash	Black
5. Britomarte Strickler	Durham	Luebke
6. Antonio M. Sunday	Forsyth	Womble

SERGEANT AT ARMS

1. Jay Callaway
2. Martha Parrish
3. Frank Prevo
4. Walter Spell

Education Meeting
April 26, 2005

Handouts

1. Pfeiffer University
2. Community Colleges & Lateral Entry Teacher Preparation Programs
3. Section IV – Educational Programs
4. Report & Recommendations form the Select Committee on Lateral Entry
5. Lateral Entry Teachers & The Community College

Pfeiffer University
Misenheimer - Charlotte

Office of the President

Members of the House Education Committee
North Carolina General Assembly
Raleigh, NC 27601

Dear Members of the House Education Committee:

I am writing in reference to H563, the bill to allow community colleges to offer non-credit, continuing education courses for a lateral entry program for teachers to become certified. As many of you know, Pfeiffer University has a state approved teacher education program on our main campus that is our largest undergraduate major. We offer a teacher education program in partnership with Montgomery Community College, as well as a Master's Degree in Teaching program within Equity Plus schools in the Charlotte Mecklenburg system.

As an independent university, we believe in strong partnerships with community colleges, but think the state's standards required of teacher education programs and prospective teachers should be the same for all programs. These non-credit courses would not be subject to the same national, regional and specialized accrediting standards that provide quality assurance for our for-credit programs. Under the proposal to allow non-credit courses, students also could not use those courses toward a master's degree program or to receive national board certification, which will limit their options for future advancement.

These proposed programs would not provide lateral entry teachers the types of experiences and training required to deal with real-life classroom management issues. This difficulty in classroom management is often cited by lateral entry teachers who leave the profession as a major factor in their decision. This proposed program would simply accelerate the speed of the revolving door of teachers into and out of our schools within the state.

Our ongoing discussions with other presidents concerning teacher education indicate that independent colleges and universities want to develop more partnerships with community colleges, while maintaining the standards the state has in place. We ask that you consider these partnership efforts, along with programs such as the MAT degree offered within local school districts, as a better means to address the challenge of needing more and better qualified teachers while holding each program to the same standards of quality.

Thank you for your ongoing work on behalf of education in North Carolina.

Joining you in service,

Chm. Amb

Dr. Charles M. Ambrose
President, Pfeiffer University

P.O. Box 960, Misenheimer, North Carolina 28109-0960
704-463-1360 ext. 2050 1-800-338-2060 FAX 704-463-1363

Handout 1

Community Colleges and Lateral Entry Teacher Preparation Programs: Addressing the Teacher Shortage

What is lateral entry?
Lateral entry, sometimes called alternative certification, refers to non-traditional avenues leading to teacher licensure, generally geared toward aspiring teachers who already have a baccalaureate degree but who may require additional education methods coursework and classroom experience. One in three new teachers certified annually in the United States now enter the field via lateral entry programs currently offered in 45 states and the District of Columbia.

A Role for Community Colleges?
Nationwide teacher shortages and changing requirements -- including passage of the No Child Left Behind Act of 2001 -- are leading state policymakers to explore how to attract new teachers, particularly from underrepresented ethnic or racial groups, from underserved geographic areas, or individuals with subject expertise in high-demand fields.

Legislators and state education officials across the nation are discovering that community colleges are uniquely qualified to offer lateral entry teacher certification programs because of their extensive history of preparing non-traditional students to enter the workforce. The flexible scheduling, online courses, convenient locations, and lower tuition costs that are the hallmark of most community colleges, make lateral entry programs accessible to working adults who are interested in changing careers but who must balance work and family obligations. Community colleges also tend to serve higher percentages of students of color and/or students who have deep ties to their communities, whether rural or urban, and for whom transferring to a regional university isn't realistic.

What are the Program Requirements?
Persons entering lateral entry teacher certification programs must have a bachelor's degree and usually an undergraduate major in the field for which will be certified to teach. The length of such programs range from a few months up to two years. Many deliver training through workshops scheduled throughout the year; others follow a more traditional course schedule. Some lateral entry programs have candidates begin their assignments as a regular classroom teacher drawing a salary while they are enrolled, like North Carolina, while others require training to be completed before the candidate starts teaching.

What are Other States Doing?
<u>TEXAS</u> -- In 2000, Texas became the first state to formerly authorize community colleges to offer lateral entry programs for public school teachers. Texas school districts need 45,000 new teachers each year, but the state's public and private four year colleges and universities were only producing on average 15,000 graduates, a 30,000 annual shortfall. The Texas State Board for Educator Certification has now approved 22 community colleges to offer lateral entry programs for aspiring new teachers. These programs must demonstrate the ability to address standards required of all teachers, provide yearlong internships in the classroom on a full salary, include some combination of classroom instruction, observation and field experience, and requires the colleges to collaborate with districts, universities and regional education service centers.

<u>ARIZONA</u> -- At the encouragement of the state legislature, the state board of education revised its policies allowing institutions other than four-year colleges and universities to offer teacher

certification programs. Community colleges offer a range of options where courses can be taken onsite, online or through television or video. A notable requirement of Pima Community College's program is the development of an online teacher portfolio which demonstrates the students' skills and comprehension. Rio Salado's program is self-paced with new courses offered every two weeks. Participants are expected to complete online coursework, a nine-week internship and "master teacher seminars" before they are eligible for licensure. The seminars are available on videotape for those students who are studying at a distance. Rio Salado's faculty help teacher candidates identify local mentors who will supervise their classroom practicum requirements.

NEW JERSEY -- In 2003 New Jersey announced its state wide New Pathway to Teaching program which is a partnership between the New Jersey Community Colleges and New Jersey City University. Most participants have already secured employment as teachers. To be eligible students must have a promise of employment, have a 2.75 undergraduate GPA and an appropriate undergraduate major, a passing score on Praxis II. The first phase of the program consists of a 45 hour summer per-service program included guided classroom observations. The second phase lasts one year, and consists of 165 hours of coursework and a one-week summer institute. Students have the option to take the program for certification purposes only or can apply 15 credits towards a master's degree in teaching from New Jersey City University. Curriculum and coursework for the credit and non credit program are identical but differ in cost.

FLORIDA The most recent state entrant into community college-based lateral entry programs is Florida. To stave off an epic teacher shortage, state lawmakers passed SB 2986 that authorizes community colleges to offer competency based alternative certification programs to individuals who hold a bachelor's degree; creating an additional pathway to the classroom for potential teachers. In fall 2006, Florida will need 30,000 new teachers to meet with a surge in student enrollments, a spike in teacher retirements and the demands of the 2002 constitutional amendment to reduce class sizes, but its public education colleges only produce about 4,000 teachers a year. The legislation specifies that: all programs must be approved by the Department of Education; provide sufficient evidence that instruction includes meets professional knowledge and subject matter content requirements; meets professional competency resting requirements; provides field experiences with supervision from qualified educators; and, prepares individuals with competencies associated with teaching scientifically based reading instruction that research has shown to be successful in improving reading among low performing readers.

How do States Ensure Quality?

As states consider the adoption of lateral entry certification tracks for teacher education, it is important that programs be built and approved on the basis of appropriate standards of teacher knowledge and performance. New certification programs should be judged on whether their programs lead to desired outcomes, whether the program is offered through a four-year college, school district, community college or other non-traditional provider. States should require annual performance evaluations that measure the effectiveness of programs including: pass rates of participants on required teacher certification exams; employment rates; longitudinal retention rates; and, employer satisfaction surveys.

State boards should establish approval guidelines for programs that require key components of a quality program including ensuring that programs provide a trained mentor for each candidate, provide subject-specific instruction in pedagogy and classroom management, and provide feedback, job coaching and further professional development support to new teachers.

SECTION IV
EDUCATIONAL PROGRAMS

4.4 Publications

The Special Committee's review revealed some confusion regarding the distinction between college credit courses that are transferable and those that are not. This lack of clarity may affect the ability of students to make cogent choices associated with their academic and career goals. The fact that students frequently enroll by telephone or over the Internet further supports the need for clarity in the course descriptions as distributed to the public. Also, the Committee believes that the confusion may make difficult the evaluation of transcripts by other institutions which CPCC students may attend. Therefore, (Suggestion 1) the committee suggests that the College review its publications and clarify consistently and systematically the college credit courses that transfer and those that do not.

4.6 Continuing Education, Outreach and Service Programs

It had come to the attention of the Commission on Colleges that Central Piedmont Community College is offering teacher certification courses. Because teacher certification courses are usually upper division courses in a baccalaureate degree program, the Special Committee was tasked to engage the issue during its visit and report its findings.

The institution has offered noncredit continuing education courses for teacher recertification for well over ten years. It is now in fact offering noncredit continuing courses for teacher certification in a lateral entry program. That is to say, in the midst of an extreme teacher shortage in North Carolina, the State Board of Education has invited and approved this teacher

certification program for persons who already have baccalaureate degrees who wish to enter the teaching profession but do not have a background in the requisite education courses for certification.

The curriculum for this lateral entry program was developed by the institution in concert with a group of experts and with representatives of the State Board itself. The development process employed focus groups and other forms of consultation and input. This process identified a set of skills which the State Board wished its teachers to have upon completion of the program. Then the curriculum was developed in such a way as to lead to those learning outcomes. It is therefore an outcome-based program rather than an input-based program.

The program appears to employ a coherent, hybrid curriculum that draws from a range of resources and uses both theory and laboratory experiences that lead to the integration of theory and practice in the classroom setting. It includes integrative projects that provide evidence of skills acquisition on the part of students. All faculty members teaching in the program hold at least masters degrees in relevant fields. The program includes both face-to-face and technologically delivered instruction.

While the institution currently has in place evaluative measures to insure that learning outcome goals have been met, the committee encourages the institution to continue as the program matures vigorously to collect data, including longitudinal assessment data and Praxis Exam scores, which will enhance demonstration of student learning outcome goal achievement over a sustained period. Current indications are that the State Board of Education and the local school

board are pleased with the results of the program and consider it successful in accomplishing its goal of enhancing the teaching and classroom skills of those entering teaching from other professions who already hold at least baccalaureate degrees. It is noted that some of the students in this program in fact hold advanced degrees.

Because of the nature of the program itself and that of the curriculum, the visiting committee was unable to determine definitively whether or not the content of this program could be considered lower or upper division or even graduate level, for that matter. In fact, the committee is of the opinion that these categories do not in fact really pertain. The elements of this curriculum and the contents of its courses do not correlate readily to traditional education courses. This curriculum offers experiences that lead to skill acquisition in areas such as learning theory, identifying and understanding exceptionalities and diversities, literacy and reading, methods, classroom management, and technology.

The committee understands these courses to be analogous to other continuing education courses that complement professional skills. For example, a practicing engineer might enroll in a noncredit continuing education course in Java script to enhance/complement existing skills. Is a course in the Java computer language lower division, upper division, or graduate level? Depending on the situation and on the particular degree program, it could be any of the three.

Another relevant analogy might be courses that lead to licensure for nurses. The same courses that prepare the candidate for the nursing licensing examination are offered as lower division courses as a part of an Associate's degree in nursing curriculum and as upper division courses in

a baccalaureate degree curriculum. The visiting committee understands these teacher licensure courses to be similar in many respects, which is one among several reasons the committee was unable to conclude finally, after reviewing the course syllabi that comprise the program and conducting pertinent interviews, that this teacher licensure program constitutes an upper division program or set of courses.

The institution does, however, need to clarify its record keeping for the program. Currently the institution is recording courses on the institutional transcript retained in the Registrar's office as 7000 level courses, the institution's designation for continuing education courses, but the transcript legend does not explain this numbering anomaly. It would thus be possible for these courses to be seen as graduate or even doctoral level courses by an uninformed person interpreting the transcript. Moreover, the courses are recorded in semester hours rather than in Continuing Education Units (CEUs), thus potentially exacerbating the confusion. Instead of quality points awarded, the transcript does have an asterisk which leads to a legend notation of CEUs. Technically, the committee therefore could not find noncompliance with a **must** statement in the *Criteria for Accreditation* in the matter. On the other hand, as a practical matter, the record format does need to be revised so that it is clear and accurate. See Suggestion in Section 4.7, Student Records.

4.7 Student Records

The Special Committee had two areas of concern regarding student records. The first concerns the lack of distinction between transfer and non-transfer courses on the students' transcripts. Therefore, (Suggestion 2) the committee suggests that there be a clear distinction between

Report and Recommendations from the Select Committee on Lateral Entry

Background

In November 2003 the North Carolina State Board of Education convened a Select Committee on Lateral Entry, representing a coordinated effort by the State Board of Education, the Department of Public Instruction, the Community College System, the University of North Carolina, and the North Carolina Independent Colleges and Universities to look beyond the conventional routes into the teaching profession to alternative routes that will not only attract new educators into teaching but that will ensure their success once they enter classrooms.

The Select Committee was charged with the responsibility for creating a framework to facilitate and maximize the combined efforts of the three education systems to develop a process to ensure that local school systems will have access to a pool of well trained individuals who wish to enter the teaching profession. Specifically, the Committee was charged with studying the state's teacher licensing processes as these policies pertain to lateral entry, the role community colleges should play in providing access to courses and programs leading to teacher licensure, and the responsibility of the public and private universities to partner with community colleges to ensure high quality training for teachers who wish to enter the profession through the lateral entry route. The Committee was to formulate and offer recommendations to the State Board of Education concerning existing lateral entry licensure policies, provide a framework for the development of targeted policies that articulate and recognize the role of community colleges in teacher preparation, and offer a review of systems in place for the oversight, monitoring and mentoring of lateral entry teachers to ensure that these teachers are successful in the classroom. Additionally, Session Law 2003-284 (the 2003 Budget Act) had directed the State Board of Education to review and revise the curriculum requirements for lateral entry candidates to receive certification/licensure. [A copy of the legislation is included as Attachment A.] Subsequent to receiving its initial charge, the committee was also asked to study the role and operations of the Regional Alternative Licensure Centers and offer recommendations related to them.

The Committee was co-chaired by Wayne McDevitt, member of the State Board of Education, and Krista Tillman, President of North Carolina Operations for BellSouth. Other Committee members were:

Larry Allen, Superintendent, Kings Mountain Schools
Mary Lynne Calhoun, Dean, College of Education, UNC Charlotte
Renee Corders, Principal, Cumberland County Schools
Gerald Dillashaw, Dean, School of Education, Elon University
James Leutze, Chancellor Emeritus, UNC Wilmington
Lynda McCulloch, North Carolina Community College System
Tim McDowell, North Carolina Independent Colleges and Universities
Nathaniel Moon, Teacher, Onslow County Schools
Frank Sells, President, Surry Community College
John Tate, State Board of Education
Richard Thompson, Vice President for University-School Programs, UNC Office of the President
Joyce Wade, Assistant Superintendent, Johnston County Schools

Parmalee Hawk served as an independent consultant to the Committee. Zoe Locklear (DPI), Kathy Sullivan (DPI), and Jane Worsham (SBE) served as staff to the committee.

The committee met on a regular basis from November 2003 through August 2004. Howard Lee, Chairman of the State Board of Education, Molly Broad, President of the UNC System, Martin Lancaster,

President of the NC Community College System, and Hope Williams, President of the North Carolina Independent Colleges and Universities addressed committee members at the first meeting. Charles Coble, Vice President of the Education Commission of the States, and Eric Hirsch, Associate Executive Director of the Southeast Center for Teaching Quality also addressed committee members at the first meeting, providing a national environmental scan on alternative routes to licensure. Committee members reviewed demographic information on lateral entry teachers as compared to new hires from in-state and out-of-state, alternative routes to licensure utilized in other states, and current North Carolina licensing policies. They heard from representatives of several model lateral entry programs (East Carolina University and Greensboro College), Anthony Zeiss, President, and other representatives of Central Piedmont Community College; James Woodward, Chancellor, UNC Charlotte; and a representative of the Regional Alternative Licensure Centers. Committee members considered a variety of issues including accreditation standards, equity/parity of alternate routes and traditional routes, access to courses, financial resources, incentives, communication, and mentoring and other forms of support for lateral entry teachers.

Attachment B provides definitions of terms used in this report.

Findings

As members of the Committee worked through the data and other information presented, a number of findings became apparent. The Committee found that:

1. Lateral entry teachers are demographically very similar to teachers completing approved teacher education programs, except in racial diversity. This similarity is detailed in Attachment C.

2. Current lateral entry policies have made it possible for students enrolled in teacher education programs to bypass student teaching and accept positions as lateral entry teachers. The policies have also made it possible for students with content area majors to be employed as lateral entry teachers upon graduation, without any appropriate professional experiences.

3. The level of understanding among stakeholders of current policies and procedures varies greatly. There is confusion as to what current policies require and permit.

4. Attention to teacher recruitment alone will not solve the state's critical need for teachers. Approximately half of *all* new teachers leave within the first five years of practice. Teacher attrition results in increased spending to train new employees who subsequently leave, as well as the dollars and human resources spent to recruit new teachers. Teacher attrition impacts student learning. It disrupts the classroom and learning environment. It robs schools and students of the knowledge and skills that come from the wisdom of practice.

5. In some areas of the state there are effective practices in place and partnerships between and among colleges/universities, community colleges, and the public schools to address the needs of lateral entry teachers. Those that are most successful and most effective are those where the local education agency, the colleges/universities, and the community colleges have marshaled their collective resources to address identified needs. Information on these practices needs to be widely disseminated. Several best practices are highlighted in Attachment D.

6. Since the Committee was initially convened, the environment has changed significantly. A number of new initiatives between colleges/universities, community colleges, and local education agencies have been implemented and significant progress has been made in some areas of the state. However, there are areas of the state in which much more can be done and stakeholders need to be encouraged

to work more collaboratively and to marshal their collective resources to meet the needs of local school systems.

Guiding Principles

In arriving at its recommendations, the Committee found guidance in these principles:

A. All students should have competent, caring, and highly qualified teachers.

B. Traditional teacher education programs serve an important role in preparing teachers for the public schools of North Carolina. Policies should encourage individuals not to bypass traditional teacher education programs.

C. Individuals with relevant professional experience have much to contribute to the public schools. Policies should facilitate their entry into the classroom. Undue barriers and obstacles should not keep them from the classroom, but alternative routes must reflect the same quality as traditional teacher preparation programs.

D. Community colleges serve - and should continue to serve - an important role in the preparation and continuing education and support of lateral entry teachers for the public schools.

Recommendations

The Committee has generated 26 recommendations. The recommendations address:

- Licensure Requirements;
- Accountability of the Regional Alternative Licensure Centers for Support of Lateral Entry Teachers;
- Accountability of LEAs, Community Colleges, and IHEs for Support of Lateral Entry Teachers;
- Funding Support;
- Continued Monitoring; and
- Related Issues

Recommendations Related to Accountability of LEAs, Community Colleges, and IHEs for Support of Lateral Entry Teachers

12. The Department of Public Instruction and State Board of Education should work with LEAs, community colleges, and IHEs to compile comprehensive baseline data of the needs of lateral entry teachers. The data should include information on why lateral entry teachers are hired (e.g., no appropriately licensed applicants were available, exceptional expertise in the area, licensed applicants were not interested in the position, licensed applicants did not appear to be a good match for the job, etc.). The baseline data, and similar data on a going-forward basis, should be used to measure the impact of programs, services, and activities designed to meet the needs of lateral entry teachers.

13. The Initial Licensure Program reports submitted by LEAs should be revised to require LEAs to report on the support they have provided to lateral entry teachers. This information should be reported to the SBE along with other reports described in this section.

14. North Carolina Program Approval Standards should require all institutions with approved teacher education programs to designate a coordinator for alternative licensure programs. Local educational agencies should also designate a coordinator for alternative licensure programs.

15. The State Board of Education should be provided an annual report on the programs, activities, and services implemented by teacher education programs to serve lateral entry teachers. Information on institutional efforts to serve lateral entry teachers currently included in the IHE Performance Report should become part of this annual report. In addition, the report should include the satisfaction with preparation of teachers who have completed lateral entry programs of study through the institutions.

16. The State Board of Education should be provided an annual report on the programs, activities, and services implemented by community colleges to serve lateral entry teachers and the partnerships that the community colleges have with IHEs. The NC Community College system may provide the report.

17. The Department of Public Instruction and State Board of Education should widely disseminate information on best practices by IHEs, community colleges, and LEAs to meet the needs of and support lateral entry teachers.

18. The State Board of Education should encourage LEAs and local boards of education to continue to develop and maximize partnerships with local community colleges, IHEs and others to systemically address their needs for teacher candidates. To provide recourse when the established routes and partnerships fail to meet teacher licensing needs to such a degree as to cause teacher shortages of a critical level, the State Board should develop a Critical Response Procedure. A small working group of stakeholders should develop the specifics of the procedure (e.g., under what conditions it may be invoked, response options, etc.) for approval by the Board. As envisioned by the Select Committee, the Critical Response Procedure would be limited to a specific situation for a specified period of time. The Critical Response Procedure should be reviewed by the State Board of Education on an annual basis to determine whether it should be extended.

LATERAL ENTRY TEACHERS & THE COMMUNITY COLLEGE

- Lateral Entry teachers possess a college degree
- Many Lateral Entry teachers already possess a master's degree
- Lateral Entry teachers have been hired and are already in the classroom
- Lateral Entry teachers need training in classroom instruction.
- Community Colleges have a basic mission to retrain the workforce

MINUTES
HOUSE COMMITTEE ON EDUCATION
10 Minutes After Session
April 26, 2005

The House Committee on Education met at 4:40 p.m. on Tuesday, April 26, 2005 in Room 643 of the Legislative Office Building. The following Representatives were present: ***Chairs: Bell, Lucas and McLawhorn; Vice Chairs: Dickson, England, Glazier, Parmon, Preston and Sauls; Members: Adams, Allen, Blackwood, Bordsen, Brown, Carney, Cleveland, Cole, Coleman, Daughtridge, Fisher, Folwell, Frye, Goforth, Harrison, Hilton, Hollo, Holloway, Insko, Jeffus, Johnson, Langdon, Martin, Nye, Pate, Rapp, Tolson, Walker, Wilkins, Womble, and Wray.***

Research staff persons included: ***Attorneys-*** Drupti Chauhan and Robin Johnson; ***Legislative Analyst-*** Dr. Shirley Iorio and Sara Kamprath; ***Assistant*** Dee Atkinson; Legislative ***Committee Assistants*** - Sue Burleson, Carolyn Edwards and Thelma Utley. The Agenda, Sergeant at Arms and Visitor Registration Sheets are incorporated into the minutes. There were no Pages in attendance for the afternoon session. Three attachments are integrated into the minutes.

Chairman Larry Bell called the meeting to order and all introductions were completed. ***Rep. Lucas*** moved to adopt the **Proposed Committee Substitute H563-CSSF-13 [v.4]**, the motion carried. Sponsor, ***Rep. Tolson*** was recognized to reiterate on **HB 563 – A BILL TO BE ENTITLED AN ACT PERMITTING THE COMMUNITY COLLEGE SYSTEM TO PROVIDE COURSEWORK TO PERSONS ENTERING THE TEACHING PROFESSION BY LATERAL ENTRY.**

Chairman Bell opened the floor for discussion on the bill:
Rep. Daughtridge ask that someone from the university system speak on the bill and Richard Thompson, Vice President of the University of North Carolina General Administration, stated on behalf of the administration, that they were not in favor of the bill.

Rep. Glazier asks if the State Board of Education could establish the quality and standards for the lateral entry community college program. **Rep. Adams** queries the bill "Are you saying that this bill will only be extended to people who already have a Master's Degree?" and "Why can't this lateral entry process be done at the 4-year university level?"

Rep. Tolson states that the teachers of the teacher education courses will have at least a Master's Degree not the students and that he believes this process is offered at the University level but it would be more accommodating to students if it were offered at the community college level also. He read a list of organizations that endorsed the community college lateral entry program. (Attachment 1)

Rep. Pate suggests that the community college lateral entry program be required to report regularly to the education oversight committee so that the committee will be able to make recommendations and take a continuing look at the program since there is lingering doubt.

Rep. Bordsen concerns were the lack of linkage indicated in the bill between the Master's level requirement of the instructors and their actual Master's subject area; the lack of linkage between the Bachelor's Degree that a lateral entry applicant is required to hold and their area of certification; and the lack of collaboration between the community colleges and the four-year universities. ***Rep. Tolson*** responds that there is collaboration between the community colleges and the universities. *Kathy Sullivan* from the Department of Public Instruction explains that the degree is to be in the same area as certification. ***Rep. Bordsen*** asks about credits for courses and the linkage between the instructors Masters Degree area and their area of instruction. *President Lancaster* responds to the initial credit inquiry. He states the community colleges do not want to be four-year degree granting institutions; therefore, they cannot offer credits.

Rep. Blackwood ask if people coming in to teach trade areas are covered under this rule. ***Rep. Tolson*** responds that work experience can offset that requirement for certain people.

Rep. Insko has concerns about quality and that lateral entry teachers will not be as well prepared as lateral entry teachers coming through the four-year college system. She inquirer if lateral entry students are required to take upper division courses, and if so, will these courses be offered by the community college. Will DPI set standards for teachers who attend them to meet the standards of a lateral entry program? Yes, DPI will set standards, answers *President Lancaster*.

Rep. Tolson states that the community college system will not teach upper division courses. *Kathy Sullivan* says that they are still required to meet what in essence are upper level courses but this bill allows teachers to be certified without getting the credit for those upper level courses.

Rep. Rapp asks about the support system available at community colleges (i.e. internships, mentoring, etc...) ***Rep. Tolson*** states that the supports system will be updated. ***Rep. Rapp*** puts forth an amendment that is read by ***Chairman Bell;*** and Rep. Tolson expresses immediate opposition because there has already been a study of the bill.

Rep. Harrison asks if the bill is placing a legislative mandate on the school board? *Linda Suggs,* Legislative Director, from the State Board of Education does not have a position on the proposed committee substitute. She states that the board believes community colleges have an important role to play in the training of lateral entry teachers but their concerns mirror those presented earlier.

Rep. Rapp moves on the amendment to be read by Chairman Bell and a vote is rendered. The amendment fails. (Attachment 2)

Rep. England asks about the cost of a lateral entry program in the community college system and required a response from the university system. It varies between $1500 or less according to ***Rep. Tolson***.

Rep. Womble asks if the bill is a requirement since the bill says that it is an act permitting community colleges to have these programs; and why the proposed committee substitute rather than the original bill. ***Rep. Tolson*** states that the proposed committee substitute was used in an attempt to be more amenable to the wants and need of different groups.

Rep. Preston asks about graduate students teaching at the university; and if they are only allowed to teach freshmen and sophomores. *Cathy Barlow*, Dean of Watson School of Education at UNCW, states that there are no graduate students who teach junior and senior level courses in the School of Education.

Rep. Pate puts forth an amendment to be read by Chairman Bell and a vote is taken and the amendment passes with the support of Rep. Tolson. (Attachment 3)

Rep. Goforth motions that a favorable report be given to HB 563 bill as amended, rolled into a committee substitute, with a favorable report to the committee substitute and unfavorable to the original bill.

Chairman Bell calls for a vote on the motion and the motion carries. The meeting is adjourned at 6:35 P.M.

Respectfully submitted,

Carolyn A. Edwards

Carolyn A. Edwards, Committee Assistant

Representative Larry M. Bell
Presiding Chair

2005 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES

The following report(s) from standing committee(s) is/are presented:
By Representatives **Bell, Lucas, McLawhorn** (Chairs) for the Committee on **Education.**

☐ Committee Substitute for
H.B. 563 A BILL TO BE ENTITLED AN ACT PERMITTING THE COMMUNITY COLLEGE SYSTEM TO PROVIDE COURSEWORK TO PERSONS ENTERING THE TEACHING PROFESSION BY LATERAL ENTRY.

☐ With a favorable report.

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

☐ With a favorable report, as amended.

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

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

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

☐ With an unfavorable report.

☐ With recommendation that the House concur.

☐ With recommendation that the House do not concur.

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

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

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

☐ Without prejudice.

☐ With an indefinite postponement report.

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

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

03/19/03

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2005

HOUSE BILL 563

Short Title:	Comm. Coll. May Train Lateral Entry Teachers.	(Public)
Sponsors:	Representatives Tolson; B. Allen, L. Allen, Allred, Bordsen, Brown, Carney, Cleveland, Coleman, Dickson, England, Faison, Farmer-Butterfield, Fisher, Frye, Gibson, Gillespie, Holliman, Howard, Insko, Langdon, McGee, McLawhorn, Parmon, Rapp, Ray, Underhill, Wainwright, Warren, Weiss, Womble, and Wray.	
Referred to:	Education.	

March 10, 2005

A BILL TO BE ENTITLED

AN ACT PERMITTING THE COMMUNITY COLLEGE SYSTEM TO PROVIDE COURSEWORK TO PERSONS ENTERING THE TEACHING PROFESSION BY LATERAL ENTRY.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 115C-296(c) reads as rewritten:

"(c) It is the policy of the State of North Carolina to encourage lateral entry into the profession of teaching by skilled individuals from the private sector. To this end, before the 1985-86 school year begins, the State Board of Education shall develop criteria and procedures to accomplish the employment of such individuals as classroom teachers. Regardless of credentials or competence, no one shall begin teaching above the middle level of differentiation. Skilled individuals who choose to enter the profession of teaching laterally may be granted a provisional teaching certificate for no more than five years and shall be required to obtain certification before contracting for a sixth year of service with any local administrative unit in this State.

The State Board of Education, in consultation with the State Board of Community Colleges, shall develop and implement policies permitting individuals with at least a bachelors degree to complete at a community college all or part of the coursework necessary for lateral entry into the teaching profession.

It is further the policy of the State of North Carolina to ensure that local boards of education can provide the strongest possible leadership for schools based upon the identified and changing needs of individual schools. To this end, before the 1994-95 school year begins, the State Board of Education shall carefully consider a lateral entry program for school administrators to ensure that local boards of education will have sufficient flexibility to attract able candidates."

SECTION 2. G.S. 115D-5 is amended by adding a new subsection to read:

"(o) The North Carolina Community College System may offer courses, in accordance with policies adopted by the State Board of Education pursuant to G.S. 115C-296(c), to individuals who choose to enter the teaching profession by lateral entry. The Community College System and the regional alternative licensing centers established by the Department of Public Instruction shall jointly identify the community college courses that are necessary and appropriate for lateral entry."

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

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2005

H D

HOUSE BILL 563
PROPOSED COMMITTEE SUBSTITUTE H563-CSSF-13 [v.4]

4/25/2005 10:57:37 AM

Short Title: Comm. Coll. May Train Lateral Entry Teachers. (Public)

Sponsors:

Referred to:

March 10, 2005

A BILL TO BE ENTITLED

AN ACT PERMITTING THE COMMUNITY COLLEGE SYSTEM TO PROVIDE COURSEWORK TO PERSONS ENTERING THE TEACHING PROFESSION BY LATERAL ENTRY.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 115C-296(c) reads as rewritten:

"(c) It is the policy of the State of North Carolina to encourage lateral entry into the profession of teaching by skilled individuals from the private sector. To this end, before the 1985-86 school year begins, the State Board of Education shall develop criteria and procedures to accomplish the employment of such individuals as classroom teachers. ~~Regardless of credentials or competence, no one shall begin teaching above the middle level of differentiation.~~ Skilled individuals who choose to enter the profession of teaching laterally may be granted a provisional teaching certificate for no more than five years and shall be required to obtain certification before contracting for a sixth year of service with any local administrative unit in this State.

(c1) The State Board of Community Colleges shall provide a program of study for lateral entry teachers to complete all of the coursework necessary to earn a teaching certificate. To this end, the State Board of Education, through the regional alternative licensing centers established by the Department of Public Instruction and in consultation with the State Board of Community Colleges, shall establish a competency-based, non-credit program of study for lateral entry teachers to be implemented within the Community College System no later than May 1, 2006. A community college may offer this lateral entry program of study only if a superintendent of a local school administrative unit within the community college's service area requests the program.

The State Board of Community Colleges and the regional alternative licensing centers shall jointly identify the community college courses that are necessary and appropriate for inclusion in the community college program of study for lateral entry teachers. The courses offered by a community college as a part of this program of

study shall carry no academic credit toward a degree of any kind, and shall be used only for the purpose of earning a teaching certificate.

In order to participate in the community college program of study for lateral entry teachers an individual must:

(1) Hold at least a bachelor's degree from a regionally accredited institution of higher education;

(2) Have completed the bachelor's degree at least five years before undertaking the program of study under this subsection; and

(3) Hold a lateral entry teaching certificate and be employed as a teacher in a local school administrative unit.

An individual who successfully completes this program of study and meets all other requirements of certification set by the State Board of Education, shall be recommended for a North Carolina teaching certificate.

(c2) It is further the policy of the State of North Carolina to ensure that local boards of education can provide the strongest possible leadership for schools based upon the identified and changing needs of individual schools. To this end, before the 1994-95 school year begins, the State Board of Education shall carefully consider a lateral entry program for school administrators to ensure that local boards of education will have sufficient flexibility to attract able candidates."

SECTION 2. G.S. 115D-5 is amended by adding a new subsection to read:

"(o) The North Carolina Community College System may offer courses, in accordance with the lateral entry program of study established under G.S. 115C-296(c1), to individuals who choose to enter the teaching profession by lateral entry."

SECTION 3. This act is effective when it becomes law and expires July 1, 2011.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2005

H 3

HOUSE BILL 563

Committee Substitute Favorable 4/27/05
Committee Substitute #2 Favorable 5/18/05

Short Title: Comm. Coll. May Train Lateral Entry Teachers. (Public)

Sponsors:

Referred to:

March 10, 2005

A BILL TO BE ENTITLED

AN ACT PERMITTING THE COMMUNITY COLLEGE SYSTEM TO PROVIDE COURSEWORK TO PERSONS ENTERING THE TEACHING PROFESSION BY LATERAL ENTRY.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 115C-296(c) reads as rewritten:

"(c) It is the policy of the State of North Carolina to encourage lateral entry into the profession of teaching by skilled individuals from the private sector. To this end, before the 1985-86 school year begins, the State Board of Education shall develop criteria and procedures to accomplish the employment of such individuals as classroom teachers. ~~Regardless of credentials or competence, no one shall begin teaching above the middle level of differentiation.~~ Skilled individuals who choose to enter the profession of teaching laterally may be granted a provisional teaching certificate for no more than ~~five~~ three years and shall be required to obtain certification before contracting for a ~~sixth~~ fourth year of service with any local administrative unit in this State.

(c1) The State Board of Community Colleges may provide a program of study for lateral entry teachers to complete the coursework necessary to earn a teaching certificate. To this end, the State Board of Education, in consultation with the State Board of Community Colleges, shall establish a competency-based program of study for lateral entry teachers to be implemented within the Community College System no later than May 1, 2006. This program must meet standards set by the State Board of Education.

The State Board of Community Colleges and the State Board of Education shall jointly identify the community college courses and the teacher education program courses that are necessary and appropriate for inclusion in the community college program of study for lateral entry teachers. To the extent possible, any courses that must

be completed through an approved teacher education program shall be taught on a community college campus or shall be available through distance learning.

In order to participate in the community college program of study for lateral entry teachers, an individual must:

(1) Hold at least a bachelors degree from a regionally accredited institution of higher education;

(2) Have completed the bachelors degree at least five years before undertaking the program of study under this subsection; and

(3) Hold a lateral entry teaching certificate and be employed as a teacher in a local school administrative unit.

An individual who successfully completes this program of study and meets all other requirements of certification set by the State Board of Education shall be recommended for a North Carolina teaching certificate.

(c2) It is further the policy of the State of North Carolina to ensure that local boards of education can provide the strongest possible leadership for schools based upon the identified and changing needs of individual schools. To this end, before the 1994-95 school year begins, the State Board of Education shall carefully consider a lateral entry program for school administrators to ensure that local boards of education will have sufficient flexibility to attract able candidates."

SECTION 2. G.S. 115D-5 is amended by adding a new subsection to read:

"(o) The North Carolina Community College System may offer courses, in accordance with the lateral entry program of study established under G.S. 115C-296(c1), to individuals who choose to enter the teaching profession by lateral entry."

SECTION 3. The State Board of Education and the State Board of Community Colleges shall submit a report annually to the Joint Legislative Education Oversight Committee on the lateral entry program.

SECTION 4. This act is effective when it becomes law and expires July 1, 2011.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2005

H 4

HOUSE BILL 563

Committee Substitute Favorable 4/27/05
Committee Substitute #2 Favorable 5/18/05
Senate Education/Higher Education Committee Substitute Adopted 6/29/05

Short Title: Comm. Coll. May Train Lateral Entry Teachers. (Public)

Sponsors:

Referred to:

March 10, 2005

A BILL TO BE ENTITLED

AN ACT PERMITTING THE COMMUNITY COLLEGE SYSTEM TO PROVIDE COURSEWORK TO PERSONS ENTERING THE TEACHING PROFESSION BY LATERAL ENTRY, AND TO REDUCE FROM FIVE YEARS TO THREE YEARS THE LENGTH OF A PROVISIONAL TEACHING CERTIFICATE ISSUED TO A LATERAL ENTRY TEACHER.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 115C-296(c) reads as rewritten:

"(c) It is the policy of the State of North Carolina to encourage lateral entry into the profession of teaching by skilled individuals from the private sector. To this end, before the 1985-86 school year begins, the State Board of Education shall develop criteria and procedures to accomplish the employment of such individuals as classroom teachers. ~~Regardless of credentials or competence, no one shall begin teaching above the middle level of differentiation.~~ Skilled individuals who choose to enter the profession of teaching laterally may be granted a provisional teaching certificate for no more than ~~five~~ three years and shall be required to obtain certification before contracting for a ~~sixth~~ fourth year of service with any local administrative unit in this State.

It is further the policy of the State of North Carolina to ensure that local boards of education can provide the strongest possible leadership for schools based upon the identified and changing needs of individual schools. To this end, before the 1994-95 school year begins, the State Board of Education shall carefully consider a lateral entry program for school administrators to ensure that local boards of education will have sufficient flexibility to attract able candidates."

SECTION 2. G.S. 115C-296(c), as amended by Section 1 of this act, reads as rewritten:

"(c) It is the policy of the State of North Carolina to encourage lateral entry into the profession of teaching by skilled individuals from the private sector. To this end, before the 1985-86 school year begins, the State Board of Education shall develop criteria and procedures to accomplish the employment of such individuals as classroom teachers. Skilled individuals who choose to enter the profession of teaching laterally may be granted a provisional teaching certificate for no more than three years and shall be required to obtain certification before contracting for a fourth year of service with any local administrative unit in this State.

(c1) The State Board of Community Colleges may provide a program of study for lateral entry teachers to complete the coursework necessary to earn a teaching certificate. To this end, the State Board of Education, in consultation with the State Board of Community Colleges, shall establish a competency-based program of study for lateral entry teachers to be implemented within the Community College System no later than May 1, 2006. This program must meet standards set by the State Board of Education.

The State Board of Community Colleges and the State Board of Education shall jointly identify the community college courses and the teacher education program courses that are necessary and appropriate for inclusion in the community college program of study for lateral entry teachers. To the extent possible, any courses that must be completed through an approved teacher education program shall be taught on a community college campus or shall be available through distance learning.

In order to participate in the community college program of study for lateral entry teachers, an individual must:

(1) Hold at least a bachelors degree from a regionally accredited institution of higher education;

(2) Have completed the bachelors degree at least five years before undertaking the program of study under this subsection; and

(3) Hold a lateral entry teaching certificate and be employed as a teacher in a local school administrative unit.

An individual who successfully completes this program of study and meets all other requirements of certification set by the State Board of Education shall be recommended for a North Carolina teaching certificate.

(c2) It is further the policy of the State of North Carolina to ensure that local boards of education can provide the strongest possible leadership for schools based upon the identified and changing needs of individual schools. To this end, before the 1994-95 school year begins, the State Board of Education shall carefully consider a lateral entry program for school administrators to ensure that local boards of education will have sufficient flexibility to attract able candidates."

SECTION 3. G.S. 115D-5 is amended by adding a new subsection to read:

"(p) The North Carolina Community College System may offer courses, in accordance with the lateral entry program of study established under G.S. 115C-296(c1), to individuals who choose to enter the teaching profession by lateral entry."

SECTION 4. The State Board of Education and the State Board of Community Colleges shall submit annually to the Joint Legislative Education Oversight Committee a report on the community college program of study for lateral entry teachers established under this act. The initial report is due no later than April 1, 2006. The final report, due no later than April 1, 2011, must include recommendations as to whether this program should continue and, if so, must include the reasons for its continuation and any recommended legislative changes needed to enhance the program.

SECTION 5. This act is effective when it becomes law. Section 1 of this act applies to provisional teaching certificates issued on or after that date. Sections 2, 3, and 4 of this act expire July 1, 2011.

HOUSE BILL 563:
Comm. Coll. May Train Lateral Entry Teachers

BILL ANALYSIS

Committee:	House Education	**Date:**	April 26, 2005
Introduced by:	Rep. Tolson	**Summary by:**	Shirley Iorio
Version:	First Edition H563-CSSF-13		Legislative Analyst

SUMMARY: The PCS for House Bill 563 would require the State Board of Education (State Board), in consultation with the State Board of Community Colleges, to establish a program of study for lateral entry teachers (program). Lateral entry teachers would be able to complete at a community college all of the required courses for a teaching certificate. The program would have to be implemented in the Community College System by May 1, 2006. A community college could offer this program only if a superintendent of a local school system within the community college's service area requested it.

The State Board of Community Colleges and the Regional Alternative Licensing Centers established by the Department of Public Instruction would identify the community college courses that are necessary and appropriate to include in this program. The courses would be competency-based, carry no academic credit toward a degree of any kind, and would be used only to earn a teaching certificate.

Individuals who participate in this program would have to meet certain criteria. Upon successfully completing this program and meeting any other certification requirements set by the State Board, an individual would be recommended for a NC teaching certificate.

CURRENT LAW:

§ 115C-296. Board sets certification requirements.

...

(c) It is the policy of the State of North Carolina to encourage lateral entry into the profession of teaching by skilled individuals from the private sector. To this end, before the 1985-86 school year begins, the State Board of Education shall develop criteria and procedures to accomplish the employment of such individuals as classroom teachers. Regardless of credentials or competence, no one shall begin teaching above the middle level of differentiation. Skilled individuals who choose to enter the profession of teaching laterally may be granted a provisional teaching certificate for no more than five years and shall be required to obtain certification before contracting for a sixth year of service with any local administrative unit in this State.

It is further the policy of the State of North Carolina to ensure that local boards of education can provide the strongest possible leadership for schools based upon the identified and changing needs of individual schools. To this end, before the 1994-95 school year begins, the State Board of Education shall carefully consider a lateral entry program for school administrators to ensure that local boards of education will have sufficient flexibility to attract able candidates.

BILL ANALYSIS: An individual who has not completed an approved teacher education program may enter the teaching profession through lateral entry. That person must meet certain requirements set out by the State Board of Education. One of those requirements is the "completion of an approved education program in the area of licensure at a college or university or teacher education consortium which has evaluated the person's transcripts and outlined required coursework or completion of a program of study outlined by the Regional Alternative Licensing Centers". State Board of Education Policy QP-A-001.

This proposed amendment to the statute would allow a community college to offer a program of study that enables lateral entry teachers to take all of their required courses for a teaching certificate at a community college. However, a community college could offer this program only if a superintendent of a local school system in the community college's service area requests the program. Individuals who would participate in this program must be employed by an LEA and have at least a bachelor's degree relevant to their teaching area that they earned at least five years prior to beginning a program of study for lateral entry teachers at a community college. Therefore, there is no incentive for students in traditional teacher education programs to graduate without completing the teacher education requirements in order to become a participant in this program at a community college.

The program of study that would be established within the Community College System would be competency-based. The courses offered would be non-credit courses and would not be applicable towards a degree of any kind. Therefore, a lateral entry teacher who wants to work toward a master's degree, for example, would have to take courses at a college or university. The courses offered at a community college as a part of this program would not transfer to a college or university, and would count only toward earning a teaching certificate.

The Regional Alternative Licensing Centers would recommend to the State Board of Education (State Board) that individuals who successfully complete this program of study and also meet any other State Board certification requirements be awarded a "full" teaching certificate.

This program of study for lateral entry teachers would be in place for five years unless the law is reenacted by the General Assembly.

EFFECTIVE DATE: The proposed committee substitute would be effective when it becomes law and would expire July 1, 2011.

BACKGROUND:

Regional Alternative Licensing Centers

The Regional Alternative Licensing Centers (Centers) were created by the Department of Public Instruction (DPI) specifically to help lateral entry and provisionally licensed teachers achieve full licensure. The Centers were established in response to concerns about the variability in programs of study issued to lateral entry teachers by colleges and universities, and the accessibility of required courses. The Centers use uniform templates to evaluate transcripts and issue plans of study.

The Centers are located in Charlotte, Fayetteville and Nashville and are authorized by DPI to evaluate transcripts, issue plans of study leading to licensure, and recommend individuals for licensure.

Lateral Entry to Teaching

Applicants for a lateral entry license must:

- be employed by a North Carolina school system;

- hold at least a bachelor's degree from a regionally accredited college or university in the subject area in which they are employed to teach **or** hold at least a bachelor's degree from a regionally accredited college or university **and** have taken and passed the Praxis II testing requirements for the license area;
- have a minimum cumulative grade point average (GPA) of 2.5 or have passed the Praxis I exams **and** have attained one of the following:
    - a GPA of at least 3.0 on all work completed in the senior year;
    - a GPA of at least 3.0 in the major; or
    - a GPA of at least 3.0 in a minimum of 15 semester hours of course work completed within the last five years.

After an individual has obtained a teaching position and a lateral entry teaching license (has met the requirements described above), that individual can pursue a "full" teaching license by successfully completing, within 3 years, a program that includes completing courses or a program of study outlined by a Regional Alternative Licensing Center (Center), taking and passing Praxis subject exam(s), participating in staff development, and completing an initial licensure program. (Lateral entry teachers are considered to be beginning teachers and, therefore, are required to participate in an initial licensure program designed to support new teachers.)

To fulfill the course work requirement, a lateral entry teacher may complete an approved education program in the area of licensure at a college or university or teacher education consortium that has reviewed the person's transcripts and outlined required courses **or** complete a program of study outlined by a Regional Alternative Licensing Center.

If the person chooses to use the Regional Alternative Licensing Centers, one of the Centers will partner with the school system's personnel administrator to review an individual's application and supporting documentation (transcripts, copy of Lateral Entry license, etc.). After evaluation, the Center will provide an appropriate plan of study along with a list of suitable courses offered by colleges or universities. Some training or courses may also be provided by the local school system. After an individual completes the plan of study, the personnel administrator will submit documentation to the Center, which will be responsible for giving the approval for a "full" license. The Regional Alternative Licensing Center will send licensing documentation to the Department of Public Instruction's Licensure Section. The Licensure Section will issue the teaching license.

AGENDA

HOUSE EDUCATION COMMITTEE

April 26, 2005
10 Minutes After Session
4:40 P. M.
Room 643 LOB

Representative Larry M. Bell
Presiding Chair

CALL TO ORDER

OPENING REMARKS

BILL TO BE CONSIDERED:

HB 563 –COMM. COLL. MAY TRAIN LATERAL ENTRY TEACHERS – Rep. Tolson

ADJOURNMENT

Chairs:
Representative L. Bell
Representative M. Lucas
Representative M. McLawhorn

NORTH CAROLINA HOUSE OF REPRESENTATIVES
COMMITTEE MEETING NOTICE
AND
BILL SPONSOR NOTIFICATION
2005-2006 SESSION

You are hereby notified that the Committee on Education will meet as follows:

DAY & DATE: **April 26, 2005**

TIME: **11:00 A. M. and 10 minutes after session**

LOCATION: **643 LOB**

The following bills will be considered (Bill # & Short Title & Bill Sponsor):
HB 563 - COMM. COLL. MAY TRAIN LATERAL ENTRY TEACHERS - Rep. Tolson

Respectfully,
Representative Bell, Lucas, Mclawhorn
Chairs

I hereby certify this notice was filed by the committee assistant at the following offices at **9:00 A. M.** on **Thursday April 21, 2005.**

___Principal Clerk
___Reading Clerk - House Chamber

Carolyn A. Edwards (Committee Assistant)

10 MINS. after session
4:40 PM

VISITOR REGISTRATION SHEET

EDUCATION — **Name of Committee**

APRIL 26, 2005 — **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Jessica Sage	NC Family Policy Council
Myra Best	NC Network
Linda Ayers	SBE/DPI
Kathy Sullivan	DPI
[illegible]	NCICU
Kathryn [illegible]	NCSU
Cathy L. Barlow	UNCW
A. Michael Doughtery	WCU
Jan Bandy	WCU
Joyce Rhodes	Sandhills Community College
Martin Lancaster	NCCCS

4:40 pm

VISITOR REGISTRATION SHEET

EDUCATION
Name of Committee

APRIL 26, 2005
Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Ann McArthur	Governor's Office
Marcus Downs	NCAE
Cecil Bark	NCAE
Peggy Myers	CMS
Mark Fleming	University
Leanne Winner	NCSBA
Katherine Joyce	NCASA
John McAfee	GOV OFFICE
Richard Thompson	UNC

4:40 pm

VISITOR REGISTRATION SHEET

EDUCATION — APRIL 26, 2005

Name of Committee — **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Dianne Cates	Central Piedmont Community College
Joyce Rhodes	Sandhills Community College 3395 Airport Rd. Pinehurst NC 28374
Katherine Boswell	The Univ. of Texas at Austin 3398 S. Evergreen Pl Salt Lake City, UT 84106

Education Committee
10 Minutes After Session
April 26, 2005

Attachments

1. Representative Tolson's Letter of Appeal
2. North Carolina General Assembly Amendment –Rep. Rapp
3. North Carolina General Assembly Amendment –Rep Pate

Rep. Tolson

April 25, 2005

To: Members of the House Education Committee

From: NC Association of School Administrators
NC Council of Local Chambers
NC School Boards Association
Public School Forum of NC

Re: HB 563 Community Colleges May Train Lateral Entry Teachers

The NC Association of School Administrators, NC Council of Local Chambers, NC School Boards Association and Public School Forum of NC wish to inform you that the these organizations support the passage of HB 563.

North Carolina is in crisis. Our local school systems cannot find the number of quality teachers needed to provide every child a highly qualified, certified teacher. These teachers do not exist. While higher education has an ambitious plan to increase the number of certified teachers trained in our schools of education, for the foreseeable future, one third of our new hires each year will come from the ranks of lateral entry teachers.

The above named organizations believe North Carolina should utilize the valuable resources in our community college system to increase teacher production in a meaningful way. HB 563 would direct the State Board of Education, in consultation with the State Board of Community Colleges, to develop and provide coursework that would meet high standards and that would make it possible for those people who have a bachelors degree to complete the requirements necessary for lateral entry into the teaching profession.

We urge your support of this bill.

Attachment 1

(Please type or use ballpoint pen)

EDITION No. _____

H. B. No. 563 DATE _____

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

COMMITTEE SUBSTITUTE ✓

Rep.) Rapp
Sen.)

moves to amend the bill on page 1, line 2

(X) WHICH CHANGES THE TITLE ~~the title page 2, lines~~

by rewriting the lines to read:

"AN ACT AUTHORIZING THE JOINT LEGISLATIVE EDUCATION OVERSIGHT COMMITTEE TO STUDY WHETHER THE COMMUNITY COLLEGE SHALL PROVIDE";

and on page 1, line 24, through page 2, line 24, by rewriting the lines to read:

"SECTION 1. The Joint Legislative Education Oversight Committee shall study whether the State Board of Education, in consultation with the State Board of Community Colleges, should develop and implement policies to allow lateral entry teachers to complete ~~their~~ coursework necessary to be eligible to be recommended for a State teaching certificate. The Committee shall report its findings, including any proposed legislation, to the 2006 Session of the 2005 Session of the General Assembly."

& by renumbering the remaining sections.

SIGNED Ray Rapp

ADOPTED _____ FAILED _____ TABLED _____

GA-33-A

PRINCIPAL CLERK'S OFFICE (FOR ENGROSSMENT)

Attachment 2

NORTH CAROLINA GENERAL ASSEMBLY AMENDMENT

(Please type or use ballpoint pen)

EDITION No. _____

H. B. No. 563 DATE 4/26/05

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

COMMITTEE SUBSTITUTE H563-CSSF-13 [v.4]

Rep.) Pate
Sen.)

moves to amend the bill on page 2, lines 24-25

( ) WHICH CHANGES THE TITLE

by inserting between the lines the following:

" SECTION 3. The State Board of Education and the State Board of Community Colleges shall submit a report annually to the Joint Legislative Education Oversight Committee on the lateral entry program. "

and by renumbering the remaining sections accordingly.

SIGNED Louis M Pate Jr.

ADOPTED _____ FAILED _____ TABLED _____

PRINCIPAL CLERK'S OFFICE (FOR ENGROSSMENT)

Attachment 3

HOUSE EDUCATION COMMITTEE
Minutes
May 3, 2005
Room 643 LOB

Rep. Lucas called the meeting to order at 11:00 a.m., welcomed everyone and introduced the Pages and Sergeant-at-Arms (sheets attached).

Rep. Lucas called for presentations on Post Retirement Reemployment by Mr. Michael Williamson, Director of the Retirement System Division and Mr. Brett Joyal, Policy Director. Twenty minutes was allotted for the presentations. The committee listened to the presentations and several comments and questions were made. Rep. Lucas thanked Mr. Williamson and Mr. Joyal for coming and sharing the information with us and told committee members if they had further questions, to contact them at the Retirement System.

Rep. Lucas called on Rep. Miller to explain **HB 16 Sch. Curriculum Shall Include Financial Lit**. Rep. Miller explained the bill and had several questions/comments from committee members and Ms. Elsie Leak with the Dept. of Public Instruction Rep. Luebke made a motion for a favorable report to the proposed committee substitute for HB 16, unfavorable to the original bill. Rep. Lucas called for a vote. The proposed committee substitute passes.

Rep. Sherrill was called upon to explain House **Bill 1342 Special Diplomas for War Veterans**. She explained the bill and had several questions/comments from committee members. Rep. Parmon moved for a favorable report for HB 1342. Rep. Lucas called for a vote. The motion passes.

Meeting adjourned.

Respectfully submitted,

Marvin W. Lucas

Marvin W. Lucas, Chairing

Thelma T. Utley

Thelma T. Utley, Committee Assistant

House Education
Notes for Agenda Items
May 3, 2005
11:00 am
Rep. Lucas, chair

Remind members that the Committee will be meeting again at 2:00 pm in room 544.

Post Retirement Reemployment

Michael Williamson, Director, State Retirement Division
Brett Joyal, State Retirement Division

H 16 – Sch. Curriculum Shall Include Consumer Educ.

Rep. Miller
Sara is handling the bill.

The PCS needs to be adopted for discussion.

Motion: Favorable report to the committee substitute for House Bill 16, unfavorable to the original bill.

H 1342 – Special Diplomas for War Veterans

Rep. Sherrill
Sara is handling the bill

Motion: Favorable report for House Bill 1342

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

2005 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES

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

By Representative Bell, Lucas, McLawhorn (Chairs) for the Committee on EDUCATION.

☐ Committee Substitute for

HB 16 A BILL TO BE ENTITLED AN ACT TO REQUIRE THE PUBLIC SCHOOLS TO PROVIDE CONSUMER EDUCATION IN GRADES NINE THROUGH TWELVE.

☒ With a favorable report as to the committee substitute bill, unfavorable as to the original bill.

(FOR JOURNAL USE ONLY)

_____ Pursuant to Rule 32(a), the bill/resolution is re-referred to the Committee on _____.

_____ Pursuant to Rule 36(b), the (House) committee substitute bill/(joint) resolution (No._____) is placed on the Calendar of _____. (The original bill resolution No._____) is placed on the Unfavorable Calendar.

_____ The (House) committee substitute bill/(joint) resolution (No. ____) is re-referred to the Committee on _____. (The original bill/resolution) (House/Senate Committee Substitute Bill/(Joint) resolution No. ___) is placed on the Unfavorable Calendar.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2005

H D

HOUSE BILL 16
PROPOSED COMMITTEE SUBSTITUTE H16-CSRJ-6 [v.4]

5/2/2005 2:57:19 PM

Short Title: Sch. Curriculum Shall Include Financial Lit. (Public)

Sponsors:

Referred to:

January 31, 2005

A BILL TO BE ENTITLED

AN ACT TO REQUIRE THE PUBLIC SCHOOLS TO TEACH PERSONAL FINANCIAL LITERACY IN HIGH SCHOOL.

The General Assembly of North Carolina enacts:

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

"(i) Both the standard course of study and the Basic Education Program shall include the requirement that the public schools provide instruction in personal financial literacy for all students during the high school years. The State Board of Education shall determine the components of personal financial literacy that will be covered in the curriculum. The State Board shall also review the high school standard course of study to determine in which course the new personal financial literacy curriculum can be integrated."

SECTION 2. When developing the personal financial literacy curriculum, the State Board of Education shall consider the curriculum, materials, and guidelines developed for the pilot programs on financial literacy created by Section 7.35 of S.L. 2003-284. The State Board shall also consider the recommendations from any evaluations of the pilot programs.

SECTION 3. The State Board of Education shall have up five years to develop the personal financial literacy curriculum and integrate the curriculum into the standard course of study. The State Board shall report to the Joint Legislative Education Oversight Committee on the proposed curriculum before implementation.

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

HOUSE BILL 16:
Sch. Curriculum Shall Include Financial Lit

BILL ANALYSIS

Committee:	House Education	**Date:**	May 2, 2005
Introduced by:	Rep. Miller	**Summary by:**	Sara Kamprath
Version:	PCS to First Edition H16-CSRJ-6 [v.4]		Committee Analyst

SUMMARY: ***The Proposed Committee Substitute (PCS) for House Bill 16 requires instruction in personal financial literacy for all high school students. The State Board of Education shall have up to five years to develop the personal financial literacy curriculum and integrate it into the standard course of study. When developing this curriculum, the State Board shall consider the curriculum used by the pilot programs on teaching personal financial literacy created in 2003 and any evaluation results from the pilots. The State Board shall report on the proposed curriculum to the Joint Legislative Education Oversight Committee before implementation.***

EFFECTIVE DATE: The bill is effective when it becomes law.

BACKGROUND: Currently students in N.C. public schools are not required to take a comprehensive course in personal financial literacy. Students can take the course "Principles of Business and Personal Finance" which is an elective in the Business Technology career pathway of Career-Technical Education. Students may also be exposed to some of the principles of personal financial education in the 10th grade course, Civics and Economics. This course is a graduation requirement.

A 2004 survey conducted by the National Council on Economic Education found that only 7 states require students to take a course in personal finances in order to graduate. Those states are Alabama, Georgia, Idaho, Illinois, Kentucky, New York and Utah. Although they don't require an entire course, 38 states do include ideas about savings, investing, risk management and other financial principles in their standards. However, the survey found that many states do not enforce those standards.

H0016e1-SMRJ-CSRJ

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2005

H 1

HOUSE BILL 16

Short Title:	Sch. Curriculum Shall Include Consumer Educ.	(Public)
Sponsors:	Representatives Miller; and Jones.	
Referred to:	Education.	

January 31, 2005

A BILL TO BE ENTITLED

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

The General Assembly of North Carolina enacts:

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

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

SECTION 2. This act is effective when it becomes law and applies beginning with the 2006-2007 school year.

HOUSE BILL 1342:
Special Diplomas for War Veterans

BILL ANALYSIS

Committee:	House Education	**Date:**	May 2, 2005
Introduced by:	Rep. Sherrill	**Summary by:**	Sara Kamprath
Version:	First Edition		Committee Counsel

SUMMARY: House Bill 1342 authorizes the local boards of education to issue special high school diplomas to World War II, Korean Conflict and Vietnam era veterans who were honorably discharged and have never previously received a high school diploma. The bill expands the category of veterans eligible for special diplomas and shifts the authority to issue the special diplomas from the State Board of Education to local boards of education. The bill is effective when it becomes law.

BACKGROUND: In 2001, the General Assembly passed legislation authorizing the State Board of Education to issue a special high school diploma to any honorably discharged World War II veteran who had not already received a diploma. Either the veteran or a family member of a deceased veteran must submit an application for the special diploma.

The State Board of Education adopted the attached policy that outlines the procedures for issuing the special diploma and the qualifications that the veteran must meet in order to receive the special diploma.

The 2001 legislation was a result of a national effort called "Operation Recognition" to recognize the sacrifice of the many veterans of World War II who left high school before graduation to serve in the U.S. armed forces and to issue those veterans a high school diploma.

H1342e1-SMRJ

HOUSE BILL 1342

Short Title:	Special Diplomas for War Veterans.	(Public)
Sponsors:	Representatives Sherrill; Lucas, McGee, and Pate.	
Referred to:	Education.	

April 21, 2005

A BILL TO BE ENTITLED

AN ACT TO AUTHORIZE LOCAL BOARDS OF EDUCATION TO ISSUE SPECIAL DIPLOMAS TO QUALIFIED VETERANS OF WORLD WAR II, KOREA, AND VIETNAM.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 115C-12 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:

...

(29) To authorize local boards of education to issue special high school diplomas to veterans of ~~World War II.~~World War II, Korea, and Vietnam. – The State Board of Education shall authorize local boards of education to issue special high school diplomas to all honorably discharged veterans of World War ~~II~~ II, the Korean Conflict, or the Vietnam era who request special diplomas and have not previously received high school ~~diplomas.~~diplomas, if the State Board determines that the veterans are entitled to special diplomas under rules adopted by the State Board."

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

REFERRAL FORM

NORTH CAROLINA HOUSE OF REPRESENTATIVES
ASSIGNMENT OF BILLS TO SUBCOMMITTEE

COMMITTEE: **EDUCATION**

Chair: **Representatives Bell, Lucas, McLawhorn**

DATE: **04/26/05**

Bill Number (Indicate **H** or **S**): H 1354

Short Title: UNC/Private Gift Acceptance & Refusal Policy.

Assigned to Subcommittee on: **Universities**

Re-Assigned to Subcommittee on:

Bill Number (Indicate **H** or **S**): H 1464

Short Title: Repeal Sunset on UNC Design Contracts/Report.

Assigned to Subcommittee on: **Universities**

Re-Assigned to Subcommittee on:

Bill Number (Indicate **H** or **S**): H 1515

Short Title: Med Schools/Crim Background Check.

Assigned to Subcommittee on: **Universities**

Re-Assigned to Subcommittee on:

Bill Number (Indicate **H** or **S**): H 1552

Short Title: N.C. A&T University Campus Parking.

Assigned to Subcommittee on: **Universities**

Re-Assigned to Subcommittee on:

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

Short Title:

Assigned to Subcommittee on:

Re-Assigned to Subcommittee on:

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

Short Title:

Assigned to Subcommittee on:

Re-Assigned to Subcommittee on:

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

Short Title:

Assigned to Subcommittee on:

Re-Assigned to Subcommittee on:

REFERRAL FORM

NORTH CAROLINA HOUSE OF REPRESENTATIVES
ASSIGNMENT OF BILLS TO SUBCOMMITTEE

COMMITTEE: **EDUCATION**

Chair: **Representatives Bell, Lucas, McLawhorn**

DATE: **04/26/05**

Bill Number (Indicate **H** or **S**): H 1059

Short Title: Public School Health Curriculum.

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

Re-Assigned to Subcommittee on:

Bill Number (Indicate **H** or **S**): H 1317

Short Title: Study/Education of Students with Disabilities.

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

Re-Assigned to Subcommittee on:

Bill Number (Indicate **H** or **S**): H1491

Short Title: Insurance for School Social Workers.

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

Re-Assigned to Subcommittee on:

Bill Number (Indicate **H** or **S**): H 1546

Short Title: Students with Disabilities Chgs.

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

Re-Assigned to Subcommittee on:

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

Short Title:

Assigned to Subcommittee on:

Re-Assigned to Subcommittee on:

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

Short Title:

Assigned to Subcommittee on:

Re-Assigned to Subcommittee on:

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

Short Title:

Assigned to Subcommittee on:

Re-Assigned to Subcommittee on:

REFERRAL FORM

NORTH CAROLINA HOUSE OF REPRESENTATIVES
ASSIGNMENT OF BILLS TO SUBCOMMITTEE

COMMITTEE: **EDUCATION**

Chairs: **Representatives Bell, Lucas, McLawhorn**

DATE: **04/27/05**

Bill Number (Indicate **H** or **S**): H1443

Short Title: Teacher Protection Act.

Assigned to Subcommittee on: **Judiciary II**

Re-Assigned to Subcommittee on:

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

Short Title:

Assigned to Subcommittee on:

Re-Assigned to Subcommittee on:

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

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Assigned to Subcommittee on:

Re-Assigned to Subcommittee on:

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

Short Title:

Assigned to Subcommittee on:

Re-Assigned to Subcommittee on:

BUILDING BRIGHTER FUTURES

Richard Moore
Treasurer

FOR NC PUBLIC EMPLOYEES
North Carolina Retirement Systems

Michael Williamson
Director

Overview of the Retirement Systems Division's Report to the General Assembly on North Carolina's Return-to-Work Policy

April 5, 2005

The North Carolina General Assembly directed the Retirement Systems Division in 2004 to evaluate the State's return-to-work policy. The exact wording of the bill reads, "conduct an analysis of the postretirement reemployment issue, including a survey of peer State systems, cost analyses, review of relevant impacting federal regulations, and the administrative impact of various postretirement reemployment policies."

This report fulfills the legislature's directive with an in-depth examination of and recommended adjustments to the State's current return-to-work regulations. This report also provides recommendations for future work force retention policy in North Carolina's public sector.

The policies adopted by the General Assembly will determine North Carolina's ability to recruit and retain a talented and dependable workforce, today and in the future. This issue has never been more important than it is today. However, any response that is adopted by the General Assembly must also consider the long-term financial health of the state's retirement systems as well as compliance with federal regulations. We must take great care to fully understand the impact upon our retirement systems of the various policies we implement, so that we do not put the system's long-term sustainability in jeopardy.

With that in consideration, the Retirement Systems Division adopted an objective, comprehensive approach to examining this issue, including interviews with many employee and employer associations and State agencies. Our intention has been to balance the State's need to meet its personnel objectives with its need to protect benefit programs for public employees.

Foremost in our minds is that the Department of State Treasurer and the Retirement Systems Division have a constitutional mandate to protect the financial integrity of the State's retirement systems.

To those who commit their careers to public service, the promise of a dependable and sustainable post-employment benefit must be kept. For retirees in the systems,

funds for continued cost-of-living adjustments are imperative if their benefits are to remain a viable source of income. Recruitment and retention of a quality government work force now and in the future rests largely on a strong, fiscally sound public pension plan. The systems' financial integrity and federal tax-exempt status must be preserved if these responsibilities are to be met.

Our research considered two key principles:

- Maintaining the Retirement Systems financial status
- Keeping the systems in compliance with federal codes

Additionally, we attempted to provide policy makers with employee retention strategies.

The report culminated in six recommendations that are intended to:

- Recognize and reimburse the pension systems the cost of any changes made to the State's return-to-work policy;
- Bring all return-to-work policies into compliance with IRS regulations so as not to jeopardize the system's tax-exempt status; and
- Encourage lawmakers to explore work force retention policies beyond return-to-work.

The findings in this report were generated through primary and secondary research; surveys with Retirement Systems in other states; interviews with key stakeholders and administrators; consultations with the Internal Revenue Service; and analysis of various data. The report contains multiple appendices and an attachment. The primary data sources are the North Carolina Department of Public Instruction and the Retirement Systems Division.

<u>Recommendations</u>

The report's first three recommendations pertain to the system's financial status.

The Retirement System's actuary projected that Return to Work policies that create an incentive to retire earlier than projected create a cost to the pension funds. If left un-funded, these costs are absorbed by actuarial gains, which are then unavailable as benefit enhancements such as Cost of Living Adjustments.

Further, the actuary indicated that the longer such a policy is in kept in place, the greater the number of employees who will utilize it, which continually increases the costs.

The main assumption underlying the cost projections is that a salary cap exemption will change retirement rates. It is a change in retirement rates resulting from a policy shift that generates new costs.

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In order to fully understand how lifting the salary cap impacts the Retirement Systems, we felt it crucial to test the actuary's assumption on this point.

Additionally, in our interviews with the associations and State agencies, a top concern expressed by all groups was whether or not lifting the cap was having an impact on retirement rates, and thus the system.

Consequently, we conducted an evaluation of retirement patterns before and after the salary exemption was put in place for teachers. We found that the number of teachers retiring annually was increasing. Generally, this is true of most classes of employees because larger numbers are becoming eligible to retire. However, while the percent of teachers out of the entire teacher population eligible to retire had remained fairly constant overtime (between 12-14%), the percent of the retirement eligible that actually retired rose significantly after the salary exemption policy was enacted in 1999. Further, the percent of teachers eligible to retire actually declined slightly in 2003, further magnifying the effect of lifting the cap.

This finding supports the actuary's cost projections, which are based on the premise that lifting the salary cap accelerates retirement rates. Recognizing that un-funded costs will gradually erode the system's ability to meet its liabilities, we arrived at the following recommendations:

Recommendation 1: The Retirement System recommends that if the existing return-to-work exemption for those who return to teach is to be retained temporarily, or made permanent, that the costs must be recognized and appropriately funded.

Recommendation 2: Any new salary cap exemptions adopted by the General Assembly should include cost evaluations and appropriate funding measures.

Recommendation 3: Conduct a study to determine if salary cap exemptions are an effective personnel strategy for enhancing retention.

Recommendations 4 and 5 pertain to maintaining North Carolina's tax-exempt status. Maintaining the State's tax exempt status is a critical step toward preserving the retirement systems. Ensuring that North Carolina's return-to-work policies comply with IRS regulations will require two adjustments to state law.

Recommendation 4: Establish in statute a required separation from service between the times of retirement and returning to work for all retirees that resume work within the same retirement system, even those subject to earnings limitations.

- Discussions with IRS regulators lead the Retirement System to believe that current policy allowing retirees to return to work immediately, including

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those abiding by earnings restrictions, places the Retirement System's tax-exempt status in jeopardy. Establishing a mandatory separation of service will ensure compliance.

Recommendation 5: Specify in statute that pre-existing employment agreements between employers and employees prior to retirement are prohibited.

- A common practice for employees who return to teach under the current exemption, as well as other employees working under the wage cap, is to establish a post-retirement employment agreement to be fulfilled when they return after the required break in service. This practice is explicitly prohibited by the IRS and threatens the Retirement System's tax-exempt status.

The final recommendation pertains to the consideration of other employee retention programs. The report proposed three:

Recommendation 6A: Conduct a comprehensive analysis of the State's total employee turnover. Derive the associated turnover costs. Begin to recognize these costs as operating expenses funded from departmental budgets. Develop a new retention program that gives department and agency management the ability to offer valuable veteran employees a bonus incentive to postpone retirement.

Recommendation 6B: Evaluate and prepare for implementation of a State phased retirement program.

Recommendation 6C: Consider the adoption of incentives, such as an increase in the retirement accrual rate for employees who have reached retirement eligibility, to encourage continued service.

The Retirement Systems Division submitted this report to members of the General Assembly on February 17, 2005.

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Actuarial Cost Projections for Various Salary Cap Exemption Proposals Projections calculated in April 2004, payroll figures updated March 2005

Exemption Period 1: Six Months (current law)^				
		Extend Sunset to:		
Group	Permanent Exemption*	6/30/2005**	6/30/2006*	6/30/2007*
Teachers	$31.1 Million (0.28%)	$4.2 Million (0.04%)	$7.8 Million (0.07%)	$11.1 Million (0.10%)
Assistant Principals	$2.2 Million (0.02%)	Less than $1 Million	Less than $1 Million	$1.1 Million (0.01%)
Central Office	$1.1 Million (0.01%)	Less than $1 Million	Less than $1 Million	Less than $1 Million
Principals	$2.2 Million (0.02%)	Less than $1 Million	Less than $1 Million	$1.1 Million (0.01%)
Support Staff	$2.2 Million (0.02%)	Less than $1 Million	Less than $1 Million	$1.1 Million (0.01%)
All other State personnel	$43.3 Million (0.39%)	$6.4 Million (0.06%)	$12.2 Million (0.11%)	$16.7 Million (0.15%)
Total!	**$83.3 Million (0.75%)**	**$11.6 Million (0.11%)**	**$21.1 Million (0.19%)**	**$31.1 Million (0.28%)**

^ Figures based on 2003 Valuation and 2004 Legislation – Values will vary year to year.

* 2005 – 2006 Payroll $11.1 Billion

** 2004-2005 Payroll $10.6 Billion

! Totals may not be exact due to rounding

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Figure 2: Percent of Total Teacher Population Eligible to Retire

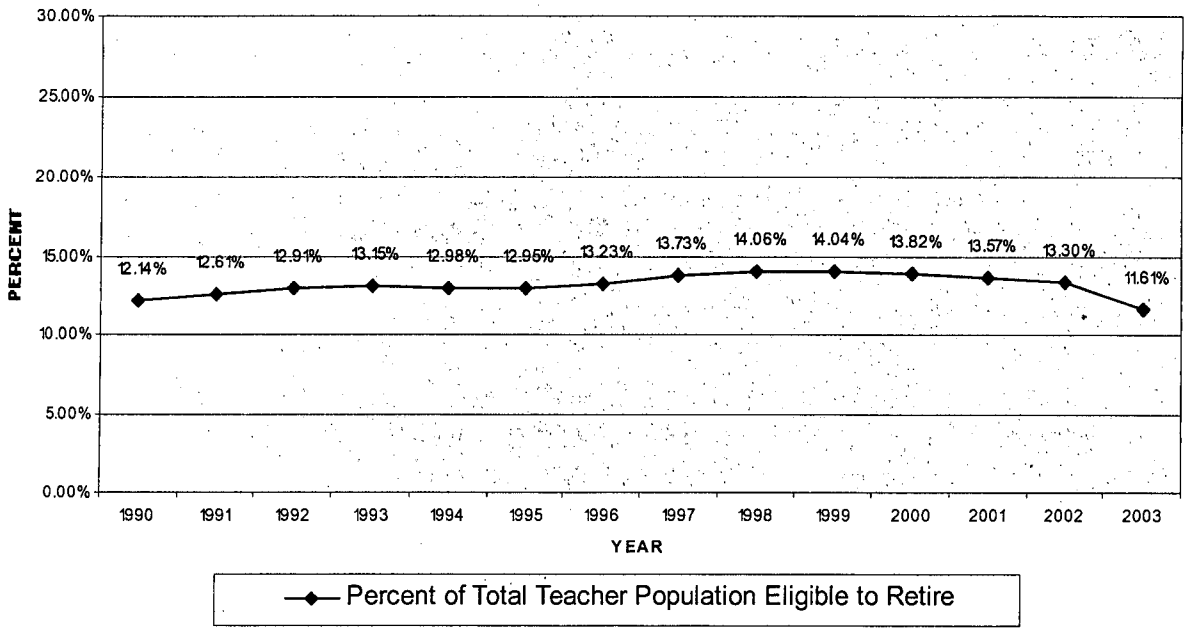
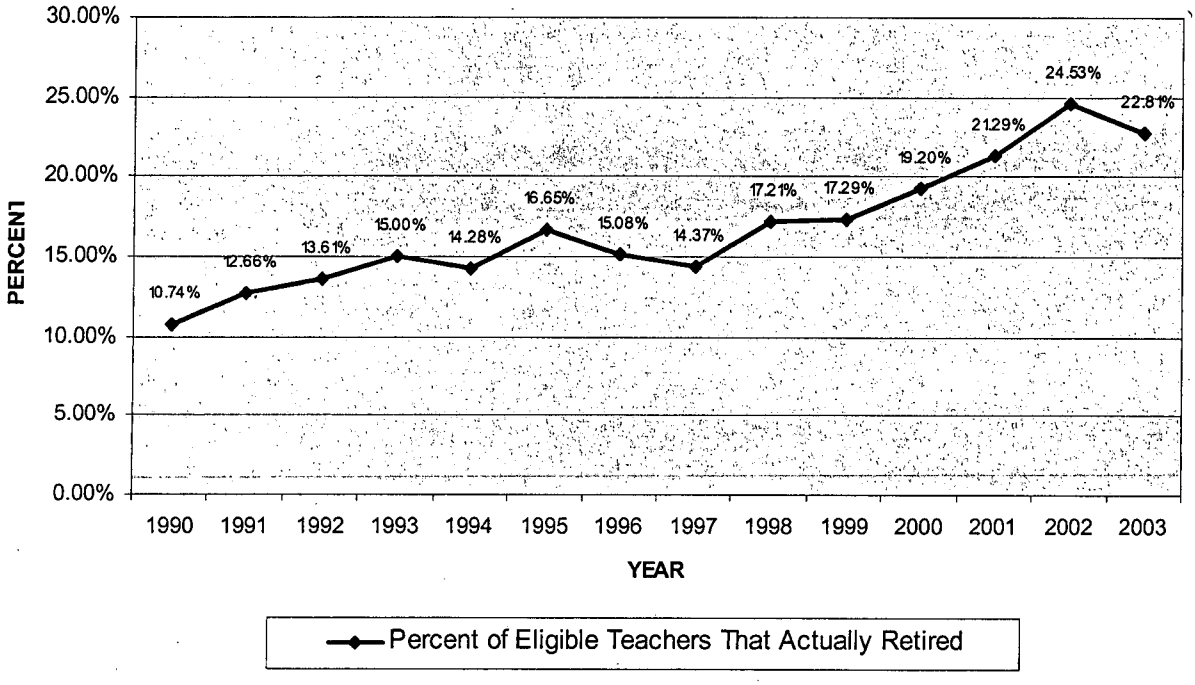


Figure 3: Percent of Retirement Eligible Teachers That Retired



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Rm. 544 Rep. MC 2:00

House Pages

Name Of Committee: Education Date: May 2. 05

1. Name: _____

   County: _____

   Sponsor: _____

2. Name: _____

   County: _____

   Sponsor: _____

3. Name: _____

   County: _____

   Sponsor: _____

4. Name: _____

   County: _____

   Sponsor: _____

5. Name: _____

   County: _____

   Sponsor: _____

Sgt-At-Arms

1. Name: Willie Dixon
2. Name: Jay Calloway
3. Name: Frank Prevo
4. Name: Martha Pannell
5. Name: _____

3
11:00
2:00
544

House Pages

Name Of Committee: Education Date: May 3-05

1. Name: Ashley Winters
   County: Wayne
   Sponsor: Rep. Louis Pate
2. Name: Ariel Butters
   County: Wake
   Sponsor: Rep. Russell Capps
3. Name: _____
   County: _____
   Sponsor: _____
4. Name: _____
   County: _____
   Sponsor: _____
5. Name: _____
   County: _____
   Sponsor: _____

Sgt-At-Arms

1. Name: Willie Dixon
2. Name: Frank Prevo
3. Name: Jay Calloway
4. Name: Martha Painter
5. Name: _____

11:00
Rep Lucas -

2:00
Rep McLawhorn

VISITOR REGISTRATION SHEET

House Education Committee — 5/3/05

Name of Committee — **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Lisa Bateman	DJJDP
Marcus Downs	NCAE
Michael Houser	NCAE
Paula A. Wolf	Planned Parenthood Health Systems
Paige Johnson	Planned Parenthood
Melissa Reed	NARAL
Leland Blankenship	Buncombe Co Schools / NCACTE
[illegible]	[illegible]
John Cyrus	NCSG
Hilary Arthur	NCASA
[illegible]	NCF

VISITOR REGISTRATION SHEET

House Education Committee — 5/3/05

Name of Committee — **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Jeff Poston	GAIO
Debra Pierce	SBE
Elsie C. Leak	DPI
Ed Regan	NCRGEA
Pam Dearadorff	Retirement/DST
Paul Stock	NCBA
Betty Tarner	BAC
Meredith Hudson	CIU
Millie Ravenel	CIU
Rise Norris	Fay NC.
Chad Hinton	Civitas Institute

VISITOR REGISTRATION SHEET

House Education Committee — 5/3/05

Name of Committee — **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
MARCO A. ZARATE	NC SOCIETY OF HISPANIC PROFESSIONALS 201 SHANNON OAKS CIRCLE, SUITE 200 CARY NC 27511
Shannah Smith	UNC Center for Civil Rights
Lee Wood Moavenzadeh	parent
Cam Crew	BPMHL
Brett Joyal	DST
Jane Raben	NC Community College Faculty Assn
CLIFF MITCHELL	NC COMMUNITY COLLEGE FACULTY ASSOC
Jessica Sage	NC Family Policy Council
Kathleen Edwards	UNC-CH Legis Reporting Service.

ATTENDANCE

Education

(Name of Committee)

DATES	03/15/05	04/05/05	04/07/05	04/12/05	05/03/05	05/17/05	05/17/05	06/01/05	06/07/05	06/28/05	07/19/05
BELL, Larry	x	x	x	x	x						
LUCAS, Marvin	x	x	x	x	x						
McLAWHORN, Marian	x	x	x	x	x						
ADAMS, Alma	x	x	x	x	x						
ALLEN, Bernard	x	x	x	x	x						
BLACKWOOD, Curtis	x	x		x	x						
BORDSEN, Alice	x	x	x	x	x						
BROWN, Larry					x						
CARNEY, Becky	x	x	x	x	x						
CLEVELAND, George	x	x	x	x	x						
COLE, Nelson	x	x	x	x	x						
COLEMAN, Linda	x	x	x	x	x						
CRAWFORD, James	x				x						
DAUGHTRIDGE, William	x	x		x	x						
DICKSON, Margaret	x	x	x	x	x						
DOCKHAM, Jerry		x		x	x						
ENGLAND, Bob	x		x	x	x						
FISHER, Susan	x	x	x	x	x						
FOLWELL, Dale	x	x		x	x						
FRYE, Phillip	x	x	x	x	x						
GLAZIER, Rick	x	x	x	x	x						
GOFORTH, Bruce	x	x	x	x	x						
WADE-GOODWIN, Melanie	x	x		x	x						
GRADY, Robert											
HARRELL, James	x										
HARRISON, Pricey	x	x	x	x	x						

DATES	03/15/05	04/05/05	04/07/05	04/12/05	05/03/05	05/17/05	05/17/05	06/01/05	06/07/05	06/28/05	07/19/05
HILTON, Mark	x	x	x	x	x						
HOLLO, Mark	x	x	x	x	x						
HOLLOWAY, Bryan	x	x	x	x	x						
HOLMES, George	x			x	x						
INSKO, Verla	x			x	x						
JEFFUS, Maggie	x	x	x	x	x						
JOHNSON, Linda	x		x	x							
JUSTICE, Carolyn	x	x	x	x	x						
LANGDON, James	x	x	x	x	x						
LUEBKE, Paul	x	x	x	x	x						
MARTIN, Grier	x	x	x	x	x						
McALLISTER, Mary	x	x	x	x	x						
MICHAUX, Mickey		x	x	x							
NYE, Edd	x	x	x	x	x						
PARMON, Earline	x		x	x	x						
PATE, Louis	x	x	x	x	x						
PRESTON, Jean	x		x		x						
RAPP, Raymond	x	x	x	x	x						
RAY, Karen	x	x	x	x	x						
SAULS, John			x		x						
STILLER, Bonner		x	x	x	x						
TOLSON, Joe	x	x	x	x	x						
WALKER, Tracy	x	x	x		x						
WARREN, Edith	x		x		x						
WILEY, Laura	x	x	x	x	x						
WILKINS, Winkie	x	x	x	x	x						

DATES	03/15/05	04/05/05	04/07/05	04/12/05	05/03/05	05/17/05	05/17/05	06/01/05	06/07/05	06/28/05	07/19/05
WOMBLE, Larry	x	x	x	x	x						
WRAY, Michael	x	x		x	x						
YONGUE, Douglas	x	x	x	x	x						
CULPEPPER, Bill											
CUNNINGHAM, Pete			x	x							
EDDINS, Rick											
HACKNEY, Joe											
Dee Atkinson	x		x		x						
Drupti Chauhan	x		x		x						
Shirley Iorio	x		x		x						
Robin Johnson	x		x		x						
Sara Kamprath	x		x		x						

MINUTES
HOUSE EDUCATION COMMITTEE

May 3, 2005
2PM Meeting

The House Education Committee met on Tuesday, May 3, 2005, in Room 544 of the Legislative Office Building at 2:00 PM. The following members were present: Chairs Bell, Lucas and McLawhorn, Vice Chairs Dickson, England, Glazier, Parmon, Preston, and Sauls, Representatives Adams, Allen, Blackwood, Bordsen, Brown, Carney, Cleveland, Cole, Coleman, Daughtridge, Fisher, Folwell, Frye, Goforth, Goodwin, Harrison, Hollo, Holloway, Jeffus, Langdon, Luebke, Martin, Nye, Pate, Rapp, Ray, Stiller, Tolson, Walker, Warren, Wiley, Wilkins, Womble, Wray, and Yongue. Staff Counselors Dee Atkinson, Shirley Iorio, Drupti Chauhan, Robin Johnson, and Sara Kamprath were also in attendance. A Visitor Registration list is attached and made part of these minutes.

Chairwoman Marian McLawhorn called the meeting to order.

The first bill to be heard was HB 413, A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR A STUDY OF WHAT HIGH SCHOOL GRADUATES NEED TO KNOW IN A RAPIDLY CHANGING AND COMPLEX GLOBAL SOCIETY AND ECONOMY. Representative Tolson, primary bill sponsor, explained the bill. A copy of the original bill and bill summary is attached and made part of these minutes. Representative Tolson sent forth an amendment (see Attachment #1). The amendment carried. Representative Pate sent forth an amendment (see Attachment #2). The amendment carried. Upon motion made by Representative Womble, the committee voted to give HB 413 a favorable report to the bill as amended, rolled into a committee substitute, with a favorable report to the committee substitute and an unfavorable report to the original bill.

The next order of business was HB 1079, A BILL TO BE ENTITLED AN ACT DIRECTING THE JOINT LEGISLATIVE EDUCATION OVERSIGHT COMMITTEE TO STUDY THE NEED TO RAISE THE COMPULSORY SCHOOL ATTENDANCE AGE. Representatives Parmon, Glazier, Womble, and McLawhorn are the primary bill sponsors. A copy of the original bill and bill summary is attached and made part of these minutes. Representative Parmon explained the bill. Representatives Dickson, Stiller, Wilkins, Fisher, and Adams spoke in favor of the bill. Representatives Goforth, Blackwood and Cleveland expressed concerns. Ms. Elsie Leak, with the North Carolina Department of Public Instruction, spoke in favor of the bill. Upon motion made by Representative Fisher, the committee voted for a favorable report to be serially re-referred to the Committee on Rules, Calendar and Operations of the House.

The next order of business was HB 1076, A BILL TO BE ENTITLED AN ACT REQUIRING THE NEW HANOVER COUNTY BOARD OF EDUCATION TO STUDY SUCCESS CENTERS AND REPORT TO THE JOINT LEGISLATIVE EDUCATION OVERSIGHT COMMITTEE BEFORE IMPLEMENTING THEM IN THE NEW HANOVER COUNTY SCHOOLS. Representative Wright is the primary bill sponsor. A copy of the original bill and bill summary is attached and made part of these minutes. Representative Lucas made a motion to properly bring the proposed committee substitute before the committee for discussion. Staff Counselor, Robin Johnson, explained the proposed committee substitute (see attached). Representatives Pate, Daughtridge, and Stiller made comments on the bill. No action was taken on this bill.

With there being very little time left to hear any more questions, the chairwoman adjourned the meeting at 2:45PM.

Respectively submitted,

Marian N. McLawhorn
Representative Marian McLawhorn

Susan H. Burleson
Susan H. Burleson, Committee Assistant

NORTH CAROLINA HOUSE OF REPRESENTATIVES
COMMITTEE MEETING NOTICE
2005-2006 SESSION

You are hereby notified that the Committee on **EDUCATION** will meet as follows:

DAY & DATE: **Tuesday, May 3, 2005**

TIME: **11:00 a.m. and 2:00 p.m.**

LOCATION: **643 LOB**

The following bills will be considered (Bill # & Short Title & Bill Sponsor):

H 779 - RAISE COMPULSORY SCHOOL ATTENDANCE AGE – Rep. Fisher
H 1079 - STUDY RAISING THE COMPULSORY ATTENDANCE AGE – Reps. Parmon, Glazier, Womble, McLawhorn
H 16 - SCH. CURRICULUM SHALL INCLUDE CONSUMER EDUC – Rep. Miller
H 1076 - STUDY SUCCESS CENTERS/NEW HANOVER SCHOOLS - Rep. Wright
H 1264 - BOARD CERT. TEACHERS SERVE AS SCH. LEADERS – Reps. Yongue, Warren, Jeffus, Johnson
H 413 - GLOBAL EDUCATION FOR STUDENTS/STUDY – Rep. Tolson
H 1342 - SPECIAL DIPLOMAS FOR WAR VETERANS – Rep. Sherrill

Respectfully,

Representatives Bell, Lucas, McLawhorn
Chairs

I hereby certify this notice was filed by the committee assistant at the following offices at **8:45 a.m.** on **Thursday, April 28, 2005.**

___Principal Clerk
___Reading Clerk - House Chamber

Thelma T. Utley (Committee Assistant)

HOUSE EDUCATION COMMITTEE MEETING

Tuesday, May 3, 2005
Room 544 LOB
2:00 PM

OPENING REMARKS AND INTRODUCTIONS

Representative Marian N. McLawhorn, Co-Chair

AGENDA ITEMS

H413 - Global Education For Students/Study
Representative Tolson

H1079 - Study Raising Compulsory Attendance Age
Representatives Parmon, Glazier, Womble, McLawhorn

H1076 – Study Success Centers/New Hanover Schools
Representative Wright

H1264 - Board Cert. Teachers Serve as School Leaders
Representatives Yongue, Warren, Jeffus, and Johnson

ADJOURNMENT

ATTENDANCE

Education

(Name of Committee)

DATES	03/15/05	03/22/05	03/29/05	04/05/05	04/07/05	04/12/05	04/19/05	04/26/05	05/03/05	05/03/05				
BELL, Larry	x			x	x	x			x	✓				
LUCAS, Marvin	x			x	x	x			x	✓				
McLAWHORN, Marian	x			x	x	x			x	✓				
ADAMS, Alma	x			x	x	x			x	✓				
ALLEN, Bernard	x			x	x	x			x	✓				
BLACKWOOD, Curtis	x			x		x			x	✓				
BORDSEN, Alice	x			x	x	x			x	✓				
BROWN, Larry									x	✓				
CARNEY, Becky	x			x	x	x			x	✓				
CLEVELAND, George	x			x	x	x			x	✓				
COLE, Nelson	x			x	x	x			x	✓				
COLEMAN, Linda	x			x	x	x			x	✓				
CRAWFORD, James	x								x					
DAUGHTRIDGE, William	x			x		x			x	✓				
DICKSON, Margaret	x			x	x	x			x	✓				
DOCKHAM, Jerry				x		x			x					
ENGLAND, Bob	x				x	x			x	✓				
FISHER, Susan	x			x	x	x			x	✓				
FOLWELL, Dale	x			x		x			x	✓				
FRYE, Phillip	x			x	x	x			x	✓				
GLAZIER, Rick	x			x	x	x			x	✓				
GOFORTH, Bruce	x			x	x	x			x	✓				
WADE-GOODWIN, Melanie	x			x		x			x	✓				
GRADY, Robert														
HARRELL, James	x													
HARRISON, Pricey	x			x	x	x			x	✓				

DATES	03/15/05	03/22/05	03/29/05	04/05/05	04/07/05	04/12/05	04/19/05	04/26/05	05/03/05	05/03/05					
HILTON, Mark	x			x	x	x			x						
HOLLO, Mark	x			x	x	x			x	✓					
HOLLOWAY, Bryan	x			x	x	x			x	✓					
HOLMES, George	x					x			x						
INSKO, Verla	x					x			x						
JEFFUS, Maggie	x			x	x	x			x	✓					
JOHNSON, Linda	x				x	x									
JUSTICE, Carolyn	x			x	x	x			x						
LANGDON, James	x			x	x	x			x	✓					
LUEBKE, Paul	x			x	x	x			x	✓					
MARTIN, Grier	x			x	x	x			x	✓					
McALLISTER, Mary	x			x	x	x			x						
MICHAUX, Mickey				x	x	x									
NYE, Edd	x			x	x	x			x	✓					
PARMON, Earline	x				x	x			x	✓					
PATE, Louis	x			x	x	x			x	✓					
PRESTON, Jean	x				x				x	✓					
RAPP, Raymond	x			x	x	x			x	✓					
RAY, Karen	x			x	x	x			x	✓					
SAULS, John					x				x	✓					
STILLER, Bonner				x	x	x			x	✓					
TOLSON, Joe	x			x	x	x			x	✓					
WALKER, Tracy	x			x	x				x	✓					
WARREN, Edith	x				x				x	✓					
WILEY, Laura	x			x	x	x			x	✓					
WILKINS, Winkie	x			x	x	x			x	✓					

DATES	03/15/05	03/22/05	03/29/05	04/05/05	04/07/05	04/12/05	04/19/05	04/22/05	05/03/05	05/03/05					
WOMBLE, Larry	x			x	x	x			x	✓					
WRAY, Michael	x			x		x			x	✓					
YONGUE, Douglas	x			x	x	x			x	✓					
CULPEPPER, Bill															
CUNNINGHAM, Pete					x	x									
EDDINS, Rick															
HACKNEY, Joe															
Dee Atkinson	x				x				x	✓					
Drupti Chauhan	x				x				x	✓					
Shirley Iorio	x				x				x	✓					
Robin Johnson	x				x				x	✓					
Sara Kamprath	x				x				x	✓					

VISITOR REGISTRATION SHEET

House Education Committee — 2PM -Tuesday, May 3, 2005

Name of Committee — **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Meredith Henderson	CLU / EPFP
Millie Rancourt	c.14
Stephanie Carter	Center for International Understanding
Jackie Sorrage	Connections
Marcia Dickerman	DPI/EPFP
Yvonette Spanlin	NCDPI / EPFP
Anna Kolchagova	NC REAL / EPFP
Gladys Soga	NCDPI

VISITOR REGISTRATION SHEET

House Education Committee — 2PM -Tuesday, May 3, 2005

Name of Committee — **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Elsie C. Leak	DPI
Brad McMillen	WCPSS / EPFP
Wanny Simmons	DPI / EPFP
Paul Idol	Jim Crawford's Intern
Barbara Hollo	visitor of Rep. Mark Hollo
Chad Hinton	Civitas Institute
Robert Hines	NCDPI / EPFP
Laura Kramer	EPFP
DANA ROBERTS	NCSBA / EPFP
Mary Beth Corbin	ECU NC Teaching Fellows / EPFP
Angela O Cogdill	Granville County Schools / EPFP

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2005

HOUSE BILL 413*

Short Title:	Global Education for Students/Study.	(Public)
Sponsors:	Representatives Tolson; Alexander, Faison, Glazier, McLawhorn, Ross, and Wray.	
Referred to:	Education.	

March 1, 2005

A BILL TO BE ENTITLED

AN ACT TO PROVIDE FOR A STUDY OF WHAT HIGH SCHOOL GRADUATES NEED TO KNOW IN A RAPIDLY CHANGING AND COMPLEX GLOBAL SOCIETY AND ECONOMY.

The General Assembly of North Carolina enacts:

SECTION 1. The State Board of Education and the Board of Governors of The University of North Carolina shall jointly study the issue of what high school graduates need to know and be able to do in a rapidly changing and complex global society and economy, in order to pursue further formal education or gainful employment. In the course of this study, the Boards shall determine:

(1) What new skills or knowledge may be needed, particularly in the areas of literature, social sciences, technology, and foreign languages, in view of the economic needs of the State and in order to maximize our economic competitiveness;

(2) Whether the minimum standards for admission to a constituent institution of The University of North Carolina should be revised to reflect these new skills and knowledge;

(3) Whether the courses required for a high school diploma should be changed or whether the content of existing courses and curricula at all grade levels should be modified to reflect these new skills and knowledge;

(4) Whether the schools of education at the constituent institutions of The University of North Carolina are preparing competent teachers in sufficient numbers to teach these new skills and knowledge;

(5) Whether foreign language courses other than European languages are available in the public schools. If so, the languages that are available and where they are taught; and

(6) Whether the ABCs accountability program should be modified to emphasize these new skills and knowledge.

The State Board of Education and the Board of Governors shall coordinate this study with the North Carolina Center for International Understanding and the Department of Commerce in order to build on the work of the North Carolina in the World Project and to align the State's global education needs with the global economic strategic priorities.

The Boards shall report their findings, including any recommendations for statutory or policy changes, by May 15, 2006, to the Joint Legislative Education Oversight Committee.

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

HOUSE BILL 413:
Global Education for Students/Study

BILL ANALYSIS

Committee:	House Education	**Date:**	April 29, 2005
Introduced by:	Rep. Tolson	**Summary by:**	Drupti Chauhan
Version:	First Edition		Committee Counsel

SUMMARY: House Bill 413 would direct the State Board of Education and the UNC Board of Governors to jointly study what high school graduates need to know in a global society and economy.

BILL ANALYSIS: House Bill 413 would direct the State Board of Education and the UNC Board of Governors to jointly study the issue of what skills and knowledge base high school graduates need in a changing and complex global society and economy in order to pursue higher education or find employment. The Boards are to determine the following:

- What new skills or knowledge may be needed in areas such as literature, social sciences, technology and foreign languages to maximize the economic competitiveness of the State;
- Whether the minimum standards for admission to a NC constituent institution should be revised to reflect new skills and knowledge;
- Whether the courses required for a high school diploma should be changed and whether the content of existing courses at all grade levels need to be modified;
- Whether the schools of education at the UNC constituent institutions are preparing teachers in sufficient numbers to teach the new skills and knowledge;
- What foreign languages (other than European languages) are available in the schools; and
- Whether the ABCs accountability program should be modified to emphasize these new skills and knowledge.

The Boards would be directed to coordinate the study with the NC Center for International Understanding and the Department of Commerce in order build on the work of the North Carolina in the World Project and align the State's education needs with the global economic priorities.

The findings along with any recommendations for statutory or policy changes must be reported to the Joint Legislative Education Oversight Committee by May 15, 2006.

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

BACKGROUND: North Carolina in the World is a statewide collaboration with the purpose of strengthening K-12 international education coordinated by the NC Center for International Understanding as the request of the Governor's Office. The plan objectives include increasing teacher knowledge about the world; expanding students' world language skills; building international school partnerships and exchanges; connecting NC teachers and K-12 students with higher education resources; and infusing international content into existing programs.

H0413e1-SMRQ

Amendment 1

NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
House Bill 413*

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

H413-ARQ-14 [v.1]

Date _____,2005

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

Representative Tolson

moves to amend the bill on page 1 lines 25-27 by rewriting the lines to read:

"(5) Where foreign languages are taught, in what grades, for how long, and whether languages other than European languages are available in the public schools. If so, the languages that are available, and where they are taught; and"

SIGNED _____
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED _____ FAILED _____ TABLED _____

Amendment 2

NORTH CAROLINA GENERAL ASSEMBLY AMENDMENT

(Please type or use ballpoint pen)

EDITION No. _____

H. B. No. 413 DATE _____

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

COMMITTEE SUBSTITUTE _____

Rep.)
) Pate
Sen.)

1 moves to amend the bill on page 1, line 10
2 ( ) WHICH CHANGES THE TITLE
3 by inserting after "employment." the following:
4 "The Boards, in conducting the study, shall
5 consult with North Carolina industries that
6 are global leaders."
7
8
9
10
11
12
13
14
15
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17
18
19

SIGNED Louis M Pate Jr

ADOPTED _____ FAILED _____ TABLED _____

PRINCIPAL CLERK'S OFFICE (FOR ENGROSSMENT)

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2005

H D

HOUSE BILL 413*
PROPOSED COMMITTEE SUBSTITUTE H413-PCS70424-RQ-17

Short Title: Global Education for Students/Study. (Public)

Sponsors:

Referred to:

March 1, 2005

A BILL TO BE ENTITLED

AN ACT TO PROVIDE FOR A STUDY OF WHAT HIGH SCHOOL GRADUATES NEED TO KNOW IN A RAPIDLY CHANGING AND COMPLEX GLOBAL SOCIETY AND ECONOMY.

The General Assembly of North Carolina enacts:

SECTION 1. The State Board of Education and the Board of Governors of The University of North Carolina shall jointly study the issue of what high school graduates need to know and be able to do in a rapidly changing and complex global society and economy in order to pursue further formal education or gainful employment. The Boards, in conducting the study, shall consult with North Carolina industries that are global leaders. In the course of this study, the Boards shall determine:

(1) What new skills or knowledge may be needed, particularly in the areas of literature, social sciences, technology, and foreign languages, in view of the economic needs of the State and in order to maximize our economic competitiveness;

(2) Whether the minimum standards for admission to a constituent institution of The University of North Carolina should be revised to reflect these new skills and knowledge;

(3) Whether the courses required for a high school diploma should be changed or whether the content of existing courses and curricula at all grade levels should be modified to reflect these new skills and knowledge;

(4) Whether the schools of education at the constituent institutions of The University of North Carolina are preparing competent teachers in sufficient numbers to teach these new skills and knowledge;

(5) Where foreign languages are taught, in what grades, for how long, and whether languages other than European languages are available in the

public schools. If so, the languages that are available, and where they are taught; and

(6) Whether the ABCs accountability program should be modified to emphasize these new skills and knowledge.

The State Board of Education and the Board of Governors shall coordinate this study with the North Carolina Center for International Understanding and the Department of Commerce in order to build on the work of the North Carolina in the World Project and to align the State's global education needs with the global economic strategic priorities.

The Boards shall report their findings, including any recommendations for statutory or policy changes, by May 15, 2006, to the Joint Legislative Education Oversight Committee.

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

2005 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES

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

By Representative Bell, Lucas, McLawhorn (Chairs) for the Committee on EDUCATION.

☐ Committee Substitute for

HB 413 A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR A STUDY OF WHAT HIGH SCHOOL GRADUATES NEED TO KNOW IN A RAPIDLY CHANGING AND COMPLEX GLOBAL SOCIETY AND ECONOMY.

☒ With a favorable report as to the committee substitute bill, unfavorable as to the original bill.

(FOR JOURNAL USE ONLY)

_____ Pursuant to Rule 32(a), the bill/resolution is re-referred to the Committee on _____.

_____ Pursuant to Rule 36(b), the (House) committee substitute bill/(joint) resolution (No._____) is placed on the Calendar of _____. (The original bill resolution No._____) is placed on the Unfavorable Calendar.

_____ The (House) committee substitute bill/(joint) resolution (No. ____) is re-referred to the Committee on _____. (The original bill/resolution) (House/Senate Committee Substitute Bill/(Joint) resolution No. ___) is placed on the Unfavorable Calendar.

_____ Pursuant to Rule 32(a), the bill/resolution is re-referred to the Committee on _____.

_____ The bill/resolution is re-referred to the Committee on _____.

H 1

HOUSE BILL 1079

Short Title:	Study Raising the Compulsory Attendance Age.	(Public)
Sponsors:	Representatives Parmon, Glazier, Womble, McLawhorn (Primary Sponsors); B. Allen, Carney, Farmer-Butterfield, Fisher, Pierce, Ross, Wainwright, and Weiss.	
Referred to:	Education, if favorable, Rules, Calendar, and Operations of the House.	

March 31, 2005

A BILL TO BE ENTITLED

AN ACT DIRECTING THE JOINT LEGISLATIVE EDUCATION OVERSIGHT COMMITTEE TO STUDY THE NEED TO RAISE THE COMPULSORY SCHOOL ATTENDANCE AGE.

The General Assembly of North Carolina enacts:

SECTION 1. The Joint Legislative Education Oversight Committee shall perform a comprehensive study of the need to raise the compulsory school attendance age. In the course of the study, the Committee shall consider:

(1) The impact of dropping out on the student;
(2) The capacity of a 16-year-old to understand the social and economic consequences of dropping out of school;
(3) The emergence of major high school reform efforts, including Learn and Earn Programs, the New Schools Initiative, and 21st Century Schools, and the impact they may have on teenagers who remain in school longer;
(4) The importance to the entire State of every student leaving high school prepared to enter the workforce or succeed in higher education;
(5) Research on factors related to students' success in school;
(6) Strategies, programs, and support services that should be provided if the compulsory school attendance age is raised to enable students to graduate from high school and time lines for implementing those strategies, programs, and support services;
(7) Related laws and policies that must be addressed to ensure the availability of support services for students;
(8) The fiscal impact of raising the compulsory attendance age;
(9) The law in other states and the experience of other states that have raised the compulsory school attendance age; and

(10) Input from school personnel and from dropouts and students at risk of dropping out on the issue.

The Joint Legislative Education Oversight Committee shall report the results of its study and its recommendations to the 2006 Regular Session of the 2005 General Assembly.

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

HOUSE BILL 1079:
Study Raising the Compulsory Attendance Age

BILL ANALYSIS

Committee:	House Education	**Introduced by:**	Reps. Parmon, Glazier, Womble & McLawhorn
Date:	April 19, 2005		
Version:	1st Edition	**Summary by:**	Drupti Chauhan Committee Counsel

SUMMARY: ***House Bill 1079 would direct the Joint Legislative Education Oversight Committee to study whether the compulsory school attendance age should be raised.***

BILL ANALYSIS: House Bill 1079 would direct the Joint Legislative Education Oversight Committee to study the need to raise the compulsory school attendance age. The Joint Legislative Education Oversight Committee would be required to report the results of the study to the 2006 Regular Session of the 2005 General Assembly.

BACKGROUND: The State Board of Education has placed raising the compulsory school attendance age on its legislative policy priority list for this legislative year.

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

2005 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES

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

By Representative Bell, Lucas, McLawhorn (Chairs) for the Committee on EDUCATION.

☐ Committee Substitute for.

HB 1079 A BILL TO BE ENTITLED AN ACT DIRECTING THE JOINT LEGISLATIVE EDUCATION OVERSIGHT COMMITTEE TO STUDY THE NEED TO RAISE THE COMPULSORY SCHOOL ATTENDANCE AGE.

☒ With a favorable report and recommendation that the bill be re-referred to the Committee on RULES, CALENDAR, AND OPERATIONS OF THE HOUSE.

(FOR JOURNAL USE ONLY)

_____ Pursuant to Rule 32(a), the bill/resolution is re-referred to the Committee on _____.

_____ The bill/resolution is re-referred to the Committee on _____.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2005

HOUSE BILL 1076

Short Title:	Study Success Centers/New Hanover Schools.	(Local)
Sponsors:	Representative Wright.	
Referred to:	Education.	

March 31, 2005

A BILL TO BE ENTITLED

AN ACT REQUIRING THE NEW HANOVER COUNTY BOARD OF EDUCATION TO STUDY SUCCESS CENTERS AND REPORT TO THE JOINT LEGISLATIVE EDUCATION OVERSIGHT COMMITTEE BEFORE IMPLEMENTING THEM IN THE NEW HANOVER COUNTY SCHOOLS.

The General Assembly of North Carolina enacts:

SECTION 1. Before implementing success centers in New Hanover County, the New Hanover Board of Education shall complete the following:

(1) Define success centers and establish guidelines and policies for assigning students to success centers.

(2) Identify the strategies that will be used to improve student achievement and behavior.

(3) Conduct a complete fact-finding study of success centers. In the course of the study, the board shall consider:

a. The success of similar facilities in and out of the State in improving the academic achievement and behavior of students assigned to the centers;

b. The cost of operating such centers, including the cost of:

1. Staffing the center with teachers who have at least four years' teaching experience and who have received an overall rating of at least above standard on a formal evaluation and are certified in the areas and grade levels being taught;

2. Providing optimum learning environments, resources and materials that will ensure each student a sound, basic education as defined by the State Constitution;

3. Providing support personnel, including school counselors, psychiatrists, clinical psychologists, social workers, nurses, and other professionals to help students

and their families work out complex issues and problems; and

4. Maintaining safe and orderly learning environments.

SECTION 2. The New Hanover County Board of Education shall not implement any success centers in the New Hanover County Schools until it has completed the study required by Section 1 of this act and filed the study with the Joint Legislative Education Oversight Committee.

SECTION 3. The New Hanover County Board of Education shall report its objectives, findings. and any recommendations for implementing success centers to the Joint Legislative Education Oversight Committee no later than August 1, 2005.

SECTION 4. This act applies only to the New Hanover County School Administrative Unit.

SECTION 5. Nothing in this act requires the North Carolina General Assembly to appropriate funds for the study or for the implementation of Success Centers.

SECTION 6. This act is effective when it becomes law.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2005

H D

HOUSE BILL 1076
PROPOSED COMMITTEE SUBSTITUTE H1076-CSRH-19 [v.3]

5/3/2005 12:30:02 PM

Short Title: Alt. Learning Prog/Sch Proposals. (Public)

Sponsors:

Referred to:

March 31, 2005

A BILL TO BE ENTITLED

AN ACT TO DIRECT THE STATE BOARD OF EDUCATION TO ADOPT STANDARDS FOR ALTERNATIVE LEARNING PROGRAMS, AND TO REQUIRE LOCAL BOARDS OF EDUCATION TO DEVELOP PROPOSALS THAT ARE SUBMITTED TO THE STATE BOARD OF EDUCATION BEFORE ESTABLISHING ANY ALTERNATIVE LEARNING PROGRAM OR ALTERNATIVE SCHOOL.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 115C-12(24) reads as rewritten:

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

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

...

(24) Duty to Develop ~~Policies and Guidelines~~ Standards for Alternative Learning Programs, Provide Technical Assistance on Implementation of Programs, and Evaluate Programs. – The State Board of Education shall adopt ~~guidelines~~ standards for assigning students to alternative learning programs. These ~~guidelines~~ standards shall include (i) a description of the programs and services that are recommended to be provided in alternative learning programs and (ii) a process for ensuring that an assignment is appropriate for the student and that the student's parents are involved in the decision. The State Board also shall adopt policies that define what constitutes an alternative school and an alternative learning program.

The State Board of Education shall also adopt ~~guidelines~~ standards to require that local school administrative units shall use (i) the teachers allocated for students assigned to alternative learning programs pursuant to the regular teacher allotment and (ii) the teachers allocated for students assigned to alternative learning programs only to serve the needs of these students.

The State Board of Education shall provide technical support to local school administrative units to assist them in developing and implementing plans and proposals for alternative learning programs.

The State Board shall evaluate the effectiveness of alternative learning programs and, in its discretion, of any other programs funded from the Alternative Schools/At-Risk Student allotment. Local school administrative units shall report to the State Board of Education on how funds in the Alternative Schools/At-Risk Student allotment are spent and shall otherwise cooperate with the State Board of Education in evaluating the alternative learning programs. As part of its evaluation of the effectiveness of these programs, the State Board shall, through the application of the accountability system developed under G.S. 115C-105.35, measure the educational performance and growth of students placed in alternative schools and alternative programs. If appropriate, the Board may modify this system to adapt to the specific characteristics of these schools.

..."

SECTION 2. Article 8C of Chapter 115C of the General Statutes is amended by adding the following new section to read:

"**§ 115C-105.47A. Proposals to establish alternative learning programs or alternative schools.**

(a) Before establishing any alternative learning program or alternative school, the local board of education shall develop a proposal to implement the program or school that includes all of the following:

(1) The program's or school's goals, and guidelines and policies for assigning students to the program or school.

(2) Identified strategies that will be used to improve student achievement and behavior.

(3) A consideration of whether similar programs and schools in and out of the State have demonstrated success in improving the academic achievement and behavior of students assigned to them.

(4) The estimated cost of operating the program or school, including the cost of:

a. Staffing the program or school with teachers who have at least four years' teaching experience and who have received an overall rating of at least above standard on a formal evaluation and are certified in the areas and grade levels being taught;

b. Providing optimum learning environments, resources and materials, and high quality, ongoing professional development that will ensure students who are placed in the program or school are provided enhanced educational opportunities in order to achieve their full potential;

c. Providing support personnel, including school counselors, psychiatrists, clinical psychologists, social workers, nurses, and other professionals to help students and their families work out complex issues and problems; and

d. Maintaining safe and orderly learning environments.

e. Providing transitional supports for students exiting the program or school and reentering the referring school.

(5) Documented support of school personnel and the community for the implementation of the program or school.

(6) Policies and procedures for the operation of the program or school based on the State Board's standards for these programs and schools.

(b) After the local board completes the proposal under subsection (a) of this section, the board shall submit the proposal to the State Board of Education for its review. The State Board shall review the proposal expeditiously and, if appropriate, may offer recommendations to modify the proposal. The local board shall consider any recommendations made by the State Board before implementing the alternative learning program or alternative school."

SECTION 3. G.S. 115C-47(32a) reads as rewritten:

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

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

...

(32a) To Establish Alternative Learning Programs and Develop ~~Policies and Guidelines.~~ Policies.– Each local board of education shall establish at least one alternative learning ~~program and shall adopt guidelines for assigning students to alternative learning programs. These guidelines shall include (i) a description of the programs and services to be provided, (ii) a process for ensuring that an assignment is appropriate for the student and that the student's parents are involved in the decision, and (iii) strategies for providing alternative learning programs, when feasible and appropriate, for students who are subject to long-term suspension or expulsion. In developing these guidelines, local boards shall consider the State Board's policies and guidelines~~ and shall adopt policies based on the State Board's standards developed under G.S. 115C 12(24). Upon adoption of policies ~~and guidelines~~ under this subdivision, local boards are encouraged to incorporate them in their safe school plans developed under G.S. 115C-105.47.

The General Assembly urges local boards to adopt policies that prohibit superintendents from assigning to any alternative learning program any professional public school employee who has received within the last three years a rating on a formal evaluation that is less than above standard.

Local boards shall assess on a regular basis whether the unit's alternative schools and alternative learning programs comply with the State Board's standards developed under G.S. 115C-12(24) and whether they incorporate best practices for improving student academic performance and reducing disruptive behavior, are staffed with professional public school employees who are well trained and provided with appropriate staff development, are organized to provide coordinated services, and provide students with high quality and rigorous academic instruction.

..."

SECTION 4. Before implementing success centers or any other alternative learning program or alternative school in New Hanover County, the New Hanover Board of Education shall comply with G.S. 115C-105.47A established in Section 1 of this act. The State Board of Education shall submit to the Joint Legislative Education Oversight Committee a copy of the proposal submitted by the New Hanover Board of Education and a copy of any recommendations made by the State Board.

SECTION 5. Nothing in this act requires the North Carolina General Assembly to appropriate funds for the implementation of alternative learning programs or alternative schools.

SECTION 6. This act is effective when it becomes law. Except as provided in Section 4 of this act, Section 2 of this act applies beginning with any alternative learning program or alternative school to be implemented beginning with the 2006-2007 school year.

HOUSE BILL 1076
ALT. LEARNING PROG/SCH PROPOSALS.

BILL ANALYSIS

Committee:	House Education Committee	**Date:**	May 3, 2005
Introduced by:	Rep. Wright	**Summary by:**	Robin Johnson
Version:	PCS to First Edition H1076-CSRH-19[v.3]		Committee Counsel

SUMMARY: House Bill 1076 would require a local board of education to develop a proposal before establishing any alternative learning program or alternative school. The proposal would be submitted to the State Board of Education for its review and comments.

The First Edition of the bill is a local bill that applies only to the New Hanover Board of Education. The PCS would change the bill to make it a public bill applicable statewide. The PCS also would require the State Board of Education to adopt standards for alternative learning programs.

CURRENT LAW: An alternative learning program (ALP) is defined as a program established in affiliation with a traditionally accredited school. It may be housed within a school, on the same site, or at a different location within the school system. An ALP may be an alternative school (school). An alternative school has a separate, independent, official school number (used for accounting purposes).[1]

There are a number of statutes governing ALPs and alternative schools. *(See attached)* Among other requirements, these laws direct (i) the State Board of Education to develop policies and guidelines and provide technical assistance, (ii) local boards to establish at least one ALP, to adopt guidelines for assigning students to an ALP or school, and to adopt a safe school plan, (iii) individual schools to include in their school improvement plan a plan to address school safety, and (iv) a school that is referring a student to an ALP or school to provide certain information and document procedures used to identify the student for referral. The State Board is not required to review or approve any ALP or school before it can be established.

The New Hanover Board of Education recently adopted a plan to establish a "success center," which appears to be intended as an alternative school for children in kindergarten through high school where "behaviorally challenged students will be sent."[2]

BILL ANALYSIS: House Bill 1076 would direct the State Board to adopt standards, instead of policies and guidelines, for ALPs and schools. Local boards would be required to comply with these standards.

House Bill 1076 would require a local board of education, before it can establish any ALP or school, to develop a proposal to be submitted to the State Board of Education for its review. The proposal must include: (i) the goals for the ALP or school, (ii) policies for assigning students, (iii) strategies to improve student achievement and behavior, (iv) consideration of similar successful programs and schools, (v) the estimated cost of the ALP or school, (vi) documentation of community and school support for the ALP or school, and (vii) policies based on those of the State Board. The State Board must review the proposal expeditiously and may offer recommended modifications that the local board must consider before it establishes the ALP or school.

The bill would direct the State Board to submit to the Joint Legislative Education Oversight Committee a copy of the proposal for a success center, or other ALP or school, from the New Hanover school board and any recommendations from the State Board.

The bill would specify that nothing in the bill requires the General Assembly to appropriate funds for ALPs or schools.

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[1] *Definitions are from Policies and Procedures for Alternative Learning Programs and Schools K-12, Department of Public Instruction (Sept. 2003)*

[2] *The Wilmington Journal, March 13, 2005.*

EFFECTIVE DATE: This act would be effective when it becomes law, and would apply immediately to the New Hanover Board of Education before it can implement a success center, or any other ALP or alternative school. The act would apply to other school boards for any ALP or school to be established beginning with the 2006-2007 school year.

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

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

...

(24) Duty to Develop Policies and Guidelines for Alternative Learning Programs, Provide Technical Assistance on Implementation of Programs, and Evaluate Programs. – The State Board of Education shall adopt guidelines for assigning students to alternative learning programs. These guidelines shall include (i) a description of the programs and services that are recommended to be provided in alternative learning programs and (ii) a process for ensuring that an assignment is appropriate for the student and that the student's parents are involved in the decision. The State Board also shall adopt policies that define what constitutes an alternative school and an alternative learning program.

The State Board of Education shall also adopt guidelines to require that local school administrative units shall use (i) the teachers allocated for students assigned to alternative learning programs pursuant to the regular teacher allotment and (ii) the teachers allocated for students assigned to alternative learning programs only to serve the needs of these students.

The State Board of Education shall provide technical support to local school administrative units to assist them in developing and implementing plans for alternative learning programs.

The State Board shall evaluate the effectiveness of alternative learning programs and, in its discretion, of any other programs funded from the Alternative Schools/At-Risk Student allotment. Local school administrative units shall report to the State Board of Education on how funds in the Alternative Schools/At-Risk Student allotment are spent and shall otherwise cooperate with the State Board of Education in evaluating the alternative learning programs. As part of its evaluation of the effectiveness of these programs, the State Board shall, through the application of the accountability system developed under G.S. 115C-105.35, measure the educational performance and growth of students placed in alternative schools and alternative programs. If appropriate, the Board may modify this system to adapt to the specific characteristics of these schools.

§ 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: [...] (32a) To Establish Alternative Learning Programs and Develop Policies and Guidelines. – Each local board of education shall establish at least one alternative learning program and shall adopt guidelines for assigning students to alternative learning programs. These guidelines shall include (i) a description of the programs and services to be provided, (ii) a process for ensuring that an assignment is appropriate for the student and that the student's parents are involved in the decision, and (iii) strategies for providing alternative learning programs, when feasible and appropriate, for students who are subject to long-term suspension or expulsion. In developing these guidelines, local boards shall consider the State Board's policies and guidelines developed under G.S. 115C-12(24). Upon adoption of policies and guidelines under this subdivision, local boards are encouraged to incorporate them in their safe school plans developed under G.S. 115C-105.47.

The General Assembly urges local boards to adopt policies that prohibit superintendents from assigning to any alternative learning program any professional public school employee who has received within the last three years a rating on a formal evaluation that is less than above standard.

Local boards shall assess on a regular basis whether the unit's alternative schools and alternative learning programs incorporate best practices for improving student academic performance and reducing disruptive behavior, are staffed with professional public school employees who are well trained and provided with appropriate staff development, are organized to provide coordinated services, and provide students with high quality and rigorous academic instruction. [...]

§ 115C-105.27. Development and approval of school improvement plans.

In order to improve student performance, each school shall develop a school improvement plan that takes into consideration the annual performance goal for that school that is set by the State Board under G.S. 115C-105.35. [...] The strategies for improving student performance: [...] Shall include a plan to address school safety and discipline concerns in accordance with the safe school plan developed under Article 8C of this Chapter; [...]

Article 8C.
Local Plans For Alternative Schools/Alternative Learning Programs and Maintaining Safe and Orderly Schools.

§ 115C-105.45. Legislative findings.

The General Assembly finds that all schools should be safe, secure, and orderly. If students are to aim for academic excellence, it is imperative that there is a climate of respect in every school and that every school is free of disruption, drugs, violence, and weapons. All schools must have plans, policies, and procedures for dealing with disorderly and disruptive behavior.

All schools and school units must have effective measures for assisting students who are at risk of academic failure or of engaging in disruptive and disorderly behavior.

§ 115C-105.46. State Board of Education responsibilities.

In order to implement this Article, the State Board of Education:

(1) Shall adopt guidelines for developing local plans under G.S. 115C-105.47.

(2) Shall provide, in cooperation with the Board of Governors of The University of North Carolina, ongoing technical assistance to the local school administrative units in the development, implementation, and evaluation of their local plans under G.S. 115C-105.47.

(3) May require a local board of education to withhold the salary of any administrator or other employee of a local school administrative unit who delays or refuses to prepare and implement local safe school plans in accordance with G.S. 115C-105.47.

(4) May revoke the certificate of the superintendent, pursuant to G.S. 115C-274(c), for failure to fulfill the superintendent's duties under a local safe school plan.

(5) Shall adopt policies that define who is an at-risk student.

§ 115C-105.47. Local safe school plans.

(a) Each local board of education shall develop a local school administrative unit safe school plan designed to provide that every school in the local school administrative unit is safe, secure, and orderly, that there is a climate of respect in every school, and that appropriate personal conduct is a priority for all students and all public school personnel. The board shall include parents, the school community, representatives of the community, and others in the development or review of this plan. The plan may be developed by or in conjunction with other committees.

(b) Each plan shall include each of the following components:

(1) Clear statements of the standard of behavior expected of students at different grade levels and of school personnel and clear statements of the consequences that will result from one or more violations of those standards. There shall be a statement of consequences for students under the age of 13 who physically assault and seriously injure a teacher or other individual on school property or at a school-sponsored or school-related activity. The consequences may include placement in an alternative setting.

(2) A clear statement of the responsibility of the superintendent for coordinating the adoption and the implementation of the plan, evaluating principals' performance regarding school safety, monitoring and evaluating the implementation of safety plans at the school level, and coordinating with local law enforcement and court officials appropriate aspects of implementation of the plan. The statement of responsibility shall provide appropriate disciplinary consequences that may occur if the superintendent fails to carry out these responsibilities. These consequences may include a reprimand in the superintendent's personnel file or withholding of the superintendent's salary, or both.

(3) A clear statement of the responsibility of the school principal for restoring, if necessary, and maintaining a safe, secure, and orderly school environment and of the consequences that may occur if the principal fails to meet that responsibility. The principal's duties shall include exhibiting appropriate leadership for school personnel and students, providing for alternative placements for students who are seriously disruptive, reporting all criminal acts under G.S. 115C-288(g), and providing appropriate disciplinary consequences for disruptive students. The consequences to the principal that may occur shall include a reprimand in the principal's personnel file and disciplinary proceedings under G.S. 115C-325.

(4) Clear statements of the roles of other administrators, teachers, and other school personnel in restoring, if necessary, and maintaining a safe, secure, and orderly school environment.

(5) Procedures for identifying and serving the needs of students who are at risk of academic failure or of engaging in disruptive or disorderly behavior.

(6) Mechanisms for assessing the needs of disruptive and disorderly students and students who are at risk of academic failure, and providing them with services to assist them in achieving academically and in modifying their behavior, and removing them from the classroom when necessary.

(7) Measurable objectives for improving school safety and order.

(8) Measures of the effectiveness of efforts to assist students at risk of academic failure or of engaging in disorderly or disruptive behavior. The measures shall include an analysis of the effectiveness of procedures adopted under G.S. 115C-105.48 for students referred to alternative schools and alternative learning programs.

(9) Professional development clearly matched to the goals and objectives of the plan.

(10) A plan to work effectively with local law enforcement officials and court officials to ensure that schools are safe and laws are enforced.

(11) A plan to provide access to information to the school community, parents, and representatives of the local community on the ongoing implementation of the local plan, monitoring of the local plan, and the integration of educational and other services for students into the total school program.

(12) The name and role description of the person responsible for implementation of the plan.

(13) Direction to school improvement teams within the local school administrative unit to consider the special conditions at their schools and to incorporate into their school improvement plans the appropriate components of the local plan for:

a. maintaining safe and orderly schools; and

b. addressing the needs of students who are at risk of academic failure or who are disruptive or both.

(13a) A clear statement of the services that will be provided to students who are assigned to an alternative school or an alternative learning program.

(14) A clear and detailed statement of the planned use of federal, State, and local funds allocated for at-risk students and alternative schools and alternative learning programs.

(15) Any other information the local board considers necessary or appropriate to implement this Article.

A local board may develop its plan under this section by conducting a comprehensive review of its existing policies, plans, statements, and procedures to determine whether they: (i) are effective; (ii) have been updated to address recent changes in the law; (iii) meet the current needs of each school in the local school administrative unit; and (iv) address the components required to be included in the local plan. The board then may consolidate and supplement any previously developed policies, plans, statements, and procedures that the board determines are effective and updated, meet the current needs of each school, and meet the requirements of this subsection.

Once developed, the board shall submit the local plan to the State Board of Education and shall ensure the plan is available and accessible to parents and the school community. The board shall provide annually to the State Board information that demonstrates how the At-Risk Student Services/Alternative Schools Funding allotment has been used to (i) prevent academic failure and (ii) promote school safety.

(c) A local board may amend the plan as often as it considers necessary or appropriate.

§ 115C-105.48. Placement of students in alternative schools/alternative learning programs.

(a) Prior to referring a student to an alternative school or an alternative learning program, the referring school shall:

(1) Document the procedures that were used to identify the student as being at risk of academic failure or as being disruptive or disorderly.

(2) Provide the reasons for referring the student to an alternative school or an alternative learning program.

(3) Provide to the alternative school or alternative learning program all relevant student records, including anecdotal information.

(b) When a student is placed in an alternative school or an alternative learning program, the appropriate staff of the alternative school or alternative learning program shall meet to review the records forwarded by the referring school and to determine what support services and intervention strategies are recommended for the student. The parents shall be encouraged to provide input regarding the students' needs.

MINUTES
HOUSE COMMITTEE ON EDUCATION
May 10, 2005

The House Committee on Education met at 11:00 a.m. on Tuesday, May 10, 2005 in Room 643 of the Legislative Office Building. The following ***Representatives*** were present: ***Chairs: Bell, Lucas and McLawhorn; Vice Chairs: Dickson, England, Parmon, Preston and Sauls; Members: Adams, Blackwood, Bordsen, Brown, Carney, Cleveland, Cole, Coleman, Daughtridge, Dockham, Fisher, Folwell, Frye, Goodwin, Harrell, Harrison, Hilton, Hollo, Holloway, Jeffus, Langdon, Martin, McAllister, Nye, Pate, Rapp, Tolson, Walker, Warren, Wiley, Wilkins, Womble, Wray, and Yongue.***

Research staff persons included: ***Attorneys*** - Drupti Chauhan and Robin Johnson; ***Legislative Analyst*** - Dr. Shirley Iorio and Sara Kamprath; ***Assistant*** Dee Atkinson; Legislative ***Committee Assistants*** - Sue Burleson, Carolyn Edwards and Thelma Utley. The Agenda, Pages/Sergeant at Arms and Visitor Registration Sheets are attached and incorporated into the minutes.

Chairman Bell called the meeting to order. ***Rep. Lucas*** moved to adopt the **Proposed Committee Substitute H1076-PCS60439-RH-19,** the motion carried.

Rep. Wright was called to explain **HB 1076 – A BILL TO BE ENTITLED AN ACT TO DIRECT THE STATE BOARD OF EDUCATION TO ADOPT STANDARDS FOR ALTERNATIVE LEARNING PROGRAMS, AND TO REQUIRE LOCAL BOARDS OF EDUCATION TO DEVELOP PROPOSALS THAT ARE SUBMITTED TO THE STATE BOARD OF EDUCATION BEFORE ESTABLISHING ANY ALTERNATIVE LEARNING PROGRAM OR ALTERNATIVE SCHOOL.**

Rep. Wright explains that the bill will establish standards on how we establish alternative learning programs in schools across the state so that there is consistency. It requires the local Board of Education to develop a proposal before establishing an alternative learning program or an alternative school. The proposal will be submitted to the State Board of Education for its review and comments. The first edition of the bill is a local act that applies to New Hanover County and the New Hanover County Board of Education. The PCS would change the bill to make it a public bill statewide so that there is consistency across the state. The PCS would also require the state Board of Education to adopt standards for alternative learning programs. The new PCS makes technical changes and clarify that the board's new standards apply only to new alternatives learning programs implemented beginning with the 2006 and 2007 school year.

Staff Attorney, Robin Johnson further explains that the main purpose of the committee substitute is to make sure that the standards for alternative programs in schools are only required for new programs that are going to start up in the 2006-2007 school year. Local boards are encouraged to follow the standards but they are not required to follow the standard. Items 1 and 2 on page 2, section 2 – Proposals to establish alternative learning programs or alternative schools have been clarified.

Dorothy S. DeShields, a member of New Hanover School Board of Education was acknowledged and recognized to further expound the bill. In support of the bill she states that the New Hanover County School System supports not sending children away from regular school setting, but working with students using the resources that can be provided for students in the regular school settings. In interest and concern for the best education possible for all children within the state of North Carolina, this bill will help insure that the standards and guidelines are in place for every board to follow, therefore guaranteeing the best education for every child in the state.

Rep. Wright states that he believes the bill will strengthen No Child Left Behind and insure that we have a consistency in our programs across the board so that every child will learn and we would give them the resources to continue to learn whether they are in a traditional setting or an alternative setting.

Rep. Cole asks how many schools LEA's would be affected and what is the estimated cost to put the programs into operation?

Rep. Wright states that the bill will affect all schools trying to implement the programs and staff indicates that it will affect all programs beginning in the 2006-2007 school year. Attorney Johnson responds that at a minimum every school system is required to have at least one program. ***Rep. Wright*** states that he does not know the exact cost but under current law they can establish a program using existing resources so nothing will change. There will be a set of standards and guidelines under state law that must apply when programs are put in place, to insure that students who will be transitioned out of a traditional setting to an alternative setting have the same educational standards in place.

Rep. Blackwood asks if it is possible to make strong recommendations utilizing the standards rather than making them a requirement?

Rep. Wright explains that the systems is already working towards the recommendations but there need to be consistency and a standard in place required for all educational institutions statewide.

Rep. Daughtridge queries the sponsor, " How much more is this mandate to our local school systems than what is already being done?"

Rep. Wright explains that the bill is stating that if you put a child in an alternative school the same standard of education applies so there is no additional cost unless the local board wants to spend additional money to do it.

Leanne Winner of the NC School Board Association stated that this was the first time they were able to review the bill. They have a few concerns including page 3, section A, which requires teachers to have at least 4 years teaching experience for the programs. She also states that it is ideal but not practical at this time. Number 6, section B on the same page was also a concern which require the programs to document the support of school personnel and the community.

Rep. Wright states that the bill has been around for over a week and has seen little changes besides a few technical errors but no one from the NC School Boards Association has stopped by to take a look at it.

Rep. Carney asks when a community sets up an alternative school if the dollars follow the child to the school. Rep Wright states that the dollars do not follow the child but instead would go into a reserve fund for the traditional school.

Rep. Parmon motions for a favorable report to the committee substitute bill, which changes the title, unfavorable as to the original bill.

The motion passes and ***Chairman Bell*** adjourns the meeting at 11:45 A. M.

Respectfully submitted,

Carolyn A. Edwards

Carolyn A. Edwards, Committee Assistant

Representative Larry M. Bell
Presiding Chair

2005 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES

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

By Representative Bell, Lucas, McLawhorn (Chairs) for the Committee on EDUCATION.

☐ Committee Substitute for

HB 1076 A BILL TO BE ENTITLED AN ACT REQUIRING THE NEW HANOVER COUNTY BOARD OF EDUCATION TO STUDY SUCCESS CENTERS AND REPORT TO THE JOINT LEGISLATIVE EDUCATION OVERSIGHT COMMITTEE BEFORE IMPLEMENTING THEM IN THE NEW HANOVER COUNTY SCHOOLS.

☒ With a favorable report as to the committee substitute bill, which changes the title, unfavorable as to the original bill.

(FOR JOURNAL USE ONLY)

_____ Pursuant to Rule 32(a), the bill/resolution is re-referred to the Committee on _____.

_____ Pursuant to Rule 36(b), the (House/Senate) committee substitute bill/(joint) resolution (No._____) is placed on the Calendar of _____. (The original bill resolution No._____) is placed on the Unfavorable Calendar.

_____ The (House) committee substitute bill/(joint) resolution (No. ____) is re-referred to the Committee on _____. (The original bill/resolution) (House/Senate Committee Substitute Bill/(Joint) resolution No. ___) is placed on the Unfavorable Calendar.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2005

HOUSE BILL 1076

Short Title:	Study Success Centers/New Hanover Schools.	(Local)
Sponsors:	Representative Wright.	
Referred to:	Education.	

March 31, 2005

A BILL TO BE ENTITLED

AN ACT REQUIRING THE NEW HANOVER COUNTY BOARD OF EDUCATION TO STUDY SUCCESS CENTERS AND REPORT TO THE JOINT LEGISLATIVE EDUCATION OVERSIGHT COMMITTEE BEFORE IMPLEMENTING THEM IN THE NEW HANOVER COUNTY SCHOOLS.

The General Assembly of North Carolina enacts:

SECTION 1. Before implementing success centers in New Hanover County, the New Hanover Board of Education shall complete the following:

(1) Define success centers and establish guidelines and policies for assigning students to success centers.

(2) Identify the strategies that will be used to improve student achievement and behavior.

(3) Conduct a complete fact-finding study of success centers. In the course of the study, the board shall consider:

a. The success of similar facilities in and out of the State in improving the academic achievement and behavior of students assigned to the centers;

b. The cost of operating such centers, including the cost of:

1. Staffing the center with teachers who have at least four years' teaching experience and who have received an overall rating of at least above standard on a formal evaluation and are certified in the areas and grade levels being taught;

2. Providing optimum learning environments, resources and materials that will ensure each student a sound, basic education as defined by the State Constitution;

3. Providing support personnel, including school counselors, psychiatrists, clinical psychologists, social workers, nurses, and other professionals to help students

and their families work out complex issues and problems; and

4. Maintaining safe and orderly learning environments.

SECTION 2. The New Hanover County Board of Education shall not implement any success centers in the New Hanover County Schools until it has completed the study required by Section 1 of this act and filed the study with the Joint Legislative Education Oversight Committee.

SECTION 3. The New Hanover County Board of Education shall report its objectives, findings. and any recommendations for implementing success centers to the Joint Legislative Education Oversight Committee no later than August 1, 2005.

SECTION 4. This act applies only to the New Hanover County School Administrative Unit.

SECTION 5. Nothing in this act requires the North Carolina General Assembly to appropriate funds for the study or for the implementation of Success Centers.

SECTION 6. This act is effective when it becomes law.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2005

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HOUSE BILL 1076
PROPOSED COMMITTEE SUBSTITUTE H1076-PCS60439-RH-19

Short Title: Alt. Learning Prog/Sch Proposals. (Public)

Sponsors:

Referred to:

March 31, 2005

A BILL TO BE ENTITLED

AN ACT TO DIRECT THE STATE BOARD OF EDUCATION TO ADOPT STANDARDS FOR ALTERNATIVE LEARNING PROGRAMS, AND TO REQUIRE LOCAL BOARDS OF EDUCATION TO DEVELOP PROPOSALS THAT ARE SUBMITTED TO THE STATE BOARD OF EDUCATION BEFORE ESTABLISHING ANY ALTERNATIVE LEARNING PROGRAM OR ALTERNATIVE SCHOOL.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 115C-12(24) reads as rewritten:

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

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

...

(24) Duty to Develop ~~Policies and Guidelines~~ Standards for Alternative Learning Programs, Provide Technical Assistance on Implementation of Programs, and Evaluate Programs. – The State Board of Education shall adopt ~~guidelines~~ standards for assigning students to alternative learning programs. These ~~guidelines~~ standards shall include (i) a description of the programs and services that are recommended to be provided in alternative learning programs and (ii) a process for ensuring that an assignment is appropriate for the student and that the student's parents are involved in the decision. The State Board also shall adopt policies that define what constitutes an alternative school and an alternative learning program.

The State Board of Education shall also adopt ~~guidelines~~ standards to require that local school administrative units shall use (i) the teachers allocated for students assigned to alternative learning programs pursuant to the regular teacher allotment and (ii) the teachers allocated for students assigned to alternative learning programs only to serve the needs of these students.

The State Board of Education shall provide technical support to local school administrative units to assist them in developing and implementing plans and proposals for alternative learning programs.

The State Board shall evaluate the effectiveness of alternative learning programs and, in its discretion, of any other programs funded from the Alternative Schools/At-Risk Student allotment. Local school administrative units shall report to the State Board of Education on how funds in the Alternative Schools/At-Risk Student allotment are spent and shall otherwise cooperate with the State Board of Education in evaluating the alternative learning programs. As part of its evaluation of the effectiveness of these programs, the State Board shall, through the application of the accountability system developed under G.S. 115C-105.35, measure the educational performance and growth of students placed in alternative schools and alternative programs. If appropriate, the Board may modify this system to adapt to the specific characteristics of these schools.

...."

SECTION 2. Article 8C of Chapter 115C of the General Statutes is amended by adding the following new section to read:

"**§ 115C-105.47A. Proposals to establish alternative learning programs or alternative schools.**

(a) Before establishing any alternative learning program or alternative school, the local board of education shall develop a proposal to implement the program or school that includes all of the following:

(1) The educational and behavioral goals for students assigned to the program or school.

(2) The policies and procedures for the operation of the program or school based on the State Board's standards adopted under G.S. 115C-12(24). The policies and procedures shall address the assignment of students to the program or school.

(3) Identified strategies that will be used to improve student achievement and behavior.

(4) A consideration of whether similar programs and schools in and out of the State have demonstrated success in improving the academic achievement and behavior of students assigned to them.

(5) The estimated cost of operating the program or school, including the cost of:

a. Staffing the program or school with teachers who have at least four years' teaching experience and who have received an overall rating of at least above standard on a formal evaluation and are certified in the areas and grade levels being taught;

b. Providing optimum learning environments, resources and materials, and high quality, ongoing professional development that will ensure students who are placed in the program or school are provided enhanced educational opportunities in order to achieve their full potential;

c. Providing support personnel, including school counselors, psychiatrists, clinical psychologists, social workers, nurses, and other professionals to help students and their families work out complex issues and problems;

d. Maintaining safe and orderly learning environments; and

e. Providing transitional supports for students exiting the program or school and reentering the referring school.

(6) Documented support of school personnel and the community for the implementation of the program or school.

(b) After the local board completes the proposal under subsection (a) of this section, the board shall submit the proposal to the State Board of Education for its review. The State Board shall review the proposal expeditiously and, if appropriate, may offer recommendations to modify the proposal. The local board shall consider any recommendations made by the State Board before implementing the alternative learning program or alternative school."

SECTION 3. G.S. 115C-47(32a) reads as rewritten:

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

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

...

(32a) To Establish Alternative Learning Programs and Develop Policies and Guidelines. – Each local board of education shall establish at least one alternative learning program and shall adopt guidelines for assigning students to alternative learning programs. These guidelines shall include (i) a description of the programs and services to be provided, (ii) a process for ensuring that an assignment is appropriate for the student and that the student's parents are involved in the decision, and (iii) strategies for providing alternative learning programs, when feasible and appropriate, for students who are subject to long term suspension or expulsion. In developing these guidelines, local boards shall consider the State Board's ~~policies and guidelines~~ standards developed under G.S. 115C-12(24). Upon adoption of policies and guidelines under this subdivision, local boards are encouraged to incorporate them in their safe school plans developed under G.S. 115C-105.47.

The General Assembly urges local boards to adopt policies that prohibit superintendents from assigning to any alternative learning program any professional public school employee who has received within the last three years a rating on a formal evaluation that is less than above standard.

Notwithstanding this subdivision, each local board shall adopt policies based on the State Board's standards developed under G.S. 115C-12(24). These policies shall apply to any new alternative learning program or alternative school that is implemented beginning with the 2006-2007 school year. Local boards of education are encouraged to apply these standards to alternative learning programs and alternative schools implemented before the 2006-2007 school year.

Local boards shall assess on a regular basis whether the unit's alternative schools and alternative learning programs comply with the State Board's standards developed under G.S. 115C-12(24) and whether they incorporate best practices for improving student academic performance and reducing disruptive behavior, are staffed with professional public school employees who are well trained and provided with appropriate staff development, are organized to provide coordinated services, and provide students with high quality and rigorous academic instruction.

...."

SECTION 4. Before implementing success centers or any other alternative learning program or alternative school in New Hanover County, the New Hanover Board of Education shall comply with G.S. 115C-105.47A established in Section 2 of this act. The State Board of Education shall submit to the Joint Legislative Education Oversight Committee a copy of the proposal submitted by the New Hanover Board of Education and a copy of any recommendations made by the State Board.

SECTION 5. Nothing in this act requires the North Carolina General Assembly to appropriate funds for the implementation of alternative learning programs or alternative schools.

SECTION 6. This act is effective when it becomes law. Except as provided in Section 4 of this act, this act applies to any new alternative learning program or alternative school to be implemented beginning with the 2006-2007 school year.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2005

H 2

HOUSE BILL 1076
Committee Substitute Favorable 5/11/05

Short Title: Alt. Learning Prog/Sch Proposals. (Public)

Sponsors:

Referred to:

March 31, 2005

A BILL TO BE ENTITLED

AN ACT TO DIRECT THE STATE BOARD OF EDUCATION TO ADOPT STANDARDS FOR ALTERNATIVE LEARNING PROGRAMS, AND TO REQUIRE LOCAL BOARDS OF EDUCATION TO DEVELOP PROPOSALS THAT ARE SUBMITTED TO THE STATE BOARD OF EDUCATION BEFORE ESTABLISHING ANY ALTERNATIVE LEARNING PROGRAM OR ALTERNATIVE SCHOOL.

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The State Board of Education shall also adopt ~~guidelines~~ standards to require that local school administrative units shall use (i) the

teachers allocated for students assigned to alternative learning programs pursuant to the regular teacher allotment and (ii) the teachers allocated for students assigned to alternative learning programs only to serve the needs of these students.

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The State Board shall evaluate the effectiveness of alternative learning programs and, in its discretion, of any other programs funded from the Alternative Schools/At-Risk Student allotment. Local school administrative units shall report to the State Board of Education on how funds in the Alternative Schools/At-Risk Student allotment are spent and shall otherwise cooperate with the State Board of Education in evaluating the alternative learning programs. As part of its evaluation of the effectiveness of these programs, the State Board shall, through the application of the accountability system developed under G.S. 115C-105.35, measure the educational performance and growth of students placed in alternative schools and alternative programs. If appropriate, the Board may modify this system to adapt to the specific characteristics of these schools.

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SECTION 2. Article 8C of Chapter 115C of the General Statutes is amended by adding the following new section to read:

"**§ 115C-105.47A. Proposals to establish alternative learning programs or alternative schools.**

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(2) The policies and procedures for the operation of the program or school based on the State Board's standards adopted under G.S. 115C-12(24). The policies and procedures shall address the assignment of students to the program or school.

(3) Identified strategies that will be used to improve student achievement and behavior.

(4) A consideration of whether similar programs and schools in and out of the State have demonstrated success in improving the academic achievement and behavior of students assigned to them.

(5) The estimated cost of operating the program or school, including the cost of:

a. Staffing the program or school with teachers who have at least four years' teaching experience and who have received an

overall rating of at least above standard on a formal evaluation and are certified in the areas and grade levels being taught;

b. Providing optimum learning environments, resources and materials, and high quality, ongoing professional development that will ensure students who are placed in the program or school are provided enhanced educational opportunities in order to achieve their full potential;

c. Providing support personnel, including school counselors, psychiatrists, clinical psychologists, social workers, nurses, and other professionals to help students and their families work out complex issues and problems;

d. Maintaining safe and orderly learning environments; and

e. Providing transitional supports for students exiting the program or school and reentering the referring school.

(6) Documented support of school personnel and the community for the implementation of the program or school.

(b) After the local board completes the proposal under subsection (a) of this section, the board shall submit the proposal to the State Board of Education for its review. The State Board shall review the proposal expeditiously and, if appropriate, may offer recommendations to modify the proposal. The local board shall consider any recommendations made by the State Board before implementing the alternative learning program or alternative school."

SECTION 3. G.S. 115C-47(32a) reads as rewritten:

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

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

...

(32a) To Establish Alternative Learning Programs and Develop Policies and Guidelines. – Each local board of education shall establish at least one alternative learning program and shall adopt guidelines for assigning students to alternative learning programs. These guidelines shall include (i) a description of the programs and services to be provided, (ii) a process for ensuring that an assignment is appropriate for the student and that the student's parents are involved in the decision, and (iii) strategies for providing alternative learning programs, when feasible and appropriate, for students who are subject to long term suspension or expulsion. In developing these guidelines, local boards shall consider the State Board's ~~policies and guidelines~~ standards developed under G.S. 115C-12(24). Upon adoption of policies and guidelines under this subdivision, local boards are encouraged to incorporate them in their safe school plans developed under G.S. 115C-105.47.

The General Assembly urges local boards to adopt policies that prohibit superintendents from assigning to any alternative learning

program any professional public school employee who has received within the last three years a rating on a formal evaluation that is less than above standard.

Notwithstanding this subdivision, each local board shall adopt policies based on the State Board's standards developed under G.S. 115C-12(24). These policies shall apply to any new alternative learning program or alternative school that is implemented beginning with the 2006-2007 school year. Local boards of education are encouraged to apply these standards to alternative learning programs and alternative schools implemented before the 2006-2007 school year.

Local boards shall assess on a regular basis whether the unit's alternative schools and alternative learning programs comply with the State Board's standards developed under G.S. 115C-12(24) and whether they incorporate best practices for improving student academic performance and reducing disruptive behavior, are staffed with professional public school employees who are well trained and provided with appropriate staff development, are organized to provide coordinated services, and provide students with high quality and rigorous academic instruction.

...."

SECTION 4. Before implementing success centers or any other alternative learning program or alternative school in New Hanover County, the New Hanover Board of Education shall comply with G.S. 115C-105.47A established in Section 2 of this act. The State Board of Education shall submit to the Joint Legislative Education Oversight Committee a copy of the proposal submitted by the New Hanover Board of Education and a copy of any recommendations made by the State Board.

SECTION 5. Nothing in this act requires the North Carolina General Assembly to appropriate funds for the implementation of alternative learning programs or alternative schools.

SECTION 6. This act is effective when it becomes law. Except as provided in Section 4 of this act, this act applies to any new alternative learning program or alternative school to be implemented beginning with the 2006-2007 school year.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2005

H 3

HOUSE BILL 1076

Committee Substitute Favorable 5/11/05

Third Edition Engrossed 5/19/05

Short Title: Alt. Learning Prog/Sch Proposals. (Public)

Sponsors:

Referred to:

March 31, 2005

A BILL TO BE ENTITLED

AN ACT TO DIRECT THE STATE BOARD OF EDUCATION TO ADOPT STANDARDS FOR ALTERNATIVE LEARNING PROGRAMS, AND TO REQUIRE LOCAL BOARDS OF EDUCATION TO DEVELOP PROPOSALS THAT ARE SUBMITTED TO THE STATE BOARD OF EDUCATION BEFORE ESTABLISHING ANY ALTERNATIVE LEARNING PROGRAM OR ALTERNATIVE SCHOOL.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 115C-12(24) 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:

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The State Board of Education shall also adopt ~~guidelines~~ standards to require that local school administrative units shall use (i) the teachers allocated for students assigned to alternative learning programs pursuant to the regular teacher allotment and (ii) the teachers allocated for students assigned to alternative learning programs only to serve the needs of these students.

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...."

SECTION 2. Article 8C of Chapter 115C of the General Statutes is amended by adding the following new section to read:

"**§ 115C-105.47A. Proposals to establish alternative learning programs or alternative schools.**

(a) Before establishing any alternative learning program or alternative school, the local board of education shall develop a proposal to implement the program or school that includes all of the following:

(1) The educational and behavioral goals for students assigned to the program or school.

(2) The policies and procedures for the operation of the program or school based on the State Board's standards adopted under G.S. 115C-12(24). The policies and procedures shall address the assignment of students to the program or school.

(3) Identified strategies that will be used to improve student achievement and behavior.

(4) Documentation that similar programs and schools in or out of the State, or both, have demonstrated success in improving the academic achievement and behavior of students assigned to them.

(5) The estimated actual cost of operating the program or school. To the extent practicable, this shall include the cost of:

a. Staffing the program or school with teachers who have at least four years' teaching experience and who have received an overall rating of at least above standard on a formal evaluation and are certified in the areas and grade levels being taught;

b. Providing optimum learning environments, resources and materials, and high quality, ongoing professional development that will ensure students who are placed in the program or school are provided enhanced educational opportunities in order to achieve their full potential;

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d. Maintaining safe and orderly learning environments; and

e. Providing transitional supports for students exiting the program or school and reentering the referring school.

(6) Documented support of school personnel and the community for the implementation of the program or school.

(b) After the local board completes the proposal under subsection (a) of this section, the board shall submit the proposal to the State Board of Education for its review. The State Board shall review the proposal expeditiously and, if appropriate, may offer recommendations to modify the proposal. The local board shall consider any recommendations made by the State Board before implementing the alternative learning program or alternative school."

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

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shall consider the State Board's ~~policies and guidelines~~ standards developed under G.S. 115C-12(24). Upon adoption of policies and guidelines under this subdivision, local boards are encouraged to incorporate them in their safe school plans developed under G.S. 115C-105.47.

The General Assembly urges local boards to adopt policies that prohibit superintendents from assigning to any alternative learning program any professional public school employee who has received within the last three years a rating on a formal evaluation that is less than above standard.

Notwithstanding this subdivision, each local board shall adopt policies based on the State Board's standards developed under G.S. 115C-12(24). These policies shall apply to any new alternative learning program or alternative school that is implemented beginning with the 2006-2007 school year. Local boards of education are encouraged to apply these standards to alternative learning programs and alternative schools implemented before the 2006-2007 school year.

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SECTION 4. Before implementing success centers or any other alternative learning program or alternative school in New Hanover County, the New Hanover Board of Education shall comply with G.S. 115C-105.47A established in Section 2 of this act. The State Board of Education shall submit to the Joint Legislative Education Oversight Committee a copy of the proposal submitted by the New Hanover Board of Education and a copy of any recommendations made by the State Board.

SECTION 5. Nothing in this act requires the North Carolina General Assembly to appropriate funds for the implementation of alternative learning programs or alternative schools.

SECTION 6. This act is effective when it becomes law. Except as provided in Section 4 of this act, this act applies to any new alternative learning program or alternative school to be implemented beginning with the 2006-2007 school year.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2005

H 4

HOUSE BILL 1076

Committee Substitute Favorable 5/11/05
Third Edition Engrossed 5/19/05
Senate Education/Higher Education Committee Substitute Adopted 8/12/05

Short Title: Alt. Learning Prog/Sch Proposals. (Public)

Sponsors:

Referred to:

March 31, 2005

A BILL TO BE ENTITLED

AN ACT TO DIRECT THE STATE BOARD OF EDUCATION TO ADOPT STANDARDS FOR ALTERNATIVE LEARNING PROGRAMS, AND TO REQUIRE LOCAL BOARDS OF EDUCATION TO DEVELOP PROPOSALS THAT ARE SUBMITTED TO THE STATE BOARD OF EDUCATION BEFORE ESTABLISHING ANY ALTERNATIVE LEARNING PROGRAM OR ALTERNATIVE SCHOOL.

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SECTION 5. Nothing in this act requires the North Carolina General Assembly to appropriate funds for the implementation of alternative learning programs or alternative schools.

SECTION 6. The State Board of Education, after consulting with local school administrative units, shall report to the Joint Legislative Education Oversight Committee by April 15, 2006, on the implementation of this act. This report shall include any recommended legislative changes necessary to encourage the implementation of successful alternative learning programs and schools. The Joint Education Legislative Oversight Committee shall consider this report and make any recommended changes to the 2006 Regular Session of the 2005 General Assembly.

SECTION 7. This act is effective when it becomes law. Except as provided in Section 4 of this act, this act applies to any new alternative learning program or alternative school to be implemented beginning with the 2006-2007 school year.

NORTH CAROLINA HOUSE OF REPRESENTATIVES
COMMITTEE MEETING NOTICE
2005-2006 SESSION

You are hereby notified that the Committee on **Education** will meet as follows:

DAY & DATE: **May 10, 2005**

TIME: **11:00 AM**

LOCATION: **643 LOB**

The following bills will be considered (Bill # & Short Title & Bill Sponsor):
H 1076 - Study Success Centers/New Hanover Schools - Rep. Wright
H 1264 - Board Cert. Teachers Serve as Sch. Leaders - Reps. Yongue, Warren, Jeffus, Johnson
H 1505 – Study Changes in Education Districts – Reps. Yongue, Preston, Johnson, Carney
H 1462 - Study of Corporal Punishment Policies – Rep. Alexander

Respectfully,

Representatives Bell, Lucas, McLawhorn
Chairs

I hereby certify this notice was filed by the committee clerk at the following offices at **10:00 A. M.** on Monday, May 9, **2005**.

___Principal Clerk
___Reading Clerk - House Chamber

Carolyn A. Edwards (Committee Assistant)

AGENDA

HOUSE EDUCATION COMMITTEE

May 10, 2005
11:00 A.M.
Room 643 LOB

Representative Larry M. Bell
Presiding Chair

CALL TO ORDER

OPENING REMARKS

BILLS TO BE CONSIDERED:

11:00 a.m.

H 1076 – Study Success Centers/New Hanover Schools – Rep. Wright

H 1264 – Board Cert. Teachers Serve as Sch. Leaders – Reps. Yongue, Warren, Jeffus, Johnson

H 1505 – Study Changes in Education Districts – Reps. Yongue, Preston, Johnson, Carney

H 1462 – Study of Corporal Punishment Policies – Rep. Alexander

ADJOURNMENT

Chairs:
Representative L. Bell
Representative M. Lucas
Representative M. McLawhorn

VISITOR REGISTRATION SHEET

EDUCATION — MAY 10, 2005

Name of Committee — **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Todd Barlow	Rep. Yongue's Office
Joyce Loveless	NBPTS
Victoria Loveless	NBPTS
Jennifer Lee White	PCANC
Emily Blust	PCANC
[illegible]	PCANC
Re[illegible]	607 Dunn St. Wilson NC 27801
Dorothy D. Shields	4625 Sandy Creek. Wilson 27801
[illegible]	[illegible] School Town
Kathie [illegible]	Weldon City Schools
[illegible]	SBE/DPI
Roz Savitt	NCCCC
Stephanie Erb	SBE
Andrea Schrag	Rural Trust

VISITOR REGISTRATION SHEET

EDUCATION — MAY 10, 2005

Name of Committee — **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Ellen Reeves	PENC
M.A. Lewis	NCSA

PAGES INFORMATION SHEET

House Committee On Education
May 10, 2005

NAME	COUNTY	REPRESENTATIVE
1. Matthew Knight	Durham	Rep. Wilkins
2. Jonathan Mestas	Wake	Rep. Eddins

SERGEANT AT ARMS

1. Jay Callaway
2. Willie Dixon
3. Martha Parrish
4. Frank Prevo

VISITOR REGISTRATION SHEET

EDUCATION — **Name of Committee**

MAY 10, 2005 — **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Paige Johnson	Planned Parenthood
Hilary Aaker	NCASA
Molly Ryan	NCSBA
Joel Mayer	CMS
Peyton Maynard	GPA
Penny Livesay	ITS
John Borchert	ADA
[illegible]	NCICU
Gene Causby	NCGCA
W. Lloyd Hinson	NCPAPA
Katherine W. Joyce	NCASA
Joanne Woodin	NCSBA
Ann McArthur	Governor's Off.

VISITOR REGISTRATION SHEET

EDUCATION — **Name of Committee**

MAY 10, 2005 — **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Lisa Bateman	DJJDP
Jessica Sage	NC Family Policy Council
Cindra Pagan	Edmisten & Webb
Michael Hauser	NCAE
Grey Mallon	RT
[illegible]	NCJCR
Shannah Smith	UNC
AL DEITCH	DOA/YAIO
Debbie Hotwitz	DOA/YAIO
Abbey Reynolds	NCGA Intern
Chad Hinton	Civitas Institute

HOUSE EDUCATION COMMITTEE MINUTES
Tuesday, May 17, 2005
11:00 a.m.

Rep. Lucas called the meeting to order, welcomed everyone and introduced the Pages and Sergeant-at-Arms (sheets attached).

HB 1264 Board Cert. Teachers Serve as Sch. Leaders. – Rep. Yongue was called on to explain the bill. Comments/questions made by committee members, Dr. Kathy Gibson, Supt. Weldon City Schools and Ms. Karen Garr (National Board for Prof. Teaching Standards). Rep. Womble moved for a favorable report to committee substitute, unfavorable to original bill. Motion passes.

HB 1505 Study Changes in Education Districts. – Rep. Yongue explained the bill. Rep. Pate moved for a favorable report. The bill passes.

HB 1462 Study of Corporal Punishment Policies. – Rep. Alexander explained the bill. Comments/questions made by committee members. Rep. Fisher moved for a favorable report. Motion passes.

HB 1310 Testing Requirements/Teacher Educ. Students. – Rep. Womble moved to put proposed committee substitute properly before committee. Rep. Michaux explained the bill. Rep. Womble has an amendment. Amendment passes. Questions/comments made by committee members and Ms. Leanne Winner (N.C. School Board). Rep. Womble moved for a favorable report to bill as amended, rolled into a committee substitute, with favorable to committee substitute, unfavorable to original bill. Motion passes.

Meeting adjourned.

Respectfully submitted,

Marvin W. Lucas

Marvin W. Lucas, Chairing

Thelma T. Utley

Thelma T. Utley, Committee Assistant

HOUSE EDUCATION COMMITTEE MEETING
AGENDA
Tuesday, May 17, 2005
Room 643 LOB
11:00 a.m.

CALL TO ORDER – Rep. Lucas, Presiding

INTRODUCTIONS

BILLS TO BE CONSIDERED

<u>11:00 a.m.</u>

H 1264 - Board Cert. Teachers Serve as Sch. Leaders –
Reps. Yongue, Warren, Jeffus, Johnson

H 1505 - Study Changes in Education Districts –
Reps. Yongue, Preston, Johnson, Carney

H 1462 - Study of Corporal Punishment Policies
– Rep. Alexander

H 1310 - Testing Requirments/Teacher Educ. Students –
Rep. Michaux

H 1414 - Help Teacher Assistants Become Teachers –
Rep. Pierce

ADJOURNMENT

2005 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES

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

By Representative Bell, Lucas, McLawhorn (Chairs) for the Committee on EDUCATION.

☐ Committee Substitute for

HB 1264 A BILL TO BE ENTITLED AN ACT TO PERMIT NATIONAL BOARD CERTIFIED TEACHERS TO SERVE AS SCHOOL LEADERS.

☒ With a favorable report as to the committee substitute bill, unfavorable as to the original bill.

(FOR JOURNAL USE ONLY)

_____ Pursuant to Rule 32(a), the bill/resolution is re-referred to the Committee on _____.

_____ Pursuant to Rule 36(b), the (House) committee substitute bill/(joint) resolution (No._____) is placed on the Calendar of _____. (The original bill resolution No._____) is placed on the Unfavorable Calendar.

_____ The (House) committee substitute bill/(joint) resolution (No. ____) is re-referred to the Committee on _____. (The original bill/resolution) (House/Senate Committee Substitute Bill/(Joint) resolution No. ___) is placed on the Unfavorable Calendar.

2005 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES

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

By Representative Bell, Lucas, McLawhorn (Chairs) for the Committee on EDUCATION.

☐ Committee Substitute for

HB 1505 A BILL TO BE ENTITLED AN ACT DIRECTING THE JOINT LEGISLATIVE EDUCATION OVERSIGHT COMMITTEE TO STUDY POPULATION CHANGES IN THE EDUCATIONAL DISTRICTS FROM WHICH MEMBERS OF THE STATE BOARD OF EDUCATION ARE APPOINTED.

☒ With a favorable report.

(FOR JOURNAL USE ONLY)

_____ Pursuant to Rule 32(a), the bill/resolution is re-referred to the Committee on _____.

_____ Pursuant to Rule 36(b), the bill/resolution is placed on the Calendar of _____.

2005 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES

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

By Representative Bell, Lucas, McLawhorn (Chairs) for the Committee on EDUCATION.

☐ Committee Substitute for

HB 1462 A BILL TO BE ENTITLED AN ACT DIRECTING THE STATE BOARD OF EDUCATION TO STUDY POLICIES RELATED TO CORPORAL PUNISHMENT.

☒ With a favorable report.

(FOR JOURNAL USE ONLY)

_____ Pursuant to Rule 32(a), the bill/resolution is re-referred to the Committee on _____.

_____ Pursuant to Rule 36(b), the bill/resolution is placed on the Calendar of _____.

2005 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES

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

By Representative Bell, Lucas, McLawhorn (Chairs) for the Committee on EDUCATION.

☐ Committee Substitute for

HB 1310 A BILL TO BE ENTITLED AN ACT PERMITTING STUDENTS ENTERING TEACHER EDUCATION PROGRAMS TO TAKE THE SAT TEST INSTEAD OF THE PRAXIS I TEST.

☒ With a favorable report as to the committee substitute bill, which changes the title, unfavorable as to the original bill.

(FOR JOURNAL USE ONLY)

_____ Pursuant to Rule 32(a), the bill/resolution is re-referred to the Committee on _____.

_____ Pursuant to Rule 36(b), the (House) committee substitute bill/(joint) resolution (No._____) is placed on the Calendar of _____. (The original bill resolution No._____) is placed on the Unfavorable Calendar.

_____ The (House) committee substitute bill/(joint) resolution (No. ____) is re-referred to the Committee on _____. (The original bill/resolution) (House/Senate Committee Substitute Bill/(Joint) resolution No. ___) is placed on the Unfavorable Calendar.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2005

H D

HOUSE BILL 1264
PROPOSED COMMITTEE SUBSTITUTE H1264-CSSF-14 [v.1]

5/2/2005 1:41:06 PM

Short Title: Board Cert. Teachers Serve as Sch. Leaders. (Public)

Sponsors:

Referred to:

April 18, 2005

A BILL TO BE ENTITLED

AN ACT TO PERMIT NATIONAL BOARD CERTIFIED TEACHERS TO SERVE AS SCHOOL LEADERS.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 115C-296.2 reads as rewritten:

"**§ 115C-296.2. National Board for Professional Teaching Standards Certification.**

...

(b) Definitions. – As used in this subsection:

...

(2) A "teacher" is a person who:

a. Either:

1. Is certified to teach in North Carolina; or

2. Holds a certificate or license issued by the State Board of Education that meets the professional license requirement for NBPTS certification;

b. Is a State-paid employee of a North Carolina public school;

c. Is paid on the teacher salary schedule; and

d. ~~Spends at least seventy percent (70%) of his or her work time:~~Either:

1. ~~In~~ Spends at least seventy percent (70%) of his or her work time in classroom instruction, if the employee is employed as a teacher. Most of the teacher's remaining time shall be spent in one or more of the following: mentoring teachers, doing demonstration lessons for teachers, writing curricula, developing and leading staff development programs for teachers; ~~or~~

2. ~~In~~ Spends at least seventy percent (70%) of his or her work time in work within the employee's area of

certification or licensure, if the employee is employed in an area of NBPTS certification other than direct classroom ~~instruction.~~instruction; or

3. Is serving as a school leader pursuant to subsection (e1) of this section.

...

(e1) Assignment of Teachers With NBPTS Certification to Serve as School Leaders. – Each school year a local board of education may assign to serve as school leaders the greater of (i) five teachers with NBPTS certification or (ii) five percent (5%) of the number of teachers with NBPTS certification in the local school administrative unit in the 2004-2005 school year. A teacher may serve as a school leader for up to three years.

A teacher must teach in a classroom for at least two years after receiving NBPTS certification to be eligible for assignment as a school leader. A teacher shall not be required to serve as a school leader.

A teacher serving as a school leader shall be school-based, work at one or more schools, and work only at the school level. The teacher shall (i) provide direct support in areas such as professional development, demonstration lessons, support for candidates for NBPTS certification, mentoring, and curriculum development, and (ii) perform other school-based, non-administrative duties as determined by the principal or principals, after consultation with the teacher."

SECTION 2. The State Board of Education shall monitor and assess the effectiveness and impact of letting teachers with NBPTS certification serve as school leaders and shall report its findings to the Joint Legislative Education Oversight Committee prior to April 15, 2008.

SECTION 3. This act becomes effective July 1, 2005.

HOUSE BILL 1264:
Board Cert. Teachers Serve as Sch. Leaders

BILL ANALYSIS

Committee:	House Education	**Date:**	May 3, 2005
Introduced by:	Reps. Yongue, Warren, Jeffus, Johnson	**Summary by:**	Shirley Iorio, Ph D
Version:	PCS to First Edition H1264-CSSF-14 [v.1]		Legislative Analyst

SUMMARY: The PCS to House Bill 1264 would allow a local board of education to assign a limited number of National Board Certified teachers to serve as school leaders. Teachers who have taught for at least two years after receiving National Board for Professional Teaching Standards certification would be eligible to serve as school leaders for up to three years. However, no National Board Certified teacher would be required to serve as a school leader. The bill specifies the duties of teachers serving as school leaders.

The State Board of Education would be required to monitor the effectiveness of allowing National Board Certified teachers to serve in this capacity and report to the Joint Legislative Education Oversight Committee prior to April 15, 2008.

The PCS adds language to the original bill to clarify that a teacher would not be required to serve as a school leader, and that school leaders would not perform administrative duties.

CURRENT LAW: **G.S. 115C-296.2.** The State supports the efforts of teachers to achieve national certification by providing up to three days of approved paid leave for teachers participating in the process, paying the application fee of $2300 per person, and paying a 12% salary differential to teachers who attain national certification from the National Board for Professional Teaching Standards (NBPTS). The State supports teachers participating in the NBPTS program who:

- Have completed three full years of teaching in a North Carolina public school; and
- Have (i) not previously received State funds for participating in any certification area in the NBPTS program, (ii) repaid any State funds previously received for the NBPTS certification process, or (iii) received a waiver of repayment from the State Board of Education.

Except under specified extraordinary circumstances, a teacher is required to repay the certification fee to the State if the teacher does not complete the process or does not teach for a year in a North Carolina public school after completing the process.

National Board Certified teachers are required to spend at least 70% of their work time in classroom instruction, if they are employed as a teacher. Their remaining time is spent doing such things as mentoring other teachers, doing demonstration lessons for teachers, writing curricula, or developing and leading staff development programs for teachers. If individuals are employed in an area of NBPTS certification other than direct classroom instruction (media specialists and counselors), they must spend at least 70% of their time in work within their area of certification.

BILL ANALYSIS: This bill would amend the section of the law requiring NBPTS teachers to spend at least 70% of their work time in classroom instruction. A local board of education would be permitted to assign to serve as school leaders the greater of five or five percent of the number of NBPTS teachers it has during the 2004-2005 school year. These teachers would continue to receive the 12% salary differential, and would be school-based, work at one or more schools, and work only at the school level.

Their time would be spent doing the kinds of work that National Board Certified teachers are currently permitted to do in the time they may spend outside classroom instruction. The teacher leaders would spend their time in the following ways:

- Providing direct support in areas such as professional development, demonstration lessons, support for candidates for NBPTS certification, mentoring, and curriculum development; and
- Performing other school-based, non-administrative duties as determined by the principal, after consultation with the teacher.

There is nothing in this proposed committee substitute that would require local boards of education to assign NBPTS teachers to serve as school leaders or that would require NBPTS teachers to take such an assignment.

EFFECTIVE DATE: The bill would become effective July 1, 2005.

BACKGROUND: The National Board for Professional Teaching Standards (NBPTS) is an independent, nonprofit, nonpartisan organization governed by a board of directors, the majority of whom are classroom teachers. Other members include school administrators, school board leaders, governors and state legislators, higher education officials, teacher union leaders and business and community leaders. NBPTS was founded to establish high standards for teachers' knowledge and performance and for development and operation of a national voluntary system to assess and certify teachers who meet those standards. Participation in the program gives teachers the time and the opportunity to analyze in a systematic way their professional development as teachers, successful teaching strategies, and the substantive areas in which they teach. Participation also gives teachers an opportunity to demonstrate superior ability and to be compensated as superior teachers. To receive NBPTS certification, a teacher must successfully (i) complete a process of developing a portfolio of student work and videotapes of teaching and learning activities and (ii) participate in NBPTS assessment center simulation exercises, including performance-based activities and a content knowledge examination.

National Board Certification is voluntary and open to all people who have a baccalaureate degree and three years of classroom experience in either public or private school. It is valid for 10 years, after which a teacher must seek renewal. If National Board Certified teachers do not seek renewal, or do not achieve renewal, they lose the National Board Certified teacher designation and they no longer qualify for the 12% salary differential.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2005

HOUSE BILL 1264

Short Title:	Board Cert. Teachers Serve as Sch. Leaders.	(Public)
Sponsors:	Representatives Yongue, Warren, Jeffus, Johnson (Primary Sponsors); Gibson, Parmon, and Wainwright.	
Referred to:	Education.	

April 18, 2005

A BILL TO BE ENTITLED

AN ACT TO PERMIT NATIONAL BOARD CERTIFIED TEACHERS TO SERVE AS SCHOOL LEADERS.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 115C-296.2 reads as rewritten:

"**§ 115C-296.2. National Board for Professional Teaching Standards Certification.**

...

(b) Definitions. – As used in this subsection:

...

(2) A "teacher" is a person who:

a. Either:

1. Is certified to teach in North Carolina; or
2. Holds a certificate or license issued by the State Board of Education that meets the professional license requirement for NBPTS certification;

b. Is a State-paid employee of a North Carolina public school;

c. Is paid on the teacher salary schedule; and

d. ~~Spends at least seventy percent (70%) of his or her work time:~~Either:

1. ~~In~~ Spends at least seventy percent (70%) of his or her work time in classroom instruction, if the employee is employed as a teacher. Most of the teacher's remaining time shall be spent in one or more of the following: mentoring teachers, doing demonstration lessons for teachers, writing curricula, developing and leading staff development programs for teachers; ~~or~~
2. ~~In~~ Spends at least seventy percent (70%) of his or her work time in work within the employee's area of

certification or licensure, if the employee is employed in an area of NBPTS certification other than direct classroom ~~instruction.~~instruction; or

3. Is serving as a school leader pursuant to subsection (e1) of this section.

...

(e1) Assignment of Teachers With NBPTS Certification to Serve as School Leaders. – The maximum number of teachers with NBPTS certification that a local board of education may assign to serve as school leaders is the greater of (i) five or (ii) five percent (5%) of the number of teachers it has during the 2004-2005 school year with NBPTS certification. A teacher may serve as a school leader for up to three years.

A teacher must teach in a classroom for at least two years after receiving NBPTS certification to be eligible for assignment as a school leader.

A teacher serving as a school leader shall be school-based, work at one or more schools, and work only at the school level. The teacher shall (i) provide direct support in areas such as professional development, demonstration lessons, support for candidates for NBPTS certification, mentoring, and curriculum development, and (ii) perform other school-based duties as determined by the principal or principals, after consultation with the teacher."

SECTION 2. The State Board of Education shall monitor and assess the effectiveness and impact of letting teachers with NBPTS certification serve as school leaders and shall report its findings to the Joint Legislative Education Oversight Committee prior to April 15, 2008.

SECTION 3. This act becomes effective July 1, 2005.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2005

H

HOUSE BILL 1505

Short Title:	Study Changes in Education Districts.	(Public)
Sponsors:	Representatives Yongue, Preston, Johnson, and Carney (Primary Sponsors).	
Referred to:	Education.	

April 21, 2005

A BILL TO BE ENTITLED

AN ACT DIRECTING THE JOINT LEGISLATIVE EDUCATION OVERSIGHT COMMITTEE TO STUDY POPULATION CHANGES IN THE EDUCATIONAL DISTRICTS FROM WHICH MEMBERS OF THE STATE BOARD OF EDUCATION ARE APPOINTED.

Whereas, the Constitution states that the State Board of Education shall consist of the Lieutenant Governor, the Treasurer, and 11 members appointed by the Governor, subject to confirmation by the General Assembly in joint session; and

Whereas, the Constitution directs the General Assembly to divide the State into eight educational districts; and

Whereas, the Constitution further directs the Governor to appoint one member of the State Board of Education from each of the eight educational districts and three members from the State at large; and

Whereas, the General Assembly has not reconfigured the eight educational districts since 1945; Now, therefore,

The General Assembly of North Carolina enacts:

SECTION 1. The Joint Legislative Education Oversight Committee shall:

(1) Review population changes in the educational districts from which members of the State Board of Education are appointed: and

(2) Recommend changes to the districts to ensure adequate representation and alignment of the districts based on population.

The Committee shall report the results of its study to the Regular 2006 Session of the 2005 General Assembly.

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

HOUSE BILL 1505:
Study Changes in Education Districts

BILL ANALYSIS

Committee:	House Education	**Date:**	May 10, 2005
Introduced by:	Reps. Yongue, Preston, Johnson, Carney	**Summary by:**	Robin Johnson
Version:	First Edition		Committee Counsel

SUMMARY: House Bill 1505 would authorize the Joint Legislative Education Oversight Committee to review population changes in the State in order to recommend changes to the educational districts from which members of the State Board of Education are appointed. The Committee would report to the 2006 Session.

CURRENT LAW: Section 4 of Article IX of the North Carolina Constitution[i] provides that the State Board of Education consists of the Lieutenant Governor, the Treasurer, and 11 members appointed by the Governor and confirmed by the General Assembly. Three of the appointed members are at-large members; the remaining must be appointed from each of eight educational districts.

G.S. 115C-65 divides the State's 100 counties into eight educational districts as follows:

- First District : Beaufort, Bertie, Camden, Chowan, Currituck, Dare, Gates, Hertford, Hyde, Martin, Pasquotank, Perquimans, Pitt, Tyrrell, Washington.
- Second District Brunswick, Carteret, Craven, Duplin, Greene, Jones, Lenoir, New Hanover, Onslow, Pamlico, Pender, Sampson, Wayne.
- Third District Durham, Edgecombe, Franklin, Granville, Halifax, Johnston, Nash, Northampton, Vance, Wake, Warren, Wilson.
- Fourth District Bladen, Columbus, Cumberland, Harnett, Hoke, Lee, Montgomery, Moore, Richmond, Robeson, Scotland.
- Fifth District Alamance, Caswell, Chatham, Davidson, Forsyth, Guilford, Orange, Person, Randolph, Rockingham, Stokes.
- Sixth District Anson, Cabarrus, Cleveland, Gaston, Lincoln, Mecklenburg, Stanly, Union.
- Seventh District Alexander, Alleghany, Ashe, Avery, Burke, Caldwell, Catawba, Davie, Iredell, Rowan, Surry, Watauga, Wilkes, Yadkin.
- Eighth District Buncombe, Cherokee, Clay, Graham, Haywood, Henderson, Jackson, Macon, Madison, McDowell, Mitchell, Polk, Rutherford, Swain, Transylvania, Yancey.

EFFECTIVE DATE: This act would be effective when it becomes law.

BACKGROUND: The State Board of Education has had appointed members based on eight educational districts since 1944. Prior to that time, appointed members were based on congressional districts. The composition of the educational districts has not changed since they were created.

H1505e1-SMRH

[i] **Sec. 4. State Board of Education.**

(1) Board. The State Board of Education shall consist of the Lieutenant Governor, the Treasurer, and eleven members appointed by the Governor, subject to confirmation by the General Assembly in joint session. The General Assembly shall divide the State into eight educational districts. Of the appointive members of the Board, one shall be appointed from each of the eight educational districts and three shall be appointed from the State at large. Appointments shall be for overlapping terms of eight years. Appointments to fill vacancies shall be made by the Governor for the unexpired terms and shall not be subject to confirmation.

(2) Superintendent of Public Instruction. The Superintendent of Public Instruction shall be the secretary and chief administrative officer of the State Board of Education.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2005

H

HOUSE BILL 1462

Short Title:	Study of Corporal Punishment Policies.	(Public)
Sponsors:	Representatives Alexander; Insko and Weiss.	
Referred to:	Education.	

April 21, 2005

A BILL TO BE ENTITLED

AN ACT DIRECTING THE STATE BOARD OF EDUCATION TO STUDY POLICIES RELATED TO CORPORAL PUNISHMENT.

The General Assembly of North Carolina enacts:

SECTION 1. The State Board of Education shall study policies related to corporal punishment in the public schools. In the course of the study, the State Board shall consult with parents, educators, school board members, organizations representing parents, educators, and local boards of education, and other interested parties.

The State Board shall report the results of its study, including any recommendations for changes to existing policies, to the Joint Legislative Education Oversight Committee prior to March 15, 2006.

SECTION 2. This act becomes effective July 1, 2005.

HOUSE BILL 1462:
Study of Corporal Punishment Policies

BILL ANALYSIS

Committee:	House Education	**Date:**	May 10, 2005
Introduced by:	Rep. Alexander	**Summary by:**	Shirley Iorio, Ph D
Version:	First Edition		Legislative Analyst

SUMMARY: ***House Bill 1462 would require the State Board of Education, in consultation with parents, educators, schools board members, organizations representing these groups and other interested parties, to study policies related to corporal punishment in the public schools.***

The bill would require the State Board to report the results of its study, including any recommendations for changes to existing policies, to the Joint Legislative Education Oversight Committee prior to March 15, 2006.

CURRENT LAW: There are currently two statutes that govern corporal punishment in schools. The broader law is G.S. 115C-390 which authorizes school personnel to use reasonable force:

§ 115C-390. School personnel may use reasonable force.

Except as restricted or prohibited by rules adopted by the local boards of education, principals, teachers, substitute teachers, voluntary teachers, and teacher assistants and student teachers in the public schools of this State may use reasonable force in the exercise of lawful authority to restrain or correct pupils and maintain order.

The second law is G.S. 115C-391 which limits the first law and governs student discipline, corporal punishment, suspension, expulsion, and removal to alternative settings. The following sections of that law govern corporal punishment:

§ 115C-391. Corporal punishment, suspension, or expulsion of pupils.

(a) Local boards of education shall adopt policies not inconsistent with the provisions of the Constitutions of the United States and North Carolina, governing the conduct of students and establishing procedures to be followed by school officials in suspending or expelling any student, or in disciplining any student if the offensive behavior could result in suspension, expulsion, or the administration of corporal punishment. Local boards of education shall include a reasonable dress code for students in these policies.

The policies that shall be adopted for the administration of corporal punishment shall include at a minimum the following conditions:

(1) Corporal punishment shall not be administered in a classroom with other children present;

(2) The student body shall be informed beforehand what general types of misconduct could result in corporal punishment;

(3) Only a teacher, substitute teacher, principal, or assistant principal may administer corporal punishment and may do so only in the presence of a principal, assistant principal, teacher, substitute teacher, teacher assistant, or student teacher, who shall be informed beforehand and in the student's presence of the reason for the punishment; and

(4) An appropriate school official shall provide the child's parent or guardian with notification that corporal punishment has been administered, and upon request, the official who administered the corporal punishment shall provide the child's parent or

guardian a written explanation of the reasons and the name of the second school official who was present.

Each local board shall publish all the policies mandated by this subsection and make them available to each student and his parent or guardian at the beginning of each school year. Notwithstanding any policy adopted pursuant to this section, school personnel may use reasonable force, including corporal punishment, to control behavior or to remove a person from the scene in those situations when necessary:

(1) To quell a disturbance threatening injury to others;
(2) To obtain possession of weapons or other dangerous objects on the person, or within the control, of a student;
(3) For self-defense;
(4) For the protection of persons or property; or
(5) To maintain order on school property, in the classroom, or at a school-related activity on or off school property.

...

(h) Notwithstanding any other law, no officer or employee of the State Board of Education or of a local board of education shall be civilly liable for using reasonable force, including corporal punishment, in conformity with State law, State or local rules, or State or local policies regarding the control, discipline, suspension, and expulsion of students. Furthermore, the burden of proof is on the claimant to show that the amount of force used was not reasonable.

EFFECTIVE DATE: The bill would become effective July 1, 2005.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2005

HOUSE BILL 1310

Short Title:	Testing Requirments/Teacher Educ. Students.	(Public)
Sponsors:	Representatives Michaux; Parmon and Wainwright.	
Referred to:	Education.	

April 20, 2005

A BILL TO BE ENTITLED

AN ACT PERMITTING STUDENTS ENTERING TEACHER EDUCATION PROGRAMS TO TAKE THE SAT TEST INSTEAD OF THE PRAXIS I TEST.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 115C-296 is amended by adding a new subsection to read:

"(b2) An undergraduate student seeking a degree in teacher education must satisfactorily complete a preprofessional skills test that assesses reading, writing, and mathematics competencies prior to admission to an approved teacher education program in a North Carolina college or university. The State Board of Education shall permit students to fulfill this requirement by satisfactorily completing any one of the following tests:

(1) The Praxis I Test.

(2) The SAT Test.

(3) Any other test the State Board deems appropriate for this purpose."

SECTION 2. This act becomes effective July 1, 2005.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2005

H D

HOUSE BILL 1310
PROPOSED COMMITTEE SUBSTITUTE H1310-CSSF-17 [v.3]

5/9/2005 5:37:38 PM

Short Title: Testing Requirments/Teacher Educ. Students. (Public)

Sponsors:

Referred to:

April 20, 2005

A BILL TO BE ENTITLED

AN ACT TO PERMIT STUDENTS TO USE THEIR SAT SCORES OR PRAXIS I SCORES TO QUALIFY FOR ADMISSION TO TEACHER EDUCATION PROGRAMS.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 115C-296 is amended by adding a new subsection to read:

"(b2) An undergraduate student seeking a degree in teacher education must attain passing scores on a pre-professional skills test prior to admission to an approved teacher education program in a North Carolina college or university. The State Board of Education shall permit students to fulfill this requirement by achieving the prescribed minimum scores set by the State Board of Education for the Praxis I tests or by achieving a combined score of at least 1100 on the verbal and mathematics portions of the SAT."

SECTION 2. This act becomes effective July 1, 2005, and applies to students seeking admission to a teacher education program beginning with the 2006-2007 academic year.

HOUSE BILL 1310:
Testing Requirments/Teacher Educ. Students

BILL ANALYSIS

Committee:	House Education	**Date:**	May 10, 2005
Introduced by:	Rep. Michaux	**Summary by:**	Shirley Iorio, Ph D
Version:	PCS to First Edition H1310-CSSF-17 [v.3]		Legislative Analyst

SUMMARY: ***The PCS for House Bill 1310 would require the State Board of Education to allow students to use either their SAT score or Praxis I scores to qualify for admission to an approved teacher education program in a North Carolina college or university. These undergraduate students would have to achieve the prescribed minimum scores set by the State Board of Education for the Praxis I tests or a combined score of at least 1100 on the verbal and mathematics portions of the SAT to fulfill the testing requirement.***

The PCS clarifies that a student must achieve the required minimum scores on the Praxis I tests or achieve a combined score of 1100 on the SAT to meet the testing requirement. It also eliminates from the original bill the phrase "Any other test the State Board deems appropriate for this purpose".

CURRENT LAW: State law and the North Carolina Constitution give the State Board of Education the authority to make all rules and regulations needed to supervise and administer the free public school system, "subject to laws enacted by the General Assembly".

State Board of Education (State Board) policy requires undergraduate degree-seeking students to complete the Praxis I (Pre-Professional Skills Test [PPST] or Computer Based Test [CBT]) for formal admission to approved teacher education programs in North Carolina institutions of higher education. The State Board sets the required minimum scores for these tests.

BILL ANALYSIS: A student who achieves at least a combined score of 1100 on the math and verbal portions of the SAT would be able to use their SAT score to qualify for admission to a teacher education program instead of taking the Praxis I tests. Currently, only the Praxis I tests can be used to meet the testing requirement for admission to a teacher education program.

EFFECTIVE DATE: The bill would become effective July 1, 2005, and would apply to students seeking admission to a teacher education program beginning with the 2006-2007 academic year.

BACKGROUND: Praxis I Academic Skills Assessments are designed to be taken early in a student's college career to measure reading, writing, and mathematics skills. The reading, writing, and mathematics assessments are available through either a paper-based or computer-based format. Colleges and universities may use the basic academic skills assessments to qualify individuals for entry into teacher education programs.

The SAT Reasoning Test measures critical reading, writing, and mathematical reasoning skills students have developed over time and skills they need to be successful academically. High school juniors and seniors typically take the SAT. The College Board describes the SAT as "the best independent, standardized measure of a student's college readiness".

NORTH CAROLINA GENERAL ASSEMBLY AMENDMENT

(Please type or use ballpoint pen)

EDITION No. _____

H. B. No. 1310 DATE 5/17/05

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

COMMITTEE SUBSTITUTE H1310-CSSF-17 [v.3]

Rep.) Womble
Sen.)

moves to amend the bill on page 1, lines 13-14

( ) WHICH CHANGES THE TITLE

by rewriting the lines to read

"( ) achieving the appropriate required score, as determined by the State Board of Education, on the verbal and mathematics portions of the SAT. The combined verbal & mathematics score set by the State Bd of Education shall be between 900 and 1200."

SIGNED Jeremy Womble

ADOPTED _____ FAILED _____ TABLED _____

PRINCIPAL CLERK'S OFFICE (FOR ENGROSSMENT)

ATTENDANCE

Education

(Name of Committee)

DATES	03/15/05	04/05/05	04/07/05	04/12/05	05/03/05	05/17/05	05/17/05	06/01/05	06/07/05	06/28/05	07/19/05
BELL, Larry	x	x	x	x	x	x					
LUCAS, Marvin	x	x	x	x	x	x					
McLAWHORN, Marian	x	x	x	x	x	x					
ADAMS, Alma	x	x	x	x	x	x					
ALLEN, Bernard	x	x	x	x	x	x					
BLACKWOOD, Curtis	x	x		x	x	x					
BORDSEN, Alice	x	x	x	x	x	x					
BROWN, Larry					x	x					
CARNEY, Becky	x	x	x	x	x	x					
CLEVELAND, George	x	x	x	x	x	x					
COLE, Nelson	x	x	x	x	x	x					
COLEMAN, Linda	x	x	x	x	x	x					
CRAWFORD, James	x				x						
DAUGHTRIDGE, William	x	x		x	x	x					
DICKSON, Margaret	x	x	x	x	x	x					
DOCKHAM, Jerry		x		x	x	x					
ENGLAND, Bob	x		x	x	x	x					
FISHER, Susan	x	x	x	x	x	x					
FOLWELL, Dale	x	x		x	x	x					
FRYE, Phillip	x	x	x	x	x	x					
GLAZIER, Rick	x	x	x	x	x	x					
GOFORTH, Bruce	x	x	x	x	x	x					
WADE-GOODWIN, Melanie	x	x		x	x	x					
GRADY, Robert											
HARRELL, James	x										
HARRISON, Pricey	x	x	x	x	x	x					

DATES	03/15/05	04/05/05	04/07/05	04/12/05	05/03/05	05/17/05	05/17/05	06/01/05	06/07/05	06/28/05	07/19/05
HILTON, Mark	x	x	x	x	x	x					
HOLLO, Mark	x	x	x	x	x	x					
HOLLOWAY, Bryan	x	x	x	x	x						
HOLMES, George	x			x	x						
INSKO, Verla	x			x	x						
JEFFUS, Maggie	x	x	x	x	x	x					
JOHNSON, Linda	x		x	x		x					
JUSTICE, Carolyn	x	x	x	x	x	x					
LANGDON, James	x	x	x	x	x	x					
LUEBKE, Paul	x	x	x	x	x	x					
MARTIN, Grier	x	x	x	x	x	x					
McALLISTER, Mary	x	x	x	x	x	x					
MICHAUX, Mickey		x	x	x		x					
NYE, Edd	x	x	x	x	x	x					
PARMON, Earline	x		x	x	x	x					
PATE, Louis	x	x	x	x	x	x					
PRESTON, Jean	x		x		x	x					
RAPP, Raymond	x	x	x	x	x	x					
RAY, Karen	x	x	x	x	x	x					
SAULS, John			x		x	x					
STILLER, Bonner		x	x	x	x	x					
TOLSON, Joe	x	x	x	x	x	x					
WALKER, Tracy	x	x	x		x	x					
WARREN, Edith	x		x		x	x					
WILEY, Laura	x	x	x	x	x	x					
WILKINS, Winkie	x	x	x	x	x	x					

DATES	03/15/05	04/05/05	04/07/05	04/12/05	05/03/05	05/17/05	05/17/05	06/01/05	06/07/05	06/28/05	07/19/05
WOMBLE, Larry	x	x	x	x	x	x					
WRAY, Michael	x	x		x	x	x					
YONGUE, Douglas	x	x	x	x	x	x					
CULPEPPER, Bill											
CUNNINGHAM, Pete			x	x		x					
EDDINS, Rick											
HACKNEY, Joe											
Dee Atkinson	x		x		x	x					
Drupti Chauhan	x		x		x	x					
Shirley Iorio	x		x		x	x					
Robin Johnson	x		x		x	x					
Sara Kamprath	x		x		x	x					

REFERRAL FORM

NORTH CAROLINA HOUSE OF REPRESENTATIVES
ASSIGNMENT OF BILLS TO SUBCOMMITTEE

COMMITTEE: **EDUCATION**

Chair: **Representatives Bell, Lucas, McLawhorn**

DATE: **05/10/05**

Bill Number (Indicate **H** or **S**): H 1250

Short Title: NC Education Bank.

Assigned to Subcommittee on: **Universities**

Re-Assigned to Subcommittee on:

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

Short Title:

Assigned to Subcommittee on:

Re-Assigned to Subcommittee on:

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

Short Title:

Assigned to Subcommittee on:

Re-Assigned to Subcommittee on:

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

Short Title:

Assigned to Subcommittee on:

Re-Assigned to Subcommittee on:

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

Short Title:

Assigned to Subcommittee on:

Re-Assigned to Subcommittee on:

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

Short Title:

Assigned to Subcommittee on:

Re-Assigned to Subcommittee on:

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

Short Title:

Assigned to Subcommittee on:

Re-Assigned to Subcommittee on:

REFERRAL FORM

NORTH CAROLINA HOUSE OF REPRESENTATIVES
ASSIGNMENT OF BILLS TO SUBCOMMITTEE

COMMITTEE: **EDUCATION**

Chair: **Representatives Bell, Lucas, McLawhorn**

DATE: **05/10/05**

Bill Number (Indicate **H** or **S**): H 1105

Short Title: In-State Tuition/Paramedic-to-BSN Program

Assigned to Subcommittee on: **Universities**

Re-Assigned to Subcommittee on:

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

Short Title:

Assigned to Subcommittee on:

Re-Assigned to Subcommittee on:

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

Short Title:

Assigned to Subcommittee on:

Re-Assigned to Subcommittee on:

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

Short Title:

Assigned to Subcommittee on:

Re-Assigned to Subcommittee on:

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

Short Title:

Assigned to Subcommittee on:

Re-Assigned to Subcommittee on:

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

Short Title:

Assigned to Subcommittee on:

Re-Assigned to Subcommittee on:

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

Short Title:

Assigned to Subcommittee on:

Re-Assigned to Subcommittee on:

REFERRAL FORM

NORTH CAROLINA HOUSE OF REPRESENTATIVES
ASSIGNMENT OF BILLS TO SUBCOMMITTEE

COMMITTEE: **EDUCATION**

Chair: **Representatives Bell, Lucas, McLawhorn**

DATE: **05/10/05**

Bill Number (Indicate **H** or **S**): H 805

Short Title: Update List of High Priority Schools.

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

Re-Assigned to Subcommittee on:

Bill Number (Indicate **H** or **S**): H 1151

Short Title: Planning Time & Duty-Free Lunch for Teachers.

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

Re-Assigned to Subcommittee on:

Bill Number (Indicate **H** or **S**): H 1502

Short Title: School Children's Health Act.

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

Re-Assigned to Subcommittee on:

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

Short Title:

Assigned to Subcommittee on:

Re-Assigned to Subcommittee on:

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

Short Title:

Assigned to Subcommittee on:

Re-Assigned to Subcommittee on:

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

Short Title:

Assigned to Subcommittee on:

Re-Assigned to Subcommittee on:

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

Short Title:

Assigned to Subcommittee on:

Re-Assigned to Subcommittee on:

House Pages

Name Of Committee: Educ. Date: 5-19-05

1. Name: Ben Carr
   County: Wake
   Sponsor: Rep. Stam
2. Name: _____
   County: _____
   Sponsor: _____
3. Name: _____
   County: _____
   Sponsor: _____
4. Name: _____
   County: _____
   Sponsor: _____
5. Name: _____
   County: _____
   Sponsor: _____

Sgt-At-Arms

1. Name: Frank Prevo
2. Name: Willie Rigon
3. Name: Martha Parrish
4. Name: Jay Callaway
5. Name: _____

VISITOR REGISTRATION SHEET

EDUCATION — 5-17-05

Name of Committee — Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Rich Webb	NCGA Intern
Andria Schrag	Rural Ed. Trust.
BRIAN LEWIS	Covenant w/ NC's Children
AL DEITCH	YAIO/DOA
Debbie HOTWITZ	YA'G
Cecil BANKS	NCAE
Marcus Downs	NCAE
Suzanne Buckley	GOVERNORS OFFICE
Jami Fitzgerald	NC Family Policy Council
	NCJC PC
Cy Lee	WSSU

VISITOR REGISTRATION SHEET

Name of Committee | Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Ryland Pond	Intern - Rep. Carney
Kathy Sullivan	DPI
Emily Bluhm	PCANC
Becky Wristen	PCANC
Leanne Winner	NCSBE
Sharon Spence	Lee Co. Schools
Hal Miller	NCAECT
Stephanie Erba	SBE
Richard Thompson	UNC
Kathie Lehman	Johnston Co. Comm.
Karen Gaul	Nat'l Board for Prof. Teaching Standards

VISITOR REGISTRATION SHEET

Name of Committee | Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Joanne Stevens	
John McKay	
Todd Barlow	Rep. Yongue's office
Ann McArthur	Governor's Office
Susan Harris	NCPSS
Hilary Arthur	NCASA
Jeff Maynard	
[illegible]	[illegible]
Emma C. Greaves	PENC
[illegible]	Gov's office
[illegible]	NCLCV

VISITOR REGISTRATION SHEET

Name of Committee | Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
John Goodman	Alley Associates
John Gunn	NCSG
John D. White	Intern for Rep. Alma Adams

MINUTES
HOUSE EDUCATION COMMITTEE

May 17, 2005
2PM Meeting

The House Education Committee met on Tuesday, May 17, 2005, in Room 643 of the Legislative Office Building at 2:00 PM. The following members were present: Chairs Bell, Lucas and McLawhorn, Vice Chairs Dickson, England, Glazier, Parmon, and Sauls, Representatives Adams, Allen, Blackwood, Bordsen, Brown, Carney, Cleveland, Cole, Coleman, Fisher, Folwell, Frye, Goforth, Harrison, Hilton, Insko, Jeffus, Johnson, Langdon, Martin, McAllister, Pate, Rapp, Stiller, Tolson, Wilkins, Womble, Wray, and Yongue. Staff members present were Dee Atkinson, Shirley Iorio, Drupti Chauhan, Robin Johnson, and Sara Kamprath. A Visitor Registration list is attached and made part of these minutes.

Chairwoman Marian McLawhorn called the meeting to order.

The first bill to be heard was HB 1414, A BILL TO BE ENTITLED AN ACT TO PERMIT TEACHER ASSISTANTS WHO ARE ENROLLED IN TEACHER EDUCATION PROGRAMS TO CONTINUE TO WORK WHILE THEY COMPLETE THEIR STUDENT TEACHING. Representative Lucas made a motion to bring the proposed committee substitute before the committee for discussion. Representative Pierce, primary bill sponsor, explained the committee substitute. A copy of the original bill, proposed committee substitute, and bill summary is attached and made part of these minutes. Representative Stiller sent forth an amendment (see Attachment #1). The amendment carried. Representatives Blackwood, Rapp, Allen, Sauls, Bordsen, Stiller, Insko, and Glazier commented on the bill. Cecil Banks, Director of Government Relations with NCAE, and Leeanne Winner, representing the NC School Board Association, spoke on behalf of the bill. Representative Bordsen stated that she felt there should be a fiscal note for the bill. Upon motion made by Representative McAllister, the committee voted to give HB 1414 a favorable report to the bill as amended, rolled into a committee substitute, with a favorable report to the committee substitute and an unfavorable report to the original bill.

The next order of business was HB 563, A BILL TO BE ENTITLED AN ACT PERMITTING THE COMMUNITY COLLEGE SYSTEM TO PROVIDE COURSE-WORK TO PERSONS ENTERING THE TEACHING PROFESSION BY LATERAL ENTRY. Representative Tolson is the primary bill sponsor. Representative Lucas made a motion to bring the proposed committee substitute before the committee for discussion. A copy of the original bill, proposed committee substitute and bill summary is attached and made part of these minutes. Representative Tolson explained the bill. Representatives Bordsen, Blackwood, England, Adams, McAllister, and Rapp made comments on the bill. Mr. Richard Thompson, Vice-President of University Programs

with the North Carolina University Systems spoke in favor of the bill. Mr. Tim McDowell, representing NC Independent Colleges and Universities, also spoke in favor of the bill in its present form. Upon motion made by Representative Wilkins, the committee voted to give HB 563 a favorable report to the committee substitute, unfavorable to the original bill.

With there being very little time left to hear any more bills, the chairwoman adjourned the meeting at 2:45PM.

Respectively submitted,

Marian N. McLawhorn
Representative Marian McLawhorn

Susan H. Burleson
Susan H. Burleson, Committee Assistant

NORTH CAROLINA HOUSE OF REPRESENTATIVES
COMMITTEE MEETING NOTICE
2005-2006 SESSION

You are hereby notified that the Committee on **EDUCATION** will meet as follows:

DAY & DATE: **Tuesday, May 17, 2005**

TIME: **11:00 and 2:00**

LOCATION: **643 LOB**

The following bills will be considered (Bill # & Short Title & Bill Sponsor):

11:00 a.m.

H 1264 - BOARD CERT. TEACHERS SERVE AS SCH. LEADERS –
Reps. Yongue, Warren, Jeffus, Johnson

H 1505 - STUDY CHANGES IN EDUCATION DISTRICTS –
Reps. Yongue, Preston, Johnson, Carney

H 1462 - STUDY OF CORPORAL PUNISHMENT POLICIES – Rep. Alexander

H 1310 - TESTING REQUIRMENTS/TEACHER EDUC. STUDENTS – Rep. Michaux

H 1414 - HELP TEACHER ASSISTANTS BECOME TEACHERS – Rep. Pierce

2:00 p.m.

H 563 - COMM. COLL. MAY TRAIN LATERAL ENTRY TEACHERS – Rep. Tolson

H 595 - DECREASE TEACHERS' COST FOR PERSONAL LEAVE – Rep. Wainwright

H 126 - ANY-PRECINCT VOTING PILOT – Reps. Insko, Preston

H 855 - REQUIRED REGISTRATION FOR KEGS – Rep Insko

Respectfully,

Representatives Bell, Lucas, McLawhorn
Chairs

I hereby certify this notice was filed by the committee assistant at the following offices at **8:30 a.m.** on **Thursday, May 12, 2005.**

___Principal Clerk
___Reading Clerk - House Chamber

Thelma T. Utley (Committee Assistant)

HOUSE EDUCATION COMMITTEE MEETING

Tuesday, May 17, 2005
Room 643 LOB
2:00 PM

OPENING REMARKS AND INTRODUCTIONS

Representative Marian N. McLawhorn, Co-Chair

AGENDA ITEMS

H 1414 – HELP TEACHER ASSISTANTS BECOME TEACHERS - Rep. Pierce

H 563 - COMM. COLL. MAY TRAIN LATERAL ENTRY TEACHERS – Rep. Tolson

H 595 - DECREASE TEACHERS' COST FOR PERSONAL LEAVE – Rep. Wainwright

H 126 - ANY-PRECINCT VOTING PILOT – Reps. Insko and Preston

ADJOURNMENT

ATTENDANCE

Education

(Name of Committee)

DATES	5/17/05 AM		5/17/05 PM												
BELL, Larry	✓		✓												
LUCAS, Marvin	✓		✓												
McLAWHORN, Marian	✓		✓												
ADAMS, Alma	✓		✓												
ALLEN, Bernard	✓		✓												
BLACKWOOD, Curtis	✓		✓												
BORDSEN, Alice	✓		✓												
BROWN, Larry	✓		✓												
CARNEY, Becky	✓		✓												
CLEVELAND, George	✓		✓												
COLE, Nelson	✓		✓												
COLEMAN, Linda	✓		✓												
CRAWFORD, James															
DAUGHTRIDGE, William	✓														
DIXON, Margaret	✓		✓												
DOCKHAM, Jerry	✓														
ENGLAND, Bob	✓		✓												
FISHER, Susan	✓		✓												
FOLWELL, Dale	✓		✓												
FRYE, Phillip	✓		✓												
GLAZIER, Rick	✓		✓												
GOFORTH, Bruce	✓		✓												
GOODWIN, Melanie	✓														
GRADY, Robert															
HARRELL, James															
HARRISON, Pricey	✓		✓												

DATES															
HILTON, Mark	✓		✓												
HOLLO, Mark	✓														
HOLLOWAY, Bryan															
HOLMES, George															
INSKO, Verla			✓												
JEFFUS, MAGGIE	✓		✓												
JOHNSON, Linda	✓		✓												
JUSTICE, Carolyn	✓														
LANGDON, James	✓		✓												
LUEBKE, Paul	✓														
MARTIN, Grier	✓		✓												
McALLISTER, Mary	✓		✓												
MICHAUX, Mickey	✓														
NYE, Edd	✓														
PARMON, Earline	✓		✓												
PATE, Louis	✓		✓												
PRESTON, Jean	✓														
RAPP, Raymond	✓		✓												
RAY, Karen	✓														
SAULS, John	✓		✓												
STILLER, Bonner	✓		✓												
TOLSON, Joe	✓		✓												
WALKER, Tracy	✓														
WARREN, Edith	✓														
WILEY, Laura	✓														
WILKINS, Winkie	✓		✓												
WOMBLE, Larry	✓		✓												

DATES															
WRAY, Michael	✓		✓												
YONGUE, Douglas	✓		✓												
Rep. Cunningham - Ex officio	✓														

VISITOR REGISTRATION SHEET

House Education Committee — 2PM -Tuesday, May 17, 2005

Name of Committee — **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Kathy Sullivan	DPI
Dawnn Holloman	DPI
Ryland Pond	Intern - Rep. Carney
Sarah Harger	ACLU - NC Intern
Dan Blau	ACLU-NC
Pat A. Yancey	ACLU-NC
Michael Houser	NCAE
Cynthia McKinney	NCAE
Angela Denise	NCAE/SC
Susan Saunders	Rep. Linda Coleman
Bill McNeil	NC Rural Center
[illegible]	NCPTA & NCDC

VISITOR REGISTRATION SHEET

House Education Committee — 2PM -Tuesday, May 17, 2005

Name of Committee — **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Jami Fitzgerald	NCFPC
Rob Idol	Intern - Jim Crawford
Marcus Dams	NCAE
Todd Barlow	Rep. Yongue's Office
Brian Hunt	Rep England
CLIFF MITCHELL	NC Community College Faculty Assoc
Neil Bark	NCAE
Kevin FitzGerald	UNC CH
Mark Fleming	UNC
Joan Garner	WCPSS
Peyton Maynard	self

VISITOR REGISTRATION SHEET

House Education Committee — 2PM -Tuesday, May 17, 2005

Name of Committee — **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Mike Arnold	HWTFC
Jim Causby	NCASA
Richard Thomgson	UNC
MARTIN LANCASTER	NCCCS
Ken Whitehurst	NCCCS
RICHARD SULLINS	NCCCS
Sharon Spence	Lee Co. Schools
Leanne Winner	NCSBE
Butch Gunnells	NC Soft Drink Assoc.
Lavinia Steel	" "
George Goddard	" "

VISITOR REGISTRATION SHEET

House Education Committee — 2PM -Tuesday, May 17, 2005

Name of Committee — **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
	T C Mallon Co
	NCCCS
	NCICU
	Public School Forum of NC
	NCASA
	CNS
Stephanie Erba	SBE
Linda Suggs	SBE
	Governor's Off
	NCDPI Child Nutrition Services
	" " " "

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2005

HOUSE BILL 1414

Short Title:	Help Teacher Assistants Become Teachers.	(Public)
Sponsors:	Representatives Pierce; Coleman, Faison, Jones, McLawhorn, Moore, Sauls, Wainwright, Warren, and Womble.	
Referred to:	Education.	

April 21, 2005

A BILL TO BE ENTITLED

AN ACT TO PERMIT TEACHER ASSISTANTS WHO ARE ENROLLED IN TEACHER EDUCATION PROGRAMS TO CONTINUE TO WORK WHILE THEY COMPLETE THEIR STUDENT TEACHING.

The General Assembly of North Carolina enacts:

SECTION 1. The State Board of Education, in cooperation with the Board of Governors of The University of North Carolina, shall adopt a program to facilitate the process by which teacher assistants may become teachers. Under the program, a teacher assistant who is enrolled in a teacher education program in a North Carolina institution of higher education shall be permitted to continue to work as a teacher assistant while he or she is completing student teaching.

Each approved teacher education program and each local school administrative unit shall administer this program beginning with the 2005-2006 academic year.

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

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2005

H D

HOUSE BILL 1414
PROPOSED COMMITTEE SUBSTITUTE H1414-CSRJ-14 [v.6]

5/16/2005 3:43:34 PM

Short Title: Help Teacher Assistants Become Teachers. (Public)

Sponsors:

Referred to:

April 21, 2005

A BILL TO BE ENTITLED

AN ACT TO PERMIT TEACHER ASSISTANTS WHO ARE ENROLLED IN TEACHER EDUCATION PROGRAMS TO CONTINUE TO WORK WHILE THEY COMPLETE THEIR STUDENT TEACHING.

The General Assembly of North Carolina enacts:

SECTION 1. Article 20 of Chapter 115C of the General Statutes is amended by adding a new section to read:

"**§ 115C-310. Teacher assistants engaged in student teaching.**

The State Board of Education shall adopt a program to facilitate the process by which teacher assistants may become teachers.

Teacher assistants who participate in this program:

(1) Shall be enrolled in an approved teacher education program in a North Carolina institution of higher education;

(2) Shall be employed in a North Carolina public school;

(3) Shall not perform their student teaching in the classroom where they are employed as a teacher assistant. To the extent possible, they shall be assigned to another school within the same local school administrative unit; and

(4) Shall continue to receive their salary and benefits while student teaching in the same local school administrative unit where they are employed as a teacher assistant.

The State Board of Education shall consult with the Board of Governors of The University of North Carolina and the North Carolina Independent Colleges and Universities in the development of the program. Each approved teacher education program and each local school administrative unit shall administer this program beginning with the 2005-2006 academic year."

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

PROPOSED COMMITTEE SUBSTITUTE H1414-CSRJ-14 [v.6]

A BILL TO BE ENTITLED

AN ACT TO PERMIT TEACHER ASSISTANTS WHO ARE ENROLLED IN TEACHER EDUCATION PROGRAMS TO CONTINUE TO WORK WHILE THEY COMPLETE THEIR STUDENT TEACHING.

The General Assembly of North Carolina enacts:

SECTION 1. Article 20 of Chapter 115C of the General Statutes is amended by adding a new section to read:

"**§ 115C-310. Teacher assistants engaged in student teaching.**

The State Board of Education shall adopt a program to facilitate the process by which teacher assistants may become teachers.

Teacher assistants who participate in this program:

(1) Shall be enrolled in an approved teacher education program in a North Carolina institution of higher education;

(2) Shall be employed in a North Carolina public school;

(3) Shall not perform their student teaching in the classroom where they are employed as a teacher assistant. To the extent possible, they shall be assigned to another school within the same local school administrative unit; and

(4) Shall continue to receive their salary and benefits while student teaching in the same local school administrative unit where they are employed as a teacher assistant.

The State Board of Education shall consult with the Board of Governors of The University of North Carolina and the North Carolina Independent Colleges and Universities in the development of the program. Each approved teacher education program and each local school administrative unit shall administer this program beginning with the 2005-2006 academic year."

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

HOUSE BILL 1414:
Help Teacher Assistants Become Teachers

BILL ANALYSIS

Committee:	House Education	**Date:**	May 16, 2005
Introduced by:	Rep. Pierce	**Summary by:**	Sara Kamprath
Version:	PCS to First Edition H1414-CSRJ-14 [v.6]		Committee Analyst

SUMMARY: ***The Proposed Committee Substitute for House Bill 1414 directs the State Board of Education to adopt a program allowing teacher assistants who are enrolled in approved NC teacher education programs and who meet certain specified requirements to continue receiving their salaries and benefits while they are student teaching. The State Board shall consult with the UNC Board of Governors and the NC Independent Colleges and Universities in developing the program. The program shall begin with the 2005-06 academic year.***

BILL ANALYSIS: The Proposed Committee Substitute (PCS) makes the following changes from the original bill. The provisions of the PCS are codified in a new G.S. 115C-310. The PCS also clarifies which teacher assistants are eligible for the program. According to the provisions of the PCS, the teacher assistants must (1) be employed in a NC public school and (2) enrolled in an approved teacher education program in a NC higher education institution. The teacher assistants shall not student teach in the same classroom where they are employed as a teacher assistant and, to the extent possible, they should student teach at another school in the same local school administrative unit. The teacher assistants will only continue to receive their salary and benefits during the period of student teaching if they are student teaching in the same local school administrative unit where they are employed. The PCS also requires the State Board of Education to consult with the NC Independent Colleges and Universities, in addition to the UNC Board of Governors, in program development.

H1414e1-SMRJ-CSRJ

NORTH CAROLINA GENERAL ASSEMBLY AMENDMENT Attachment 1

(Please type or use ballpoint pen)

EDITION No. _____

H. B. No. 1414 DATE _____

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

COMMITTEE SUBSTITUTE ✓

Rep.)
) Stieller
Sen.)

moves to amend the bill on page 1, line 16

( ) WHICH CHANGES THE TITLE

by deleting "shall" and by substituting "may"

SIGNED _____

ADOPTED _____ FAILED _____ TABLED _____

GA-33-A

PRINTED ON RECYCLED

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2005

H D

HOUSE BILL 1414
PROPOSED COMMITTEE SUBSTITUTE H1414-PCS50428-RJ-14

Short Title: Help Teacher Assistants Become Teachers. (Public)

Sponsors:

Referred to:

April 21, 2005

A BILL TO BE ENTITLED

AN ACT TO PERMIT TEACHER ASSISTANTS WHO ARE ENROLLED IN TEACHER EDUCATION PROGRAMS TO CONTINUE TO WORK WHILE THEY COMPLETE THEIR STUDENT TEACHING.

The General Assembly of North Carolina enacts:

SECTION 1. Article 20 of Chapter 115C of the General Statutes is amended by adding a new section to read:

"**§ 115C-310. Teacher assistants engaged in student teaching.**

The State Board of Education shall adopt a program to facilitate the process by which teacher assistants may become teachers.

Teacher assistants who participate in this program:

(1) Shall be enrolled in an approved teacher education program in a North Carolina institution of higher education;

(2) Shall be employed in a North Carolina public school;

(3) Shall not perform their student teaching in the classroom where they are employed as a teacher assistant. To the extent possible, they may be assigned to another school within the same local school administrative unit; and

(4) Shall continue to receive their salary and benefits while student teaching in the same local school administrative unit where they are employed as a teacher assistant.

The State Board of Education shall consult with the Board of Governors of The University of North Carolina and the North Carolina Independent Colleges and Universities in the development of the program. Each approved teacher education program and each local school administrative unit shall administer this program beginning with the 2005-2006 academic year."

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

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2005

H 2

HOUSE BILL 563

Committee Substitute Favorable 4/27/05

Short Title: Comm. Coll. May Train Lateral Entry Teachers. (Public)

Sponsors:

Referred to:

March 10, 2005

A BILL TO BE ENTITLED

AN ACT PERMITTING THE COMMUNITY COLLEGE SYSTEM TO PROVIDE COURSEWORK TO PERSONS ENTERING THE TEACHING PROFESSION BY LATERAL ENTRY.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 115C-296(c) reads as rewritten:

"(c) It is the policy of the State of North Carolina to encourage lateral entry into the profession of teaching by skilled individuals from the private sector. To this end, before the 1985-86 school year begins, the State Board of Education shall develop criteria and procedures to accomplish the employment of such individuals as classroom teachers. ~~Regardless of credentials or competence, no one shall begin teaching above the middle level of differentiation.~~ Skilled individuals who choose to enter the profession of teaching laterally may be granted a provisional teaching certificate for no more than five years and shall be required to obtain certification before contracting for a sixth year of service with any local administrative unit in this State.

(c1) The State Board of Community Colleges shall provide a program of study for lateral entry teachers to complete all of the coursework necessary to earn a teaching certificate. To this end, the State Board of Education, through the regional alternative licensing centers established by the Department of Public Instruction and in consultation with the State Board of Community Colleges, shall establish a competency-based, noncredit program of study for lateral entry teachers to be implemented within the Community College System no later than May 1, 2006. A community college may offer this lateral entry program of study only if a superintendent of a local school administrative unit within the community college's service area requests the program.

The State Board of Community Colleges and the regional alternative licensing centers shall jointly identify the community college courses that are necessary and appropriate for inclusion in the community college program of study for lateral entry teachers. The courses offered by a community college as a part of this program of study

shall carry no academic credit toward a degree of any kind and shall be used only for the purpose of earning a teaching certificate.

In order to participate in the community college program of study for lateral entry teachers, an individual must:

(1) Hold at least a bachelors degree from a regionally accredited institution of higher education;

(2) Have completed the bachelors degree at least five years before undertaking the program of study under this subsection; and

(3) Hold a lateral entry teaching certificate and be employed as a teacher in a local school administrative unit.

An individual who successfully completes this program of study and meets all other requirements of certification set by the State Board of Education shall be recommended for a North Carolina teaching certificate.

(c2) It is further the policy of the State of North Carolina to ensure that local boards of education can provide the strongest possible leadership for schools based upon the identified and changing needs of individual schools. To this end, before the 1994-95 school year begins, the State Board of Education shall carefully consider a lateral entry program for school administrators to ensure that local boards of education will have sufficient flexibility to attract able candidates."

SECTION 2. G.S. 115D-5 is amended by adding a new subsection to read:

"(o) The North Carolina Community College System may offer courses, in accordance with the lateral entry program of study established under G.S. 115C-296(c1), to individuals who choose to enter the teaching profession by lateral entry."

SECTION 3. The State Board of Education and the State Board of Community Colleges shall submit a report annually to the Joint Legislative Education Oversight Committee on the lateral entry program.

SECTION 4. This act is effective when it becomes law and expires July 1, 2011.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2005

H D

HOUSE BILL 563

Committee Substitute Favorable 4/27/05

PROPOSED COMMITTEE SUBSTITUTE H563-CSSF-18 [v.4]

5/16/2005 11:55:43 AM

Short Title: Comm. Coll. May Train Lateral Entry Teachers. (Public)

Sponsors:

Referred to:

March 10, 2005

A BILL TO BE ENTITLED

AN ACT PERMITTING THE COMMUNITY COLLEGE SYSTEM TO PROVIDE COURSEWORK TO PERSONS ENTERING THE TEACHING PROFESSION BY LATERAL ENTRY.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 115C-296(c) reads as rewritten:

"(c) It is the policy of the State of North Carolina to encourage lateral entry into the profession of teaching by skilled individuals from the private sector. To this end, before the 1985-86 school year begins, the State Board of Education shall develop criteria and procedures to accomplish the employment of such individuals as classroom teachers. ~~Regardless of credentials or competence, no one shall begin teaching above the middle level of differentiation.~~ Skilled individuals who choose to enter the profession of teaching laterally may be granted a provisional teaching certificate for no more than ~~five~~ three years and shall be required to obtain certification before contracting for a ~~sixth~~ fourth year of service with any local administrative unit in this State.

(c1) The State Board of Community Colleges may provide a program of study for lateral entry teachers to complete the coursework necessary to earn a teaching certificate. To this end, the State Board of Education, in consultation with the State Board of Community Colleges, shall establish a competency-based program of study for lateral entry teachers to be implemented within the Community College System no later than May 1, 2006. This program must meet standards set by the State Board of Education.

The State Board of Community Colleges and the State Board of Education shall jointly identify the community college courses and the teacher education program courses that are necessary and appropriate for inclusion in the community college program of study for lateral entry teachers. To the extent possible, any courses that must

be completed through an approved teacher education program shall be taught on a community college campus or shall be available through distance learning.

In order to participate in the community college program of study for lateral entry teachers, an individual must:

(1) Hold at least a bachelors degree from a regionally accredited institution of higher education;

(2) Have completed the bachelors degree at least five years before undertaking the program of study under this subsection; and

(3) Hold a lateral entry teaching certificate and be employed as a teacher in a local school administrative unit.

An individual who successfully completes this program of study and meets all other requirements of certification set by the State Board of Education shall be recommended for a North Carolina teaching certificate.

(c2) It is further the policy of the State of North Carolina to ensure that local boards of education can provide the strongest possible leadership for schools based upon the identified and changing needs of individual schools. To this end, before the 1994-95 school year begins, the State Board of Education shall carefully consider a lateral entry program for school administrators to ensure that local boards of education will have sufficient flexibility to attract able candidates."

SECTION 2. G.S. 115D-5 is amended by adding a new subsection to read:

"(o) The North Carolina Community College System may offer courses, in accordance with the lateral entry program of study established under G.S. 115C-296(c1), to individuals who choose to enter the teaching profession by lateral entry."

SECTION 3. The State Board of Education and the State Board of Community Colleges shall submit a report annually to the Joint Legislative Education Oversight Committee on the lateral entry program.

SECTION 4. This act is effective when it becomes law and expires July 1, 2011.

HOUSE BILL 563:
Comm. Coll. May Train Lateral Entry Teachers

BILL ANALYSIS

Committee:	House Education	**Date:**	May 17, 2005
Introduced by:	Rep. Tolson	**Summary by:**	Shirley Iorio, Ph D
Version:	PCS to Second Edition H563-CSSF-18 [v.4]		Legislative Analyst

SUMMARY: ***The PCS to House Bill 563 would allow the State Board of Community Colleges to provide a program of study for lateral entry teachers (program) to complete the coursework necessary to earn a teaching certificate. The State Board of Education (State Board) would be required to work with the State Board of Community Colleges to establish this program. The program would have to meet standards set by the State Board of Education and would have to be implemented in the Community College System by May 1, 2006.***

The State Board of Community Colleges and the State Board of Education would identify the community college courses and the teacher education program courses that are necessary and appropriate to include in this program. To the extent possible, colleges and universities would be required to teach on a community college campus or offer through distance learning any courses included in this program that must be completed through an approved teacher education program.

Individuals who participate in this program would have to meet certain criteria. Upon successfully completing this program and meeting any other certification requirements set by the State Board, an individual would be recommended for a NC teaching certificate.

The State Board of Education and the State Board of Community Colleges would have to report annually to the Joint Legislative Education Oversight Committee on this lateral entry program.

This provision would expire in five years.

The PCS would make the following changes:

- ***Allows, rather than requires, the State Board of Community Colleges to provide a program of study for lateral entry teachers;***
- ***Removes the requirement that a community college could offer this program only if a superintendent of a local school system within the community college's service area requested it;***
- ***Requires colleges and universities, when possible, to teach on a community college campus or offer through distance learning any courses included in this program that must be completed through an approved teacher education program;***
- ***Names the State Board of Education, rather than the regional alternative licensing centers, as the group with which the State Board of Community Colleges will work to establish this program and to identify appropriate courses;***
- ***Reduces from five years to three years the amount of time a lateral entry teacher has to complete the certification requirements. (Three years is the time frame required by the No Child Left Behind Act); and***
- ***Removes redundant language.***

CURRENT LAW:

§ 115C-296. Board sets certification requirements.

...

(c) It is the policy of the State of North Carolina to encourage lateral entry into the profession of teaching by skilled individuals from the private sector. To this end, before the 1985-86 school year begins, the State Board of Education shall develop criteria and procedures to accomplish the employment of such individuals as classroom teachers. Regardless of credentials or competence, no one shall begin teaching above the middle level of differentiation. Skilled individuals who choose to enter the profession of teaching laterally may be granted a provisional teaching certificate for no more than five years and shall be required to obtain certification before contracting for a sixth year of service with any local administrative unit in this State.

It is further the policy of the State of North Carolina to ensure that local boards of education can provide the strongest possible leadership for schools based upon the identified and changing needs of individual schools. To this end, before the 1994-95 school year begins, the State Board of Education shall carefully consider a lateral entry program for school administrators to ensure that local boards of education will have sufficient flexibility to attract able candidates.

BILL ANALYSIS: An individual who has not completed an approved teacher education program may enter the teaching profession through lateral entry. That person must meet certain requirements set out by the State Board of Education. One of those requirements is the "completion of an approved education program in the area of licensure at a college or university or teacher education consortium which has evaluated the person's transcripts and outlined required coursework or completion of a program of study outlined by the Regional Alternative Licensing Centers". State Board of Education Policy QP-A-001.

This proposed amendment to the statute would allow a community college to offer a program of study that enables lateral entry teachers to take many of their required courses for a teaching certificate at a community college. Individuals who would participate in this program must be employed by an LEA and have at least a bachelor's degree relevant to their teaching area that they earned at least five years prior to beginning a program of study for lateral entry teachers at a community college. Therefore, there is no incentive for students in traditional teacher education programs to graduate without completing the teacher education requirements in order to become a participant in this program at a community college.

The State Board of Education in consultation with the State Board of Community Colleges would develop a program of study that would meet standards set by the State Board of Education and that would be established within the Community College System. These two boards would jointly identify the courses that would be necessary for inclusion in the community college program. To ensure access to any of the courses that must be completed through an approved teacher education program, the colleges and universities, when possible, would have to offer these courses through distance learning or teach them on a community college campus.

This program of study for lateral entry teachers would be in place for five years.

EFFECTIVE DATE: The proposed committee substitute would be effective when it becomes law and would expire July 1, 2011.

BACKGROUND:

Lateral Entry to Teaching

Applicants for a lateral entry license must:

- be employed by a North Carolina school system;
- hold at least a bachelor's degree from a regionally accredited college or university in the subject area in which they are employed to teach **or** hold at least a bachelor's degree from a regionally accredited college or university **and** have taken and passed the Praxis II testing requirements for the license area;
- have a minimum cumulative grade point average (GPA) of 2.5 or have passed the Praxis I exams **and** have attained one of the following:
    - a GPA of at least 3.0 on all work completed in the senior year;
    - a GPA of at least 3.0 in the major; or
    - a GPA of at least 3.0 in a minimum of 15 semester hours of course work completed within the last five years.

After an individual has obtained a teaching position and a lateral entry teaching license (has met the requirements described above), that individual can pursue a "full" teaching license by successfully completing, within 3 years, a program that includes completing courses or a program of study outlined by a Regional Alternative Licensing Center (Center), taking and passing Praxis subject exam(s), participating in staff development, and completing an initial licensure program. (Lateral entry teachers are considered to be beginning teachers and, therefore, are required to participate in an initial licensure program designed to support new teachers.)

To fulfill the course work requirement, a lateral entry teacher may complete an approved education program in the area of licensure at a college or university that has reviewed the person's transcripts and outlined required courses **or** complete a program of study outlined by a Regional Alternative Licensing Center.

If the person chooses to use the Regional Alternative Licensing Centers, one of the Centers will partner with the school system's personnel administrator to review an individual's application and supporting documentation (transcripts, copy of Lateral Entry license, etc.). After evaluation, the Center will provide an appropriate plan of study along with a list of suitable courses offered by colleges or universities. Some training or courses may also be provided by the local school system. After an individual completes the plan of study, the personnel administrator will submit documentation to the Center, which will be responsible for giving the approval for a "full" license. The Regional Alternative Licensing Center will send licensing documentation to the Department of Public Instruction's Licensure Section. The Licensure Section will issue the teaching license.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2005

H D

HOUSE BILL 563

Committee Substitute Favorable 4/27/05

PROPOSED COMMITTEE SUBSTITUTE H563-PCS30322-SF-18

Short Title: Comm. Coll. May Train Lateral Entry Teachers. (Public)

Sponsors:

Referred to:

March 10, 2005

A BILL TO BE ENTITLED

AN ACT PERMITTING THE COMMUNITY COLLEGE SYSTEM TO PROVIDE COURSEWORK TO PERSONS ENTERING THE TEACHING PROFESSION BY LATERAL ENTRY.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 115C-296(c) reads as rewritten:

"(c) It is the policy of the State of North Carolina to encourage lateral entry into the profession of teaching by skilled individuals from the private sector. To this end, before the 1985-86 school year begins, the State Board of Education shall develop criteria and procedures to accomplish the employment of such individuals as classroom teachers. ~~Regardless of credentials or competence, no one shall begin teaching above the middle level of differentiation.~~ Skilled individuals who choose to enter the profession of teaching laterally may be granted a provisional teaching certificate for no more than ~~five~~ three years and shall be required to obtain certification before contracting for a ~~sixth~~ fourth year of service with any local administrative unit in this State.

(c1) The State Board of Community Colleges may provide a program of study for lateral entry teachers to complete the coursework necessary to earn a teaching certificate. To this end, the State Board of Education, in consultation with the State Board of Community Colleges, shall establish a competency-based program of study for lateral entry teachers to be implemented within the Community College System no later than May 1, 2006. This program must meet standards set by the State Board of Education.

The State Board of Community Colleges and the State Board of Education shall jointly identify the community college courses and the teacher education program courses that are necessary and appropriate for inclusion in the community college program of study for lateral entry teachers. To the extent possible, any courses that must

be completed through an approved teacher education program shall be taught on a community college campus or shall be available through distance learning.

In order to participate in the community college program of study for lateral entry teachers, an individual must:

(1) Hold at least a bachelors degree from a regionally accredited institution of higher education;

(2) Have completed the bachelors degree at least five years before undertaking the program of study under this subsection; and

(3) Hold a lateral entry teaching certificate and be employed as a teacher in a local school administrative unit.

An individual who successfully completes this program of study and meets all other requirements of certification set by the State Board of Education shall be recommended for a North Carolina teaching certificate.

(c2) It is further the policy of the State of North Carolina to ensure that local boards of education can provide the strongest possible leadership for schools based upon the identified and changing needs of individual schools. To this end, before the 1994-95 school year begins, the State Board of Education shall carefully consider a lateral entry program for school administrators to ensure that local boards of education will have sufficient flexibility to attract able candidates."

SECTION 2. G.S. 115D-5 is amended by adding a new subsection to read:

"(o) The North Carolina Community College System may offer courses, in accordance with the lateral entry program of study established under G.S. 115C-296(c1), to individuals who choose to enter the teaching profession by lateral entry."

SECTION 3. The State Board of Education and the State Board of Community Colleges shall submit a report annually to the Joint Legislative Education Oversight Committee on the lateral entry program.

SECTION 4. This act is effective when it becomes law and expires July 1, 2011.

2005 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES

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

By Representative Bell, Lucas, McLawhorn (Chairs) for the Committee on EDUCATION.

☐ Committee Substitute for

HB 1414 A BILL TO BE ENTITLED AN ACT TO PERMIT TEACHER ASSISTANTS WHO ARE ENROLLED IN TEACHER EDUCATION PROGRAMS TO CONTINUE TO WORK WHILE THEY COMPLETE THEIR STUDENT TEACHING.

☒ With a favorable report as to the committee substitute bill, unfavorable as to the original bill.

(FOR JOURNAL USE ONLY)

_____ Pursuant to Rule 32(a), the bill/resolution is re-referred to the Committee on _____.

_____ Pursuant to Rule 36(b), the (House) committee substitute bill/(joint) resolution (No._____) is placed on the Calendar of _____. (The original bill resolution No._____) is placed on the Unfavorable Calendar.

_____ The (House) committee substitute bill/(joint) resolution (No. ____) is re-referred to the Committee on _____. (The original bill/resolution) (House/Senate Committee Substitute Bill/(Joint) resolution No. ___) is placed on the Unfavorable Calendar.

2005 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES

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

By Representative Bell, Lucas, McLawhorn (Chairs) for the Committee on EDUCATION.

☒Committee Substitute for

HB 563 A BILL TO BE ENTITLED AN ACT PERMITTING THE COMMUNITY COLLEGE SYSTEM TO PROVIDE COURSEWORK TO PERSONS ENTERING THE TEACHING PROFESSION BY LATERAL ENTRY.

☒ With a favorable report as to the committee substitute bill 2, unfavorable as to Committee Substitute Bill 1.

(FOR JOURNAL USE ONLY)

_____ Pursuant to Rule 32(a), the bill/resolution is re-referred to the Committee on _____.

_____ Pursuant to Rule 36(b), the (House) committee substitute bill/(joint) resolution (No._____) is placed on the Calendar of _____. (The original bill resolution No._____) is placed on the Unfavorable Calendar.

_____ The (House) committee substitute bill/(joint) resolution (No. ____) is re-referred to the Committee on _____. (The original bill/resolution) (House/Senate Committee Substitute Bill/(Joint) resolution No. ___) is placed on the Unfavorable Calendar.

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_____ The (House) committee substitute bill/(joint) resolution (No. ____) is re-referred to the Committee on _____. (The original bill/resolution) (House/Senate Committee Substitute Bill/(Joint) resolution No. ___) is placed on the Unfavorable Calendar.

MINUTES
HOUSE COMMITTEE ON EDUCATION
May 31, 2005

The House Committee on Education met at 11:00 a.m. on Thursday, May 31, 2005 in Room 643 of the Legislative Office Building. The following ***Representatives*** were present: ***Chairs: Bell, Lucas and McLawhorn; Vice Chairs: Dickson, England, Glazier, Parmon, Preston and Sauls; Members: Adams, Allen, Blackwood, Bordsen, Brown, Carney, Cleveland, Cole, Coleman, Crawford, Daughtridge, Dockham, Fisher, Folwell, Frye, Goforth, Goodwin, Harrell, Harrison, Hilton, Hollo, Holloway, Holmes, Insko, Jeffus, Johnson, Justice, Langdon, Luebke, Martin, McAllister, Michaux, Nye, Pate, Rapp, Ray, Stiller, Tolson, Walker, Warren, Wiley, Wilkins, Womble, Wray, and Yongue.***

Research staff persons included: **Attorneys** - Drupti Chauhan and Robin Johnson; ***Legislative Analyst*** - Dr. Shirley Iorio and Sara Kamprath; ***Assistant*** Dee Atkinson. ***Legislative Committee Assistants*** - Sue Burleson, Carolyn Edwards and Thelma Utley. There were no Pages for this meeting. The Agenda, Sergeant at Arms and Visitor Registration Sheets are attached and incorporated into the minutes.

Chairman Bell called the meeting to order. **HB 126 – A BILL TO BE ENTITLED AN ACT TO ESTABLISH A STATEWIDE STANDARD FOR VENDING PRODUCTS SOLD DURING THE SCHOOL DAY, AS RECOMMENDED BY THE STUDY COMMITTEE FOR CHILDHOOD OVERWEIGHT/OBESITY OF THE HEALTH AND WELLNESS TRUST FUND.**

Chairman Bell recognized ***Rep. McLawhorn*** who motioned to have the **Proposed Committee Substitute H126-CSRH-36 [v.3]** before the committee without objection. A verbal vote was taken and the motion carried. ***Sponsor, Rep. Insko*** was recognized to explain and speak on the bill. Rep. Insko preface the bill by stating the details of the bill, which states that soft drinks cannot be sold at elementary schools; sugar carbonated soft drinks cannot be sold in vending machines at middle schools; and not more than 50% of the offerings for sale t students in vending machines in high schools are sugared carbonated soft drinks; A provision was added that bottled water products must be available in all schools where vending products are available.

Rep. Womble motions to give the proposed committee substitute for HB 126 a favorable report, which changes the title, unfavorable as to the original bill. ***Chairman Bell*** calls for a vote and the motion carries.

Chairman Bell calls ***Rep. Insko*** to speak on **HB 855** – Child Nutrition Standards. ***Rep. Lucas*** motioned to have the **Proposed Committee Substitute H855-CSRJ-23 [v.1]** before the committee that deletes all provisions of 1st edition and replaces it with **– A BILL TO BE ENTITLED AN ACT DIRECTING THE STATE BOARD OF EDUCATION TO ESTABLISH STATEWIDE NUTRITION STANDARDS FOR SCHOOL MEALS, A LA CARTE FOODS AND BEVERAGES, AND THE AFTER SCHOOL SNACK PROGRAM ADMINISTERED BY THE DEPARTMENT OF PUBLIC INSTRUCTION AND CHILD NUTRITION PROGRAMS OF LOCAL SCHOOL ADMINISTRATIVE UNITS, AS RECOMMENDED BY THE STUDY COMMITTEE FOR CHILDHOOD OVERWEIGHT/OBESITY OF THE HEALTH AND WELLNESS TRUST FUND.** The motion carries.

Rep. Insko states the purpose of the bill – "To establish 8 pilots where gradually the good foods would be increased and the trans-fatty acids and saturated sugars would be decreased; at the end of the pilot it would go statewide; The second purpose of the pilot study is to establish that we could do this without having an impact on the money that is bought into the school by the al la Carte items." She also discusses the Hold Harmless Provision, which states that any school that did lose money during this pilot project would get reimbursed.

Rep. Allen motioned to give a favorable reports to the committee substitute, which changes the title, unfavorable as to the original bill. The motion carries.

Chairman Bell calls ***Rep. Tolson*** to speak on **HB 550 – A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE STATE BOARD OF EDUCATION AND THE STATE BOARD OF COMMUNITY COLLEGES TO IMPLEMENT AN EXPEDITED PROCEDURE FOR THE ADOPTION OF PERMANENT RULES.**

Rep. McLawhorn motioned to have the **Proposed Committee Substitute H550-CSRQ-36 [v.1]** before the committee. The motion carries.

Rep. Tolson explains that the bill ask for exemption from rule making by the Department of Public Instruction and the Department of Community Colleges since they are governed by boards, (board of trustees and the board of education). This would allow them to set their own process for rule making but it does require the same rule making process of 30 days open period where the topic for the rule is discussed and remains open for 30 days.

Rep. Michaux queries the bill sponsor regarding DPI independence from the State Board of Education and whether DPI can create rules independent of the State Board of Education. A staff member responds, "No."

Rep. Glazier moves to give a favorable report as to the committee substitute bill, unfavorable as to the original bill. The motion carries.

Chairman Bell calls ***Rep. Farmer-Butterfield*** to speak on **HB 793 – A BILL TO BE ENTITLED AN ACT DIRECTING THE STATE BOARD OF EDUCATION TO REPORT ON THE ROLE SCHOOL COUNSELORS PLAY IN PROVIDING DROPOUT PREVENTION AND INTERVENTION SERVICES TO STUDENTS IN MIDDLE AND HIGH SCHOOL.**

Rep. Farmer-Butterfield introduces a study bill and state that the bill deals with school counselors and dropout prevention and intervention to middle and high school students.

Rep. Womble moves to give HB 793 a favorable report. The motion carries.

Chairman Bell adjourns the meeting at 11:45 A.M.

Respectfully submitted,

Carolyn A. Edwards

Carolyn A. Edwards, Committee Assistant

Representative Larry M. Bell
Presiding Chair

2005 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES

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

By Representative Bell, Lucas, McLawhorn (Chairs) for the Committee on EDUCATION.

☐ Committee Substitute for

HB 126 A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE STATE BOARD OF ELECTIONS TO CONDUCT A PILOT PROGRAM IN WHICH THE METHODS USED IN ONE-STOP VOTING WOULD CONTINUE THROUGH ELECTION DAY AS THE PREDOMINANT VOTING METHOD, AS RECOMMENDED BY THE JOINT SELECT COMMITTEE ON ELECTRONIC VOTING SYSTEMS.

☒ With a favorable report as to the committee substitute bill, which changes the title, unfavorable as to the original bill.

(FOR JOURNAL USE ONLY)

_____ Pursuant to Rule 32(a), the bill/resolution is re-referred to the Committee on _____.

_____ Pursuant to Rule 36(b), the (House) committee substitute bill/(joint) resolution (No._____) is placed on the Calendar of _____. (The original bill resolution No._____) is placed on the Unfavorable Calendar.

_____ The (House) committee substitute bill/(joint) resolution (No. ____) is re-referred to the Committee on _____. (The original bill/resolution) (House/Senate Committee Substitute Bill/(Joint) resolution No. ___) is placed on the Unfavorable Calendar.

2005 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES

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

By Representative Bell, Lucas, McLawhorn (Chairs) for the Committee on EDUCATION.

☐ Committee Substitute for

HB 550 A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE STATE BOARD OF EDUCATION AND THE STATE BOARD OF COMMUNITY COLLEGES TO IMPLEMENT AN EXPEDITED PROCEDURE FOR THE ADOPTION OF PERMANENT RULES.

☒ With a favorable report as to the committee substitute bill, unfavorable as to the original bill.

(FOR JOURNAL USE ONLY)

_____ Pursuant to Rule 32(a), the bill/resolution is re-referred to the Committee on _____.

_____ Pursuant to Rule 36(b), the (House) committee substitute bill/(joint) resolution (No._____) is placed on the Calendar of _____. (The original bill resolution No._____) is placed on the Unfavorable Calendar.

_____ The (House) committee substitute bill/(joint) resolution (No. ____) is re-referred to the Committee on _____. (The original bill/resolution) (House/Senate Committee Substitute Bill/(Joint) resolution No. ___) is placed on the Unfavorable Calendar.

2005 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES

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

By Representative Bell, Lucas, McLawhorn (Chairs) for the Committee on EDUCATION.

☐ Committee Substitute for

HB 793 A BILL TO BE ENTITLED AN ACT DIRECTING THE STATE BOARD OF EDUCATION TO REPORT ON THE ROLE SCHOOL COUNSELORS PLAY IN PROVIDING DROPOUT PREVENTION AND INTERVENTION SERVICES TO STUDENTS IN MIDDLE AND HIGH SCHOOL.

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

(FOR JOURNAL USE ONLY)

_____ Pursuant to Rule 32(a), the bill/resolution is re-referred to the Committee on _____.

_____ The bill/resolution is re-referred to the Committee on _____.

2005 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES

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

By Representative Bell, Lucas, McLawhorn (Chairs) for the Committee on EDUCATION.

☐ Committee Substitute for

HB 855 A BILL TO BE ENTITLED AN ACT TO REQUIRE A SPECIAL PURCHASE-TRANSPORTATION PERMIT FOR KEGS CONTAINING ALCOHOLIC BEVERAGES.

☒ With a favorable report as to the committee substitute bill, which changes the title, unfavorable as to the original bill.

(FOR JOURNAL USE ONLY)

_____ Pursuant to Rule 32(a), the bill/resolution is re-referred to the Committee on _____.

_____ Pursuant to Rule 36(b), the (House) committee substitute bill/(joint) resolution (No._____) is placed on the Calendar of _____. (The original bill resolution No._____) is placed on the Unfavorable Calendar.

_____ The (House) committee substitute bill/(joint) resolution (No. ____) is re-referred to the Committee on _____. (The original bill/resolution) (House/Senate Committee Substitute Bill/(Joint) resolution No. ___) is placed on the Unfavorable Calendar.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2005

H 1

HOUSE BILL 126

Short Title:	Any-Precinct Voting Pilot.	(Public)
Sponsors:	Representatives Insko, Preston (Primary Sponsors); Alexander, Luebke, and Weiss.	
Referred to:	Election Law and Campaign Finance Reform.	

February 9, 2005

A BILL TO BE ENTITLED

AN ACT TO AUTHORIZE THE STATE BOARD OF ELECTIONS TO CONDUCT A PILOT PROGRAM IN WHICH THE METHODS USED IN ONE-STOP VOTING WOULD CONTINUE THROUGH ELECTION DAY AS THE PREDOMINANT VOTING METHOD, AS RECOMMENDED BY THE JOINT SELECT COMMITTEE ON ELECTRONIC VOTING SYSTEMS.

The General Assembly of North Carolina enacts:

SECTION 1. The State Board of Elections shall select up to 10 counties in which to conduct a pilot program during the 2005 and 2006 elections. In selecting those counties, the State Board shall seek diversity of population size, regional location, and demographic composition. The pilot shall be conducted in a county only with the concurrence of the county board of elections. The pilot program shall consist of continuing one-stop voting as provided in G.S. 163-227.2 through election day as the principal method of voting. In the counties participating in the pilot, the State Board shall adopt a plan in which the following shall occur:

(1) Any voter properly registered in the county may vote at any one-stop site during the one-stop period established in G.S. 163-227.2 and on election day.

(2) All one-stop sites used in the pilot counties shall have online connection to the voter registration system so that voters can be checked.

(3) The number of precinct voting places open on election day shall be reduced or eliminated.

(4) The larger number of one-stop sites may be open on election day than during the earlier part of the one-stop period.

(5) Where technically feasible, the election returns shall be reported by precinct, using all the precincts in existence in the county, whether or not the precinct polling place is open.

(6) The State Board shall determine which ballots must be made retrievable and identifiable to the voter in order to ensure that the vote count by eligible voters is accurate. If any vote need not be identifiable to the voter, it shall not be made so, notwithstanding G.S. 163-227.2(e1).

(7) Notwithstanding G.S. 163-227.2(g), the State Board may allow the county board in a pilot county to designate one-stop sites in commercial buildings that are not public buildings.

(8) In designing the pilot program, the State Board shall ensure fairness to all voters, candidates, and parties, including candidates and voters in counties outside the pilot counties.

SECTION 2. This act is effective when it becomes law. The State Board of Elections shall closely monitor the pilot program and report its findings and recommendations to the General Assembly at its 2006 Regular Session and to the 2007 General Assembly.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2005

H D

HOUSE BILL 126
PROPOSED COMMITTEE SUBSTITUTE H126-CSRH-36 [v.2]

5/27/2005 11:13:10 AM

Short Title: Schs Beverage/Snack Vending. (Public)

Sponsors:

Referred to:

February 9, 2005

A BILL TO BE ENTITLED

AN ACT TO ESTABLISH A STATEWIDE STANDARD FOR VENDING PRODUCTS SOLD DURING THE SCHOOL DAY, AS RECOMMENDED BY THE STUDY COMMITTEE FOR CHILDHOOD OVERWEIGHT/OBESITY OF THE HEALTH AND WELLNESS TRUST FUND.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 115C-264 reads as rewritten:

"**§ 115C-264. (Effective August 1, 2005) Operation.**

(a) In the operation of their public school ~~food~~ nutrition programs, the public schools shall participate in the National School Lunch Program established by the federal government. The program shall be under the jurisdiction of the Division of School ~~Food~~ Support, Child Nutrition Services of the Department of Public Instruction and in accordance with federal guidelines as established by the ~~Child Nutrition Division~~ Food and Nutrition Service of the United States Department of Agriculture.

(b) For nutritional purposes, the public schools shall not (i) use cooking oils in their school food programs that contain trans-fatty acids or (ii) sell processed foods containing trans-fatty acids that were formed during the commercial processing of the foods.

~~Each school may, with the approval of the local board of education, sell soft drinks to students so long as soft drinks are not sold (i) during the lunch period, (ii) at elementary schools, or (iii) contrary to the requirements of the National School Lunch Program.~~

(c) All school food services shall be operated on a nonprofit basis, and any earnings therefrom over and above the cost of operation as defined herein shall be used to reduce the cost of food, to serve better food, or to provide free or reduced-price lunches to indigent children and for no other purpose. The term "cost of operation"~~shall be defined as~~ means the actual cost incurred in the purchase and preparation of food, the salaries of all personnel directly engaged in providing food services, and the cost of

nonfood supplies as outlined under standards adopted by the State Board of Education. "Personnel" ~~shall be defined as food service~~ means child nutrition supervisors or directors, bookkeepers directly engaged in food service record keeping and those persons directly involved in preparing and serving ~~food: Provided, that food service~~ food. Child nutrition personnel shall be paid from the funds of food services only for services rendered in behalf of ~~lunchroom services.~~ the child nutrition program. Any cost incurred in the provisions and maintenance of school food services over and beyond the cost of operation shall be included in the budget request filed annually by local boards of education with boards of county commissioners. Public schools are not required to comply with G.S. 115C-522(a) in the purchase of supplies and food for such school food services."

SECTION 2. Part 2 of Article 17 of Chapter 115C of the General Statutes is amended by adding the following new section to read:

"**§ 115C-264.2. Beverage and Snack Vending.**

(a) Each school may, with the approval of the local board of education, sell to students beverages during the school day so long as:

(1) Beverages are not sold during the breakfast and lunch periods;

(2) Soft drinks are not sold at elementary schools;

(3) Sugared carbonated soft drinks, including mid-calorie carbonated soft drinks, are not offered for sale in vending machines in middle schools;

(4) Not more than fifty percent (50%) of the offerings for sale to students in vending machines in high schools are sugared carbonated soft drinks;

(5) Diet carbonated soft drinks are not considered in the same category as sugared carbonated soft drinks; and

(6) Bottled water products are available in every school that has beverage vending.

(b) Nothing in subsection (a) of this section prohibits a school from adopting stricter policies with respect to beverage vending.

(c) Effective with the 2006-2007 school year, no snack vending shall be available to students in elementary schools and seventy-five percent (75%) of snack vending products available to students in middle schools and high schools shall have no more than 200 calories per portion or per snack vending package.

(d) This section does not apply to the School Nutrition Program."

SECTION 3. Snack vending in all schools shall, by school year 2006 2007, meet the Proficient Level of the Eat Smart Nutrition Standards established in "Eat Smart: North Carolina's Recommended Standards for All Foods Available in School" so that in elementary schools, no snack vending is available to students, and in middle and high schools, seventy five percent (75%) of snack vending products have no more than 200 calories per portion or per snack vending package.

SECTION 4. This act becomes effective August 1, 2005, and applies to contracts for vending services executed or renewed on and after that date.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2005

H D

HOUSE BILL 126
PROPOSED COMMITTEE SUBSTITUTE H126-CSRH-36 [v.3]

5/30/2005 2:27:24 PM

Short Title: Schs Beverage/Snack Vending. (Public)

Sponsors:

Referred to:

February 9, 2005

A BILL TO BE ENTITLED

AN ACT TO ESTABLISH A STATEWIDE STANDARD FOR VENDING PRODUCTS SOLD DURING THE SCHOOL DAY, AS RECOMMENDED BY THE STUDY COMMITTEE FOR CHILDHOOD OVERWEIGHT/OBESITY OF THE HEALTH AND WELLNESS TRUST FUND.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 115C-264 reads as rewritten:

"**§ 115C-264. (Effective August 1, 2005) Operation.**

(a) In the operation of their public school ~~food~~ nutrition programs, the public schools shall participate in the National School Lunch Program established by the federal government. The program shall be under the jurisdiction of the Division of School ~~Food~~ Support, Child Nutrition Services of the Department of Public Instruction and in accordance with federal guidelines as established by the ~~Child Nutrition Division~~ Food and Nutrition Service of the United States Department of Agriculture.

(b) For nutritional purposes, the public schools shall not (i) use cooking oils in their school food programs that contain trans-fatty acids or (ii) sell processed foods containing trans-fatty acids that were formed during the commercial processing of the foods.

~~Each school may, with the approval of the local board of education, sell soft drinks to students so long as soft drinks are not sold (i) during the lunch period, (ii) at elementary schools, or (iii) contrary to the requirements of the National School Lunch Program.~~

(c) All school food services shall be operated on a nonprofit basis, and any earnings therefrom over and above the cost of operation as defined herein shall be used to reduce the cost of food, to serve better food, or to provide free or reduced-price lunches to indigent children and for no other purpose. The term "cost of operation"~~shall be defined as~~ means the actual cost incurred in the purchase and preparation of food, the salaries of all personnel directly engaged in providing food services, and the cost of

HOUSE BILL 126:
Schs Beverage/Snack Vending.

BILL ANALYSIS

Committee:	House Education	**Date:**	May 31, 2005
Introduced by:	Reps. Insko, Preston	**Summary by:**	Robin Johnson
Version:	PCS to First Edition H126-CSRH-36[v.2]		Committee Counsel

SUMMARY: ***The Proposed Committee Substitute, which completely rewrites the original bill, is a recommendation of the Study Committee for the Prevention and Treatment of Childhood Overweight/Obesity in North Carolina established by the North Carolina Health and Wellness Trust Fund. The PCS would establish statewide standards for the sale of beverages and snacks in school outside of the School Nutrition Program.***

CURRENT LAW: G.S. 115C-264 allows schools, subject to the approval of their local board of education, to sell soft drinks to students with the following limitations: (i) they cannot be sold during the lunch period; (ii) they cannot be sold at elementary schools; and (iii) they must be in compliance with the requirements of the federal National School Lunch Program. State Board policy prohibits the sale of "extra food items" until after the last student has been served lunch.

An elementary school is one that has all or part of grades one through eight and has a kindergarten or other early childhood program. A middle school is one that has all or part of grades six through nine. A high school is one that includes all or part of grades nine through twelve and that offers the minimum high school course of study.

BILL ANALYSIS: The PCS would amend G.S. 115C-264, which governs the School Nutrition Program, to make technical changes and to delete the provision that authorizes schools to sell soft drinks. Section 2 of the PCS would create a new G.S. 115C-264.2 to govern sales of beverages and snacks during the school day but outside the School Nutrition Program. The new law would incorporate current law and Board policy and would set the following requirements for the sale of beverages in public schools, subject to the approval of their local board of education:

- Beverages cannot be sold during the breakfast and lunch periods.
- Soft drinks cannot be sold in elementary schools.
- Sugared carbonated soft drinks may not be sold in vending machines in a middle school.
- Sugared carbonated soft drinks in vending machines in high school are limited to a maximum of 50% of the offerings.
- Diet carbonated soft drinks are not in the same category as sugared carbonated soft drinks.
- Bottled water products must be available in all schools that have beverage vending.

The PCS would specify that these requirements apply to beverage vending outside the School Nutrition Program during the school day. The PCS would permit schools to adopt stricter policies for beverage vending.

The PCS also would provide that by the 2006-2007 school year, there would be no snack vending available to students in elementary schools and 75% of the snack vending products available in middle and high schools will have no more than 200 calories per portion or package. These requirements are

the Proficient Level of the Eat Smart Nutrition Standards set in "Eat Smart: North Carolina's Recommended Standards for All Foods Available in School."

EFFECTIVE DATE: House Bill 126 would become effective August 1, 2005, and would apply to contracts for vending services executed or renewed on or after that date.

BACKGROUND: The General Assembly created the North Carolina Health and Wellness Trust Fund (NCHWTF) as one of three entities to invest North Carolina's portion of the Tobacco Master Settlement Agreement. By statute, it is composed of persons in public health, operation of healthcare delivery systems, healthcare practice, health research, tobacco-related healthcare issues, health promotion and disease prevention, health policy trends, healthcare for underserved populations, and child healthcare.

The NCHWTF established a study committee to address the State's overweight/obesity epidemic among children and youth. The PCS is a recommendation from this committee.

H0126e1-SMRH-CSRH-36v2

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2005

HOUSE BILL 550

Short Title:	SBE/Comm. College/Rulemaking.	(Public)
Sponsors:	Representatives Tolson, England, Sauls (Primary Sponsors); B. Allen, Bordsen, Brown, Cole, Coleman, Farmer-Butterfield, Fisher, Frye, Glazier, McGee, Parmon, Rapp, Stiller, Wainwright, Warren, Williams, and Wray.	
Referred to:	Rules, Calendar, and Operations of the House.	

March 10, 2005

A BILL TO BE ENTITLED

AN ACT TO AUTHORIZE THE STATE BOARD OF EDUCATION AND THE STATE BOARD OF COMMUNITY COLLEGES TO IMPLEMENT AN EXPEDITED PROCEDURE FOR THE ADOPTION OF PERMANENT RULES.

The General Assembly of North Carolina enacts:

SECTION 1. Article 2A of Chapter 150B of the General Statutes is amended by adding the following new section to read:

"**§ 150B-21.2A. Expedited process for certain agencies adopting a permanent rule.**

(a) As used in this section, "Board" refers to the State Board of Education and the State Board of Community Colleges, as applicable.

(b) The State Board of Education and the State Board of Community Colleges may each establish an expedited process for the adoption of permanent rules. The process shall provide for the following:

(1) G.S. 150B-21.1 applies to the adoption of permanent rules by the Board except that:

a. Notwithstanding G.S. 150B-21.2(f), the Board must accept comments on the text that is published in the Register for at least 30 days after the text is published or until the date of any public hearing held on the proposed rule, whichever is longer.

b. Notwithstanding G.S. 150B-21.2(g), permanent rules adopted by the Board in accordance with this section are not subject to review or approval by the Rules Review Commission.

(2) The Board may not adopt a permanent rule earlier than 30 days following the first Board meeting at which the text of the proposed rule was discussed.

(3) G.S. 150B-21.3 does not apply to permanent rules adopted by the Board in accordance with this section. A permanent rule adopted by the Board in accordance with this section and other applicable provisions of this Article becomes effective on the first day of the month following the month the rule is adopted by the Board unless an earlier effective date is necessary to protect the public health, safety, or welfare.

(c) A person aggrieved by a rule adopted by the Board in accordance with this section may file an action for declaratory judgment in Wake County Superior Court pursuant to Article 26 of Chapter 1 of the General Statutes. In the action, the court shall determine whether the rule meets the standards set forth in G.S. 150B-21.9(a)(1) through (4).

(d) Except as otherwise provided in this section, this Article applies to permanent rules adopted by the Board. The Board may adopt an emergency or temporary rule in accordance with this Article. Temporary or emergency rules adopted by the Board shall become effective as provided in G.S. 150B-21.3(a)."

SECTION 2. G.S. 150B-21.8 reads as rewritten:

"**§ 150B-21.8. Review of rule by Commission.**

(a) Emergency Rule. – The Commission does not review an emergency rule.

(b) Temporary and Permanent ~~Rules.~~ Rules; Exception.– An agency must submit temporary and permanent rules adopted by it to the Commission before the rule can be included in the North Carolina Administrative Code. The Commission reviews a temporary or permanent rule in accordance with the standards in G.S. 150B-21.9 and follows the procedure in this Part in its review of a rule. This section does not apply to permanent rules adopted by the State Board of Education or the State Board of Community Colleges in accordance with G.S. 150B-21.2A.

(c) Scope. – When the Commission reviews an amendment to a permanent rule, it may review the entire rule that is being amended. The procedure in G.S. 150B-21.12 applies when the Commission objects to a part of a permanent rule that is within its scope of review but is not changed by a rule amendment.

(d) Judicial Review. – When the Commission returns a permanent rule to an agency in accordance with G.S. 150B-21.12(d), the agency may file an action for declaratory judgment in Wake County Superior Court pursuant to Article 26 of Chapter 1 of the General Statutes."

SECTION 3. G.S. 150B-21.17(a) reads as rewritten:

"**§ 150B-21.17. North Carolina Register.**

(a) Content. – The Codifier of Rules must publish the North Carolina Register. The North Carolina Register must be published at least two times a month and must contain the following:

(1) Temporary rules entered in the North Carolina Administrative Code.

(1a) The text of proposed rules and the text of permanent rules approved by the Commission.

(1b) Emergency rules entered into the North Carolina Administrative Code.

(1c) The text of proposed rules and the text of permanent rules adopted by the State Board of Education and the State Board of Community Colleges in accordance with G.S. 150B-21.2A.

(2) Notices of receipt of a petition for municipal incorporation, as required by G.S. 120-165.

(3) Executive orders of the Governor.

(4) Final decision letters from the United States Attorney General concerning changes in laws that affect voting in a jurisdiction subject to section 5 of the Voting Rights Act of 1965, as required by G.S. 120-30.9H.

(5) Orders of the Tax Review Board issued under G.S. 105-241.2.

(6) Other information the Codifier determines to be helpful to the public."

SECTION 4. G.S. 150B-21.19 reads as rewritten:

"**§ 150B-21.19. Requirements for including rule in Code.**

To be acceptable for inclusion in the North Carolina Administrative Code, a rule must:

(1) Cite the law under which the rule is adopted.

(2) Be signed by the head of the agency or the rule-making coordinator for the agency that adopted the rule.

(3) Be in the physical form specified by the Codifier of Rules.

(4) Have been approved by the Commission, if the rule is a permanent ~~rule.~~rule subject to the Commission's approval.

(4a) Have been adopted by the State Board of Education or the State Board of Community Colleges in accordance with G.S. 150B-21.2A.

(5) Have complied with the provisions of G.S. 12-3.1, if the rule establishes a new fee or increases an existing fee."

SECTION 5. This act becomes effective October 1, 2005, and applies to rules proposed and adopted on and after that date.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2005

H D

HOUSE BILL 550
PROPOSED COMMITTEE SUBSTITUTE H550-CSRQ-36 [v.1]

5/27/2005 3:05:06 PM

Short Title: SBE/Comm. College/Rulemaking. (Public)

Sponsors:

Referred to:

March 10, 2005

A BILL TO BE ENTITLED

AN ACT TO AUTHORIZE THE STATE BOARD OF EDUCATION AND THE STATE BOARD OF COMMUNITY COLLEGES TO IMPLEMENT AN EXPEDITED PROCEDURE FOR THE ADOPTION OF PERMANENT RULES.

The General Assembly of North Carolina enacts:

SECTION 1. Article 2A of Chapter 150B of the General Statutes is amended by adding the following new section to read:

"**§ 150B-21.2A. Expedited process for certain agencies adopting a permanent rule.**

(a) As used in this section, "Board" refers to the State Board of Education and the State Board of Community Colleges, as applicable.

(b) The State Board of Education and the State Board of Community Colleges may each establish an expedited process for the adoption of permanent rules. The process shall provide for the following:

(1) G.S. 150B-21.1 applies to the adoption of permanent rules by the Board except that:

a. Notwithstanding G.S. 150B-21.2(f), the Board must accept comments on the text that is published in the Register for at least 30 days after the text is published or until the date of any public hearing held on the proposed rule, whichever is longer.

b. Notwithstanding G.S. 150B-21.2(g), permanent rules adopted by the Board in accordance with this section are not subject to review or approval by the Rules Review Commission.

(2) G.S. 150B-21.3(b) does not apply to permanent rules adopted by the Board in accordance with this section. A permanent rule adopted by the Board in accordance with this section and other applicable provisions of this Article becomes effective on the first day of the month following the month the rule is adopted by the Board.

(c) Except as otherwise provided in this section, this Article applies to permanent rules adopted by the Board. The Board may adopt an emergency or temporary rule in accordance with this Article. Temporary or emergency rules adopted by the Board shall become effective as provided in G.S. 150B-21.3(a)."

SECTION 2. G.S. 150B-21.8 reads as rewritten:

"**§ 150B-21.8. Review of rule by Commission.**

(a) Emergency Rule. – The Commission does not review an emergency rule.

(b) Temporary and Permanent ~~Rules.~~ Rules; Exception.– An agency must submit temporary and permanent rules adopted by it to the Commission before the rule can be included in the North Carolina Administrative Code. The Commission reviews a temporary or permanent rule in accordance with the standards in G.S. 150B-21.9 and follows the procedure in this Part in its review of a rule. This section does not apply to permanent rules adopted by the State Board of Education or the State Board of Community Colleges in accordance with G.S. 150B-21.2A.

(c) Scope. – When the Commission reviews an amendment to a permanent rule, it may review the entire rule that is being amended. The procedure in G.S. 150B-21.12 applies when the Commission objects to a part of a permanent rule that is within its scope of review but is not changed by a rule amendment.

(d) Judicial Review. – When the Commission returns a permanent rule to an agency in accordance with G.S. 150B-21.12(d), the agency may file an action for declaratory judgment in Wake County Superior Court pursuant to Article 26 of Chapter 1 of the General Statutes."

SECTION 3. G.S. 150B-21.17(a) reads as rewritten:

"**§ 150B-21.17. North Carolina Register.**

(a) Content. – The Codifier of Rules must publish the North Carolina Register. The North Carolina Register must be published at least two times a month and must contain the following:

(1) Temporary rules entered in the North Carolina Administrative Code.

(1a) The text of proposed rules and the text of permanent rules approved by the Commission.

(1b) Emergency rules entered into the North Carolina Administrative Code.

(1c) The text of proposed rules and the text of permanent rules adopted by the State Board of Education and the State Board of Community Colleges in accordance with G.S. 150B-21.2A.

(2) Notices of receipt of a petition for municipal incorporation, as required by G.S. 120-165.

(3) Executive orders of the Governor.

(4) Final decision letters from the United States Attorney General concerning changes in laws that affect voting in a jurisdiction subject to section 5 of the Voting Rights Act of 1965, as required by G.S. 120-30.9H.

(5) Orders of the Tax Review Board issued under G.S. 105-241.2.

(6) Other information the Codifier determines to be helpful to the public."

SECTION 4. G.S. 150B-21.19 reads as rewritten:

"**§ 150B-21.19. Requirements for including rule in Code.**

To be acceptable for inclusion in the North Carolina Administrative Code, a rule must:

(1) Cite the law under which the rule is adopted.

(2) Be signed by the head of the agency or the rule-making coordinator for the agency that adopted the rule.

(3) Be in the physical form specified by the Codifier of Rules.

(4) Have been approved by the Commission, if the rule is a permanent ~~rule.~~rule subject to the Commission's approval.

(4a) Have been adopted by the State Board of Education or the State Board of Community Colleges in accordance with G.S. 150B-21.2A.

(5) Have complied with the provisions of G.S. 12-3.1, if the rule establishes a new fee or increases an existing fee."

SECTION 5. This act becomes effective October 1, 2005, and applies to rules proposed and adopted on and after that date.

HOUSE BILL 550:
SBE/Comm. College/Rulemaking

BILL ANALYSIS

Committee:	House Education	**Date:**	May 31, 2005
Introduced by:	Reps. Tolson, England, Sauls	**Summary by:**	Drupti Chauhan Committee Counsel
Version:	PCS to First Edition H550-CSRQ-36 [v.1]		

SUMMARY: The PCS for House Bill 550 would authorize the State Board of Education (SBE) and the State Board of Community Colleges (SBCC) to establish an expedited procedure for the adoption of permanent rules.

CURRENT LAW: Under Article 2A of Chapter 150B, agencies must take the following steps before adopting permanent rules. First, a notice of the text of the rule must be published in the North Carolina Register. A public hearing must be held on the proposed rule if the agency receives a written request for a public hearing on the proposed rule within 15 days after the notice of the text is published. The agency must accept oral or written comments on the proposed rule for at least 60 days after the text is published or until the date of any public hearing, whichever is longer. The agency may then adopt the rule. The agency must then submit the rule to the Rules Review Commission within 30 days of adopting the rule. A permanent rule adopted by the Commission becomes effective on the first day of the month following the month the rule is approved by the Commission unless written objections are received.

BILL ANALYSIS:

Section 1 of PCS for House Bill 550 would authorize the SBE and SBCC to establish an expedited process for the adoption of permanent rules. The current statutory procedure would apply to adoption of permanent rules for both Boards however the Boards would only have to accept comments on the text of the rule that is published in the North Carolina Register for only 30 days after the text is published or until the date of any public hearing held on the proposed rule, which ever is longer.

Permanent rules adopted by the Boards would not be subject to review or approval by the Rules Review Commission. The permanent rules adopted by the Boards would become effective on the first day of the month following the month the rule is adopted by the Board.

Sections 2 through 4 make conforming changes to other statutes.

EFFECTIVE DATE: The bill would become effective October 1, 2005 and apply to rules proposed and adopted on and after that date.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2005

H 1

HOUSE BILL 793*

Short Title:	School Counselors & Dropout Prevention/Study.	(Public)
Sponsors:	Representatives Farmer-Butterfield; Alexander, L. Allen, Carney, Jones, Parmon, Pierce, Ross, Stam, Wainwright, and Womble.	
Referred to:	Education, if favorable, Rules, Calendar, and Operations of the House.	

March 17, 2005

A BILL TO BE ENTITLED

AN ACT DIRECTING THE STATE BOARD OF EDUCATION TO REPORT ON THE ROLE SCHOOL COUNSELORS PLAY IN PROVIDING DROPOUT PREVENTION AND INTERVENTION SERVICES TO STUDENTS IN MIDDLE AND HIGH SCHOOL.

The General Assembly of North Carolina enacts:

SECTION 1. Research shows that school counselors can provide effective services to students that encourage them to stay in school, succeed in school, and graduate from high school. Research also shows that middle school is a critical time for students who are at risk of dropping out of school. The General Assembly currently provides funding that local school administrative units may use to hire school counselors; it is unclear, however, what role school counselors play in providing effective and efficient dropout prevention and intervention services to students in middle and high school. The General Assembly needs additional information to determine whether adjustments should be made in funding for school counselors or assignment of duties to school counselors; therefore, the State Board of Education shall report the following information to the Joint Legislative Education Oversight Committee prior to March 15, 2006:

(1) The number of school counselors per school with a sixth grade or higher grade;

(2) The source of funds used for each of these counselors;

(3) A review and analysis of the counselors' primary duties by school;

(4) A summary and description of school-based dropout prevention and intervention services provided directly to students in the sixth grade and higher grades, including the role of school counselors in providing the services; and

(5) The number of school counselors and other individuals per local school administrative unit whose primary responsibility is to provide

school-based dropout prevention and intervention services and the percentage of their time spent providing these services.

SECTION 2. This act becomes effective July 1, 2005.

HOUSE BILL 793:
School Counselors & Dropout Prevention/Study

BILL ANALYSIS

Committee:	House Education	**Date:**	May 31, 2005
Introduced by:	Rep. Farmer-Butterfield	**Summary by:**	Shirley Iorio, Ph D
Version:	First Edition		Legislative Analyst

SUMMARY: House Bill 793 states that the General Assembly needs additional information to determine whether adjustments should be made in funding for school counselors or assignment of duties to school counselors. Therefore, this bill would require the State Board of Education to report the following information to the Joint Legislative Education Oversight Committee prior to March 15, 2006:

- *The number of school counselors per school with a sixth grade or higher and the source of funds used for each of these counselors;*
- *A review and analysis of the counselors' primary duties by school;*
- *A summary and description of school-based dropout prevention and intervention services provided directly to students in sixth grade and above, and the counselors role in providing the services; and*
- *The number of school counselors and other individuals per local school administrative unit whose primary responsibility is to provide school-based dropout prevention and intervention services, and the percentage of their time spent providing these services.*

House Bill 793 is serially referred to Rules, Calendar, and Operations of the House.

EFFECTIVE DATE: The bill would become effective July 1, 2005.

H 1

HOUSE BILL 855

Short Title:	Required Registration for Kegs.	(Public)
Sponsors:	Representatives Insko; and Hackney.	
Referred to:	Finance.	

March 22, 2005

A BILL TO BE ENTITLED

AN ACT TO REQUIRE A SPECIAL PURCHASE-TRANSPORTATION PERMIT FOR KEGS CONTAINING ALCOHOLIC BEVERAGES.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 18B-403 reads as rewritten:

"**§ 18B-403. Purchase-transportation permit.**

(a) Amounts. – With a purchase-transportation permit, a person may purchase and transport an amount of alcoholic beverages greater than the amount specified in G.S. 18B-303(a). A purchase-transportation permit is also required for the purchase and transportation of draft beer in kegs. A permit authorizes the holder to transport from the place of purchase to the destination within North Carolina indicated on the permit at one time the following amount of alcoholic beverages:

(1) A maximum of 100 liters of unfortified wine;

(2) A maximum of 40 liters of either fortified wine or spirituous liquor, or 40 liters of the two combined; ~~or~~

(3) The amount of fortified wine or spirituous liquors specified on the purchase-transportation permit for a mixed beverage ~~permittee.~~permittee; ~~or~~

(4) Any amount of draft beer in kegs.

(b) Issuance of Permit. – A purchase-transportation permit may be issued by:

(1) The local board chairman;

(2) A member of the local board;

(3) The general manager or supervisor of the local board; ~~or~~

(4) The manager or assistant manager of an ABC store, if he is authorized to issue permits by the local board ~~chairman.~~chairman; or

(5) The sheriff of the county in which the purchase and transportation is to occur if there is no local ABC System.

(c) Disqualifications. – A purchase-transportation permit shall not be issued to a person who:

(1) Is not sufficiently identified or known to the issuer;
(2) Is known or shown to be an alcoholic or bootlegger;
(3) Has been convicted within the previous three years of an offense involving the sale, possession, or transportation of nontaxpaid alcoholic beverages; ~~or~~
(4) Has been convicted within the previous three years of an offense involving the sale of alcoholic beverages without a ~~permit.~~permit; or
(5) Has been convicted of any offense involving a violation of G.S. 18B-302.

A local ABC Board may request a certified copy of a criminal history check from the clerk of court for the permit applicant to ensure compliance with this subsection. The cost of this criminal history check is the responsibility of the applicant.

(d) Form. – A purchase-transportation permit shall be issued on a printed form adopted by the Commission. The Commission shall adopt rules specifying the content of the permit form.

(e) Restrictions on Permit. – A purchase may be made only from the store named on the permit. One copy of the permit shall be kept by the issuing person, one by the purchaser, and one by the store from which the purchase is made. The purchaser shall display his copy of the permit to any law-enforcement officer upon request. A permit for the purchase and transportation of spirituous liquor may be issued only by an authorized agent of the local board for the jurisdiction in which the purchase will be made.

(f) Time. – A purchase-transportation permit is valid only until 9:30 P.M. on the date of purchase, which date shall be stated on the permit.

(g) Special Occasion Purchase-Transportation Permit. – When a person holds a special occasion for which a permit under G.S. 18B-1001(8) or (9) is required, the purchase-transportation permit issued to him may provide for the storage at and transportation to and from the site of the special occasion of unfortified wine, fortified wine, and spirituous liquor for a period of no more than 48 hours before and after the special occasion. The purchase-transportation permit authorizes that person to transport only the amounts of those alcoholic beverages authorized by subsection (a). The Commission may adopt rules to govern issuance of these extended purchase-transportation permits.

(h) Draft Malt Beverage Keg Purchase-Transportation Permit. – When a draft malt beverages keg purchase-transportation permit is issued, the permit must remain with the purchaser until the keg is returned to the store from which it was purchased. At the time of purchase, an adhesive label shall be affixed to the keg identifying the purchaser's name, address, telephone number, purchase-transportation permit number, and the address of the location at which the keg is to be stored and consumed. This label must remain affixed to the keg until it is returned to the store from which it was purchased. An employee of a store who receives a keg, which is returned without the adhesive label, shall notify the North Carolina Alcohol Law Enforcement Division or a local law enforcement agency with the authority to investigate the offense. A violation of this section is a Class 1 misdemeanor. Upon conviction, the court shall impose a

mandatory minimum fine of five hundred dollars ($500.00) and file a conviction report with the Division of Motor Vehicles indicating the name of the person convicted and any other information requested by the Division. Upon receipt of the conviction report, the Division shall revoke the person's license as required by G.S. 20-17.3. The conviction of a second or subsequent violation of this subsection shall require a minimum mandatory one-thousand dollar ($1000) fine and a license revocation for three years.

(i) Fee. – A fee of five dollars ($5.00) shall be collected by the local ABC Board for all purchase-transportation permits issued for malt beverages in kegs. This fee will be used to cover the cost of printing the purchase-transportation permit and manufacturing the adhesive labels to be issued for malt beverages in kegs and placed on the keg for identification purposes."

SECTION 2. G.S. 20-17.3 reads as rewritten:

"**§ 20-17.3. Revocation for underage purchasers of alcohol.**

The Division shall revoke for one year the driver's license of any person who has been convicted of violating any of the following:

(1) G.S. 18B-302(c)(1), (e), or (f); ~~or~~

(2) G.S. 18B-302(b), if the violation occurred while the person was purchasing or attempting to purchase an alcoholic ~~beverage.~~beverage; or

(3) G.S. 18B-403(h).

If the person's license is currently suspended or revoked, then the revocation under this section shall begin at the termination of that revocation."

SECTION 3. This act becomes effective December 1, 2005, and applies to offenses committed on or after that date.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2005

H D

HOUSE BILL 855
PROPOSED COMMITTEE SUBSTITUTE H855-CSRJ-23 [v.1]

5/27/2005 12:30:30 PM

Short Title: Child Nutrition Standards. (Public)

Sponsors:

Referred to:

March 22, 2005

A BILL TO BE ENTITLED

AN ACT DIRECTING THE STATE BOARD OF EDUCATION TO ESTABLISH STATEWIDE NUTRITION STANDARDS FOR SCHOOL MEALS, A LA CARTE FOODS AND BEVERAGES, AND THE AFTER SCHOOL SNACK PROGRAM ADMINISTERED BY THE DEPARTMENT OF PUBLIC INSTRUCTION AND CHILD NUTRITION PROGRAMS OF LOCAL SCHOOL ADMINISTRATIVE UNITS, AS RECOMMENDED BY THE STUDY COMMITTEE FOR CHILDHOOD OVERWEIGHT/OBESITY OF THE HEALTH AND WELLNESS TRUST FUND.

The General Assembly of North Carolina enacts:

SECTION 1. Part 2 of Article 17 of Chapter 115C of the General Statutes is amended by adding the following new section to read:

"**§ 115C-264.2. Child Nutrition Program standards.**

The State Board of Education, in direct consultation with a cross section of local directors of child nutrition services, shall establish statewide nutrition standards for school meals, a la carte foods and beverages, and items served in the After School Snack Program administered by the Department of Public Instruction and child nutrition programs of local school administrative units. The nutrition standards will promote gradual changes to increase fruits and vegetables, increase whole grain products, and decrease foods high in total fat, trans fat, saturated fat, and sugar. The nutrition standards adopted by the State Board of Education shall be implemented initially in elementary schools. All elementary schools shall achieve a basic level by the end of the 2007-2008 school year, followed by middle schools and then high schools."

SECTION 2. The State Board of Education may use "Eat Smart: North Carolina's Recommended Standards for all Foods Available in School" and the "United States Dietary Guidelines" as references for establishing the nutrition standards under Section 1 of this act. In addition to the elementary school pilots established by Section 7.17 of S.L. 2004-124, the nutrition standards will also be piloted prior to statewide

implementation in a minimum of eight middle and eight high schools at a time to be determined by the State Board of Education. The pilots shall be conducted in a manner that will hold the child nutrition program of a participating local school administrative unit financially harmless for its participation in the pilot project. It shall be the responsibility of the Child Nutrition Services Section of the Department of Public Instruction to oversee the pilot project, collect data from the pilots, interpret the data, and develop written guidance based on the outcomes of the pilots. The Child Nutrition Services Section of the Department of Public Instruction shall modify the nutrition standards as needed based on several criteria, including, but not limited to, the results of the pilot projects, current science, best practices in the food and beverage industry, and the availability and affordability of new foods and beverages. The Child Nutrition Services Section of the Department of Public Instruction shall monitor the progress of each local school administrative unit toward achieving the nutrition standards and shall provide technical assistance and training as needed to assist local school administrative units in implementing the nutrition standards. The Child Nutrition Services Section of the Department of Public Instruction shall report annually on the progress of each local school administrative unit to the State Board of Education and to the Joint Legislative Education Oversight Committee.

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

HOUSE BILL 855:
Child Nutrition Standards.

BILL ANALYSIS

Committee:	House Education	**Date:**	May 30, 2005
Introduced by:	Rep. Insko	**Summary by:**	Sara Kamprath
Version:	PCS to First Edition H855-CSRJ-23 [v.1]		Legislative Analyst

SUMMARY: ***The Proposed Committee Substitute for House Bill 855 directs the State Board of Education to establish nutrition standards that will gradually increase the amounts of fruits, vegetables, and whole grain products in available items for school meals, a la carte foods and beverages, and the After School Snack Program. At the same time the standards will promote a decrease in items high in total fat, trans fat, saturated fat, and sugar. The nutrition standards shall be implemented first in the elementary schools followed by the middle schools and then high schools.***

BILL ANALYSIS: The Proposed Committee Substitute requires all elementary schools to reach basic level by the end of the 2007-2008 school year with middle schools and high schools to follow. Before statewide implementation, the State Board of Education shall pilot the nutrition standards in the elementary school pilots established under Section 7.17 of S.L. 2004-124, 8 middle schools and 8 high schools. The child nutrition programs of participating schools will be held financially harmless during the pilots. The Child Nutrition Services Section of the Department of Public Instruction will be responsible for collecting and interpreting data from the pilots, for modifying the nutrition standards, and for monitoring the progress of the local school administrative units in meeting the standards. The Child Nutrition Services Section shall make an annual report to the State Board of Education and the Joint Legislative Education Oversight Committee on the progress of each local school administrative unit in implementing the nutrition standards.

H0855e1-SMRJ-CSRJ-23 v1

NORTH CAROLINA HOUSE OF REPRESENTATIVES
COMMITTEE MEETING NOTICE
AND
BILL SPONSOR NOTIFICATION
2005-2006 SESSION

You are hereby notified that the Committee on Education will meet as follows:

DAY & DATE: **May 31, 2005**

TIME: **11:00 AM and 2:00 PM**

LOCATION: **643 LOB**

The following bills will be considered (Bill # & Short Title & Bill Sponsor):

HB 595 - Decrease Teachers' Cost for Personal Leave - Rep. Wainwright
HB 126 - Any Precinct Voting Pilot - Reps. Insko, Preston
HB 855 - Required Registration for Kegs - Rep. Insko
HB 550 - SBE/Comm. College/Rulemaking - Reps. Tolson, England, Sauls
HB 793 - School Counselors & Dropout Prevention/Study - Rep. Butterfield
SB 988 - Transfer Textile Center to Gaston College - Sen. Hoyle

Respectfully,
Representatives Bell, Lucas, McLawhorn
Chair

I hereby certify this notice was filed by the committee assistant at the following offices at **1:30 PM** on **May 26, 2005.**

___Principal Clerk
___Reading Clerk - House Chamber

Carolyn Edwards (Committee Assistant)

AGENDA

HOUSE EDUCATION COMMITTEE

May 31, 2005
11:00 A.M.
Room 643 LOB

Representative Larry M. Bell
Presiding Chair

CALL TO ORDER

OPENING REMARKS

BILLS TO BE CONSIDERED:

HB 595 - Decrease Teachers' Cost for Personal Leave - Rep. Wainwright

HB 126 - Any Precinct Voting Pilot - Reps. Insko, Preston

HB 855 - Required Registration for Kegs - Rep. Insko

HB 550 - SBE/Comm. College/Rulemaking - Reps. Tolson, England, Sauls

HB 793 - School Counselors & Dropout Prevention/Study - Rep. Butterfield

SB 988 - Transfer Textile Center to Gaston College - Sen. Hoyle

ADJOURNMENT

Chairs:
Representative L. Bell
Representative M. Lucas
Representative M. McLawhorn

VISITOR REGISTRATION SHEET

Education — 5-31-05

Name of Committee — Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Chad Hinton	Civitas Institute
DAVID DUNN	UNC CHARLOTTE
Arthur L. Heggins	SEANC - Rowan County
Jeannette M. Dean	SEANC - Aberdeen, NC
Melissa Reed	NARAL
Suzanne Buckley	GOV EASLEY'S OFFICE
Barbara Grimes	SEANC- Nash Co.
Linda Rouse Sutton	SEANC - First VP - Kinston, Lenoir Co.
PAT RHYMER	SEANC - WATAUGA Co.
BOB HOPPER	SEANC - RETIREE COUNCIL-ALEX.CO.
Cleve Woolard	SEANC - RETIREE COUNCIL NEW BERN

VISITOR REGISTRATION SHEET

EDUCATION — 5-31-05

Name of Committee — **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
[signature]	RT
Andrea Schrag	RT
[signature]	NCSCDC
Butch Gunnells	NC Soft Drink Assoc.
George Sodalo	NCSDA
[signature]	NCSDA
Paige Johnson	Planned Parenthood
Brian Lewis	Covenant with NC's Children
[signature] Steel	Resident - Cabarrus Cty.
Elly Steel	Resident - "
[signature]	" "
Darrick Steel	student

VISITOR REGISTRATION SHEET

Education — May 31, 05

Name of Committee — Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Sarah Harger	ACLU - NC
Dan Blau	ACLU-NC
Paul Taylor	Infuse Inc.
Gladys Logan	NCDPI
Ben Matthews	"
Charles Stone	SEANC
Lynn Hayyard	NCDPI, Child Nutrition Services
Stephanie Erba	SBE
Linda Suggs	SBE
Louis M. Fabrizio	NCDPI
Harry Wilson	SBE

VISITOR REGISTRATION SHEET

Education — 5-31-05

Name of Committee — Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
David Sallivan	NCCCS
Ken Byrd	NCCCS
Ann McArthur	Governor's Office
Kevin Leonard	WCSR
Whitney Isenhower	The Daily Tar Heel

VISITOR REGISTRATION SHEET

EDUCATION — MAY 31, 2005

Name of Committee — **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
	WCPSS
Kathleen Joyce	NCASA
Emily MacNaught	NCPAPA
	NCPAPA
	NCCCS
	NCICU

VISITOR REGISTRATION SHEET

Ed. 5-31-05

Name of Committee Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Harold Faulk	SEANC Retiree Council - Nakina, NC

House Committee On Education
SERGEANT AT ARMS
May 31, 2005

1. Jay Callaway
2. Willie Dixon
3. Martha Parrish
4. Frank Prevo

HOUSE EDUCATION COMMITTEE MINUTES
Wednesday, June 1, 2005
Room 544 LOB
9:00 a.m.

Rep. Lucas called the meeting to order, welcomed everyone, and introduced the Pages and Sergeant-at-Arms (sheets attached).

Rep. Debbie Clary was called upon to explain **SB 988 Transfer Textile Center to Gaston College.** There were comments/questions by the following: Rep. Coleman and Rep. Rapp. Rep. Hilton moved for a favorable report. The committee concurred. Motion passes.

Rep. William Wainwright was called on to explain **HB 595 Decrease Teachers' Cost for Personal Leave**. Mr. Steve Levinson gave a brief analysis of the summary. Questions/comments by the following: Rep. Hilton and Rep. Womble. Rep. Womble made motion for a favorable report and with understanding that the principal has authority to grant leave and to be referred to Appropriations. Motion passes.

Rep. Wilma Sherrill was called on to explain **HB 1155 Safe Transportation for School Students**. Rep. Cole made motion to adopt committee substitute. Rep. McAllister moved for a favorable report to committee substitute, unfavorable to original bill. HB 1155 is adopted.

Rep. Garland Pierce was called on to explain **HB 1414 Help Teacher Assistants Become Teachers**. Rep. Bell moved to adopt the PCS. Questions/comments by the following: Rep. Womble, Rep. Goforth; Rep. Pate; Mr. Steve Levinson, Rep. Bell. Rep. Womble moved for a favorable report to the committee substitute, unfavorable to original bill and referred to Appropriations.

Rep. Dale Folwell was called on to explain **HB 1480 Modify Requirements for School Admission**. Rep. Folwell moved to adopt the amendment. Questions/comments by the following: Rep. Glazier; Ms. Robin Johnson (Research Staff), Rep. Coleman. The bill is to be sent to the K-12 Committee for additional work.

Meeting adjourned.

Respectfully submitted,

Marvin W. Lucas

Marvin W. Lucas, Chairing

Thelma J Utley

Thelma T. Utley, Committee Assistant

2005 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES

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

By Representative Bell, Lucas, McLawhorn (Chairs) for the Committee on EDUCATION.

☐ Committee Substitute for

SB 988 A BILL TO BE ENTITLED AN ACT TO TRANSFER THE NORTH CAROLINA CENTER FOR APPLIED TEXTILE TECHNOLOGY TO GASTON COLLEGE.

☒ With a favorable report.

(FOR JOURNAL USE ONLY)

_____ Pursuant to Rule 32(a), the bill/resolution is re-referred to the Committee on _____.

_____ Pursuant to Rule 36(b), the bill/resolution is placed on the Calendar of _____.

2005 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES

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

By Representative Bell, Lucas, McLawhorn (Chairs) for the Committee on EDUCATION.

☐ Committee Substitute for

HB 595 A BILL TO BE ENTITLED AN ACT TO DECREASE THE COST TO A TEACHER WHO TAKES PERSONAL LEAVE.

☒ With a favorable report and recommendation that the bill be re-referred to the Committee on APPROPRIATIONS.

(FOR JOURNAL USE ONLY)

_____ Pursuant to Rule 32(a), the bill/resolution is re-referred to the Committee on _____.

_____ The bill/resolution is re-referred to the Committee on _____.

2005 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES

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

By Representative Bell, Lucas, McLawhorn (Chairs) for the Committee on EDUCATION.

☐ Committee Substitute for

HB 1155 A BILL TO BE ENTITLED AN ACT TO ENSURE THE SAFEST TRANSPORTATION POSSIBLE FOR NORTH CAROLINA PUBLIC SCHOOL STUDENTS INVOLVED IN SCHOOL-SPONSORED TRAVEL.

☒ With a favorable report as to the committee substitute bill, unfavorable as to the original bill.

(FOR JOURNAL USE ONLY)

_____ Pursuant to Rule 32(a), the bill/resolution is re-referred to the Committee on _____.

_____ Pursuant to Rule 36(b), the (House) committee substitute bill/(joint) resolution (No._____) is placed on the Calendar of _____. (The original bill resolution No._____) is placed on the Unfavorable Calendar.

_____ The (House) committee substitute bill/(joint) resolution (No. ____) is re-referred to the Committee on _____. (The original bill/resolution) (House/Senate Committee Substitute Bill/(Joint) resolution No. ___) is placed on the Unfavorable Calendar.

2005 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES

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

By Representative Bell, Lucas, McLawhorn (Chairs) for the Committee on EDUCATION.

☒Committee Substitute for

HB 1414 A BILL TO BE ENTITLED AN ACT TO PERMIT TEACHER ASSISTANTS WHO ARE ENROLLED IN TEACHER EDUCATION PROGRAMS TO CONTINUE TO WORK WHILE THEY COMPLETE THEIR STUDENT TEACHING.

☒ With a favorable report as to the committee substitute bill 2, unfavorable as to Committee Substitute Bill 1.

(FOR JOURNAL USE ONLY)

_____ Pursuant to Rule 32(a), the bill/resolution is re-referred to the Committee on _____.

_____ Pursuant to Rule 36(b), the (House) committee substitute bill/(joint) resolution (No._____) is placed on the Calendar of _____. (The original bill resolution No._____) is placed on the Unfavorable Calendar.

_____ The (House) committee substitute bill/(joint) resolution (No. ____) is re-referred to the Committee on _____. (The original bill/resolution) (House/Senate Committee Substitute Bill/(Joint) resolution No. ___) is placed on the Unfavorable Calendar.

HOUSE EDUCATION COMMITTEE MEETING
AGENDA
Wednesday, June 1, 2005
Room 544 LOB
9:00 a.m.

CALL TO ORDER – Rep. Lucas, Presiding

INTRODUCTIONS

BILLS TO BE CONSIDERED:

SB 988 – Transfer Textile Center to Gaston College – Sen. Hoyle

HB 1414 – Help Teacher Assistants Become Teachers – Rep. Pierce

HB 595 – Decrease Teachers' Cost for Personal Leave – Rep. Wainwright

HB 1155 – Safe Transportation for School Students – Rep. Sherrill

ADJOURNMENT

SENATE BILL 988:
Transfer Textile Center to Gaston College

BILL ANALYSIS

Committee:	House Education	**Date:**	May 27, 2005
Introduced by:	Sen. Hoyle	**Summary by:**	Sara Kamprath
Version:	Second Edition		Committee Staff

SUMMARY: ***This bill would transfer the North Carolina Center for Applied Textile Technology from the Community Colleges System Office to Gaston College. Article 6 of Chapter 115D of the General Statutes would be repealed and a new Article created.***

There would be technical changes made to related parts of Chapter 115D of the General Statutes.

The Director of the North Carolina Center for Applied Textile Technology would serve on the Advisory Board to the Hosiery Technology Center at Catawba Valley Community College.

The bill would become effective July 1, 2005.

CURRENT LAW: Article 6 of Chapter 115D of the General Statutes (attached) pertains to the North Carolina Center for Applied Textile Technology. This article creates a nine-member board of trustees, appointed by the Governor. The board of trustees manages, subject to policies and regulations of the State Board of Community Colleges, the Center for Applied Textile Technology. The powers and duties of the board of trustees are delineated in this Article.

BILL ANALYSIS:

Section 1 would transfer the North Carolina Center for Applied Textile Technology (Center) from the Community Colleges System Office to Gaston College. The transfer would have all the elements of a Type I transfer (G.S. 143A-6(a) attached).

Section 2 would repeal the current law, Article 6 of Chapter 115D.

Section 3 would create Article 5A of Chapter 115D, the North Carolina Center for Applied Textile Technology at Gaston College:

- § 115D-67.1 would set out the following purposes of the Center: to develop a world-class workforce for the NC textile industry; to support the textile industry; to garner support from the textile industry for the work of the Center; and to serve as a statewide center of excellence that serves all components of the textile industry.
- § 115D-67.2 would establish the Advisory Board. The purpose of the 14 member Advisory Board would be to assist in the advancement and administration of the Center. The Board would consist of:
    - The President of Gaston College, ex officio;
    - Four members appointed by the NC Manufacturers Association, Inc;
    - Two members appointed by the board of the NC Center for Applied Textile Technology Foundation;
    - Two members appointed by the board of trustees of Gaston College;

- Three members appointed by the State Board of Community Colleges;
- One member appointed by the dean of the College of Textiles at NC State University; and
- The Director of the Hosiery Technology Center at Catawba Valley Community College who shall serve ex officio as a nonvoting member.

The appointing entities would attempt to appoint members who are distributed geographically throughout the State, who represent large and small companies, and who are from each segment of the diverse textile industry. Advisory Board members would be able to serve no more than two consecutive four-year terms.

- § 115D-67.3 would set out the procedure for the President of Gaston College to appoint an individual to serve as the director of the Center, and then for the director to select other staff members of the Center.
- § 115D-67.4 would provide that all fees collected by the Center for services to the textile industry, except for regular curriculum and continuing education tuition receipts, would be retained by the Center and used for the operations of the Center. Purchases made by the Center using these funds would not be subject to the provisions of Article 3 of Chapter 143 of the General Statutes (Purchases and Contracts).

Section 4 would amend a definitions section of G.S. 115D by removing the North Carolina Center for Applied Textile Technology as an exception to the term "institution".

Section 5 would amend a purchasing flexibility section of G.S. 115D by removing the reference to the Center for Applied Textile Technology.

Section 6 would provide that the Director of the North Carolina Center for Applied Textile Technology would serve as an ex officio, nonvoting member of the Advisory Board to the Hosiery Technology Center at Catawba Valley Community College.

Section 7 would make this act effective July 1, 2005.

The General Assembly passed legislation in 2004 that required the State Board of Community Colleges to study the Center for Applied Textile Technology. This bill would implement an option recommended by Regional Technology Strategies, Inc. (RTS), the firm employed by the State Board of Community Colleges to conduct the study of the Center for Applied Textile Technology. The Textile Center would become a part of Gaston College just as the Hosiery Technology Center is a part of Catawba Valley Community College.

BACKGROUND: A provision in the 2004 budget bill directed the State Board of Community Colleges (State Board) to study the Center for Applied Textile Technology (Center). The State Board was to consider:

- The mission and purpose of the Center;
- The Center's programs and course of study;
- Any duplication of courses offered by community colleges;
- The Center's expenditures, receipts, and potential funding mechanisms;
- The population served by the Center, including students and industry; and

- The Center's status within the Community College System.

The State Board was directed to seek input, during the course of the study, from various interested parties. In addition, the State Board was to determine whether the Center should:

- Remain an independent institution under the Community College System;
- Be administered by a community college;
- Be dissolved and the property transferred from State to county ownership; or
- Be otherwise administered.

If the State Board determined that the Center should remain an independent institution under the Community College System or be administered by a community college, the State Board must then identify necessary changes to the Center's organization and funding structure, mission and purpose, programs or services currently offered, and governance.

The State Board was further required to consult with the Education Subcommittee of the Joint Legislative Commission on Governmental Operations and report on the results of the study, by October 30, 2004, to several legislative committees. The State Board of Community Colleges, in consultation with the Office of State Budget and Management, must implement the results of the study by January 1, 2005.

The State Board of Community Colleges employed Regional Technology Strategies, Inc. (RTS) to conduct the study of the Center for Applied Textile Technology. RTS made the following key findings:

- Despite recent job losses, the textile industry is still very important to North Carolina.
- The textile industry needs a dedicated center for applied technology services and technical assistance.
- The isolation and lack of accountability at the Center for Applied Textile Technology have allowed it to drift away from its core mission.
- The Hosiery Technology Center provides an excellent model of compromise between autonomy and accountability.

In concluding the study, RTS recommended the creation of a semi-autonomous, industry-driven Textile Technology Center at Gaston College.

Shirley Iorio contributed significantly to this summary.

S0988e2-SMRJ

§ 143A-6. Types of transfers.

(a) Under this Chapter, a Type I transfer means the transferring of all or part of an existing agency to a principal department established by this Chapter. When all or part of any agency is transferred to a principal department under a Type I transfer, its statutory authority, powers, duties, and functions, records, personnel, property, unexpended balances of appropriations, allocations or other funds, including the functions of budgeting and purchasing, are transferred to the principal department.

When any agency, or part thereof, is transferred by a Type I transfer to a principal department under the provisions of this Chapter, all its prescribed powers, duties, and functions, including but not limited to rule making, regulation, licensing, and promulgation of rules, rates, regulations, and standards, and the rendering of findings, orders, and adjudications are transferred to the head of the principal department into which the agency, or part thereof, has been transferred.

Article 6.

Textile Training School.

§ 115D-68. Creation of board of trustees; members and terms of office; no compensation.

The North Carolina Center for Applied Textile Technology shall be managed, subject to policies and regulations of the State Board of Community Colleges, by a board of trustees. The board of trustees shall consist of nine members appointed by the Governor. The terms of office of the trustees shall be as follows: Three of the trustees shall be appointed for a term of two years; three for three years; and three for four years. At the expiration of those terms, the appointments shall be made for periods of four years. In the event of any vacancy on the board, the vacancy shall be filled by appointment of the Governor for the unexpired term of the member causing the vacancy. The members of the board of trustees shall serve without compensation.

§ 115D-69. Powers of board.

The board of trustees shall hold all the property of the North Carolina Center for Applied Textile Technology and shall have the authority to direct and manage the affairs of the Center in accordance with the policies and regulations of the State Board of Community Colleges and, within available appropriations therefor, appoint a managing head and any other officers, teachers and employees as shall be necessary for the proper conduct thereof. The board of trustees, on behalf of the Center, may accept and administer any and all gifts and donations from the United States government or from any other source which may be useful in carrying on the affairs of the Center. Provided, however, that the board of trustees shall not accept any funds upon any condition that the Center shall be operated contrary to any provision of the Constitution or statutes of this State.

§ 115D-70. Board vested with powers and authority of former boards.

The board of trustees acting under authority of this Article is vested with all the powers and authority of the board created under authority of Chapter 360 of the Public Laws of 1941, and the board created under authority of Chapter 806 of the Session Laws of 1971.

§ 115D-71. Persons eligible to attend the Center; subjects taught.

Persons eligible to attend the Center shall be at least 16 years of age and legal residents of the State ~~of North Carolina, as set forth in G.S. 116-143.1: Provided, that out-of-state~~ students, not to exceed ten percent (10%) of the total enrollment, may be enrolled when vacancies exist, upon payment of tuition. The amount of tuition shall be determined by the board of trustees. The money thus collected shall be deposited in the State treasury. The Center shall (i) assist individual citizens of North Carolina in becoming contributing members of a well-qualified work force and (ii) assist in identification of problems confronting the textile industry and in solving these problems through education, training, and technology transfer in partnership with the North Carolina Community College System.

GENERAL ASSEMBLY OF NORTH CAROLINA

Session 2005

Legislative Fiscal Note

BILL NUMBER: House Bill 595 (First Edition)

SHORT TITLE: Decrease Teachers' Cost for Personal Leave.

SPONSOR(S): Representative Wainwright

FISCAL IMPACT

	Yes (X)	No ( )	No Estimate Available ( )		
	FY 2005-06	FY 2006-07	FY 2007-08	FY 2008-09	FY 2009-10
EXPENDITURES (in millions):					
General Fund					
Teacher Salaries	**$1.7**	**$1.7**	**$1.7**	**$1.7**	**$1.7**
Non-Instructional Support Allotment*	**($1.7)**	**($1.7)**	**($1.7)**	**($1.7)**	**($1.7)**
Projected Increase in Non-Instructional Allotment	**$0.0-18.6**	**$0.0-7.0**	**$0.0-7.1**	**$0.0-7.3**	**$0.0-7.5**
	For detailed explanation, see Assumptions and Methodology section.				
Local Funds	**$0.1-1.6**	**$0.1-0.9**	**$0.1-0.9**	**$0.1-0.9**	**$0.1-0.9**
Federal Funds	**$0.1-1.6**	**$0.1-0.9**	**$0.1-0.9**	**$0.1-0.9**	**$0.1-0.9**
POSITIONS (cumulative):	**N/A**				

PRINCIPAL DEPARTMENT(S) & PROGRAM(S) AFFECTED: Local Education Agencies (LEAs), State Public School Fund, Department of Public Instruction (DPI)

EFFECTIVE DATE: July 1, 2005.

* **Note**: Net General Fund (GF) expenditures will not decrease, but the State will allot ($1.7) million less annually to LEAs for paying substitute teachers. LEAs will also face increased expenditures for substitute teachers of up to $18.6 million (including one-time costs of up to $11.6 million) in FY 2005-06 and up to $7.0-7.5 million annually thereafter. These expenditures appear under the GF heading because it is assumed that the General Assembly will appropriate additional funds to cover the LEAs' increased expenditures for substitute teachers.

BILL SUMMARY: The bill reduces by half, from $50 to $25, the deduction from salary required under current statute[1] for a teacher using personal leave on an instructional day. The savings from

[1] G.S. 115C-302.1(d)

this "substitute deduction," is used to partially offset the cost of a substitute teacher for the day on which the teacher is absent.

ASSUMPTIONS AND METHODOLOGY: Teachers will be contributing half as much as they currently do toward paying the cost of substitute teachers. Local educational agencies (LEAs) will therefore bear the more of the cost of paying the substitutes. Both allotments (deducted pay allotted back to the LEAs[2]) and expenditures (increased number of substitutes) will likely be affected. This analysis uses historical data on allotments and expenditures, and number of leave days projected to be used in the future to estimate the fiscal impact on LEAs.

Historical Data

State Paid Teachers

In fiscal year 2003-04, 32,651 State-paid teachers used approximately 67,592 personal leave days (average of 2.1 days per teacher taking personal leave). [3] At $50 per day, the total amount deducted from those teachers' salaries and re-allotted to the LEAs was approximately $3.4 million. Assuming a total cost to the LEA based on daily substitute teacher pay of $71, which is the average of pay for certified ($75) and non-certified ($57) substitutes, plus social security tax, total expenditures for substitutes for FY 2003-04 were approximately $4.8 million for State-paid teachers. The substitute deduction therefore offset approximately 71% (=$3.4/$4.8 million) of the cost of substitute teachers.

Locally and Federally Paid Teachers

In FY 2003-04, 2,434 locally paid teachers used approximately 5,039 leave days (total deduction = $267,601) and 2,475 federally paid teachers took approximately 5,124 leave days ($312,976). In these cases, the substitute deduction simply reduces the effective net cost to the LEA associated with substitute teachers[4]. Total cost of substitutes for locally paid teachers was $363,776; for federally paid teachers total cost was $357,801. Taking into account the reduced pay for teachers, the LEAs therefore expended an effective net of $105,829 for substitutes associated with locally paid teachers and a net of $107,596 for those associated with federally paid teachers.

Effects of New Policy on Utilization

It is reasonable to assume that the current "substitute deduction" policy has dampened teachers' utilization of earned personal leave days. With the deduction reduced by half, one might expect increased utilization. In FY 2003-04, approximately 40% of teachers used an average of 2.1 days of personal leave. No information is available on how utilization might be affected by the policy change. This analysis therefore assumes that utilization will increase by some amount, possibly up

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[2] The "substitute deductions" actually come out of State allotments to the LEAs for State teacher salaries, then are re-allotted back to the LEAs to help pay for substitutes. Thus, given a fixed number of leave days taken by State paid teachers, reducing the substitute deduction would not increase expenses to the LEA, but would reduce State funds allotted to them to help cover expenses. For locally paid teachers, the substitute deduction simply shifts expenditures from teacher to substitute pay, so reduction of the substitute deduction effects only expenditures.

[3] Based on actual data for all teachers in FY 2003-04; estimates of days taken by State, local, and federal teachers are based on the number of teachers in each of those categories. Assumes that teachers taking personal leave are distributed proportionally across the categories.

[4] Since expenditures for teachers are reduced by the amount of the substitute deductions and the deducted funds can then be used to pay substitutes instead, the "effective net cost" for substitutes can be viewed as being the actual expenditure less the amount covered by substitute deductions.

to 100% utilization. As no information is available on the current amount of personal leave days that are earned but unused (and thus carried forward for use in a future year[5]), the analysis first assumes simply that up to 100% of all earned leave time in a given year will be utilized. To account for use of leave days that are carried forward into FY 2005-06, the analysis assumes an average utilization of 2 additional days per teacher in the first year under the new policy. The number of State-paid teachers is estimated to grow by 1,200 per year, while the estimated number of locally paid and federally paid teachers is assumed to remain at FY 2004-05 levels. The following chart illustrates the number of personal leave days projected to be earned and used per year for each category of teacher and total expenditures by LEAs for related substitute teachers:

Projected Utilization and Cost of Teacher Personal Leave Days

	Fiscal Year 2005-06	Fiscal Year 2006-07	Fiscal Year 2007-08	Fiscal Year 2008-09	Fiscal Year 2009-10
STATE					
Number of Teachers	81,624	82,824	84,024	85,224	86,424
Days Earned/Taken (2 per yr)	163,248	165,648	168,048	170,448	172,848
Annual Expenditure by LEAs	$ 11,590,608	$ 11,761,008	$ 11,931,408	$ 12,101,808	$ 12,272,208
One-time Expenditure	$ 11,590,608	$ -	$ -	$ -	$ -
Total Expenditure by LEAs	**$23,181,216**	**$11,761,008**	**$11,931,408**	**$12,101,808**	**$12,272,208**
LOCAL					
Number of Teachers	6,108	6,108	6,108	6,108	6,108
Days Earned/Taken (2 per yr)	12,216	12,216	12,216	12,216	12,216
Annual Expenditure by LEAs	$ 867,336	$ 867,336	$ 867,336	$ 867,336	$ 867,336
One-time Expenditure	$ 867,336	$ -	$ -	$ -	$ -
Total Expenditure by LEAs	**$ 1,734,672**	**$ 867,336**	**$ 867,336**	**$ 867,336**	**$ 867,336**
FEDERAL					
Number of Teachers	6,210	6,210	6,210	6,210	6,210
Days Earned/Taken (2 per yr)	12,420	12,420	12,420	12,420	12,420
Annual Expenditure by LEAs	$ 881,820	$ 881,820	$ 881,820	$ 881,820	$ 881,820
One-time Expenditure	$ 881,820	$ -	$ -	$ -	$ -
Total Expenditure by LEAs	**$ 1,763,640**	**$ 881,820**	**$ 881,820**	**$ 881,820**	**$ 881,820**

Fiscal Impact

State-paid Teachers

As discussed above in the Historical Data section, the LEAs will lose approximately ($1.7 million) in annual allotments as a result of the reduced substitute deduction from State-paid teachers. In

[5] As per G.S. 115C-302.1(d) personal leave may be accumulated to a maximum of five days.

addition, as illustrated by the chart above, annual expenditures for State-paid teachers could increase by up to approximately $6.8-7.5 million (total projected expenditures as shown in chart, less current expenditures of $4.8 million) due to increased utilization. LEAs' annual net increased expenditure for State-paid teachers (i.e., the sum of lost allotments plus increased expenditures) will therefore be approximately $8.5-9.2 million. In FY 2005-06 the one-time increase in expenditures associated with teachers using leave days that they had carried forward from previous years is estimated to be up to approximately $11.6 million. Total increased expenditures in FY 2005-06 could therefore be up to $20.1 million. All of these increased costs would either have to be absorbed by the LEAs from local funds or the State would need to appropriate more funding to cover the costs of substitute teacher pay. While the bill has no net impact on State General Fund expenditures, it seems likely that there will be pressure for the State to appropriate more in the non-instructional support allotment that LEAs can use to pay substitute teachers. The box at the top of the analysis therefore assumes that the General Assembly will increase General Fund appropriations accordingly.

Locally and Federally paid Teachers

LEAs will also have increased expenditures for substitutes for locally and federally paid teachers. Effective net expenditures for substitutes will now be reduced by $25 rather than $50 per substitute. This will lead to increased expenditures for the LEAs. In addition, increased utilization of teacher personal leave will increase baseline expenditures for substitutes. Annual net expenditures for substitutes associated with both locally and federally paid teachers will each increase by a minimum of $125,000, possibly up to approximately $900,000. Including the one-time increase associated with use of days carried forward, the total increase in FY 2005-06 will be up to $1.8 million for both locally and federally paid. The result of these increases will be fewer local and federal resources available to LEAs to be used for various other purposes (such as local teacher supplements and federally funded services for children with special needs).

SOURCES OF DATA: Department of Public Instruction

FISCAL RESEARCH DIVISION: (919) 733-4910

PREPARED BY: Adam Levinson, Fiscal Research Division

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

Official
Fiscal Research Division
Publication

DATE: March 29, 2005

Signed Copy Located in the NCGA Principal Clerk's Offices

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2005

H D

HOUSE BILL 1155
PROPOSED COMMITTEE SUBSTITUTE H1155-PCS70509-RH-38

Short Title: Safe Transportation for School Students. (Public)

Sponsors:

Referred to:

April 7, 2005

A BILL TO BE ENTITLED

AN ACT TO ENSURE THE SAFEST TRANSPORTATION POSSIBLE FOR NORTH CAROLINA PUBLIC SCHOOL STUDENTS INVOLVED IN SCHOOL-SPONSORED TRAVEL.

Whereas, public school systems have long engaged in providing trips for students that enhance learning opportunities; and

Whereas, it is essential that travel for such trips be conducted as safely as humanly possible; and

Whereas, there exists a lack of clarity in current provisions for the proper use of activity buses and private motorcoach carriers for such transportation; and

Whereas, State law limits the top speed of an activity bus to 55 miles per hour; and

Whereas, school buses are manufactured and tested for low-speed use and were never intended to be over-the-road vehicles; and

Whereas, school personnel are not trained to inspect motorcoaches and determine their degree of safety; and

Whereas, there is a need for a process that will provide consistent, uniform, accurate licensure of motorcoach companies; Now, therefore,

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 115C-247 reads as rewritten:

"**§ 115C-247. Purchase of activity buses by local boards.**

The several local boards of education in the State are hereby authorized and empowered to take title to school buses purchased with local or community funds for the purpose of transporting pupils to and from athletic events and for other local school activity purposes, and commonly referred to as activity ~~buses. The~~ buses.

Each local board of education that operates activity buses shall adopt a policy relative to the proper use of the vehicles. The policy shall permit the use of these buses

for travel to athletic events during the regular season and playoffs and for travel to other school-sponsored activities.

The provisions of G.S. 115C-42 shall be fully applicable to the ownership and operation of such activity school buses. Activity buses may also be used as provided in G.S. 115C-243."

SECTION 2. Chapter 115C of the General Statutes is amended by adding a new section to read:

"**§ 115C-247.1. Licensure of companies contracting with school systems for transportation of students.**

The North Carolina Department of Transportation shall establish a system of licensure of privately owned motorcoach companies that seek to contract with local school systems for the transportation of students, school personnel, and other persons authorized by the school system for school-sponsored trips.

The requirements of the system shall include, but not be limited to:

(1) On-site inspection of interested companies.

(2) Assurance that the motorcoach companies, their drivers, and their vehicles meet the Federal Motor Carrier Safety Regulations. Within these regulations are (i) hazardous materials rules, (ii) requirements for controlled substance and alcohol testing, (iii) financial responsibility requirements, (iv) driver qualifications, (v) driving rules, and (vi) standards for parts and accessories of equipment for the maintenance of the equipment.

(3) The requirement that the motorcoach companies adhere to North Carolina motor vehicle laws. These laws include the requirement that motorcoach drivers have a valid commercial drivers license. North Carolina requires that buses be registered properly and that a carrier transporting passengers for hire must have a for-hire license.

The Department of Transportation shall determine which companies are licensed and the length of licensure. The Department shall also have the right and responsibility to conduct additional on-site inspections when needed.

After the licensure system is in operation, school systems using motorcoach companies for transportation needs shall contract for such services only with motorcoach companies that are licensed by the Department of Transportation."

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

HOUSE BILL 1155:
Safe Transportation for School Students

BILL ANALYSIS

Committee:	House Education	**Date:**	June 1, 2005
Introduced by:	Rep. Sherrill	**Summary by:**	Robin Johnson
Version:	PCS to First Edition H1155-CSLE-13[v.4]		Committee Counsel

SUMMARY: ***The PCS would allow activity buses to be used to travel to athletic events during the regular season and playoffs and for travel to other school-sponsored activities. The PCS also would require the Department of Transportation to establish a licensing system for privately-owned motorcoaches so they can be used by school systems for school-sponsored trips.***

CURRENT LAW: Currently, activity buses may be used to transport students to athletic events and for other local school activity purposes. The use of activity buses is exempt from the Umstead Act. Schools often use private motorcoaches for school-sponsored trips.

BILL ANALYSIS: Section 1 would amend G.S. 115C-247 to require a local board of education that operates activity buses to adopt a policy concerning the use of these buses. The policy must allow these buses to be used to travel to athletic events during the regular season and playoffs and for travel to other school-sponsored events.

Section 2 of House Bill 1155 would create a new G.S. 115C-247.1, directing the Department of Transportation (DOT) to establish a system to license privately owned motorcoach companies that will contract with school systems for the transportation of students, school personnel, and others on school-sponsored trips. The licensure system must include: (i) on-site inspections; (ii) assurance that the companies, vehicles, and drivers meet Federal Motor Carrier Safety Regulations; and (iii) adherence to the State's motor vehicle laws.

DOT would determine which companies to license and the term of the license. DOT also would conduct on-site inspections. After the system is established, school systems would be required to contract only with licensed companies.

EFFECTIVE DATE: This act would take effect when it becomes law.

H1155e1-SMRH-CSLE-13v4

GENERAL ASSEMBLY OF NORTH CAROLINA

Session 2005

Legislative Fiscal Note

BILL NUMBER: House Bill 595 (First Edition)

SHORT TITLE: Decrease Teachers' Cost for Personal Leave.

SPONSOR(S): Representative Wainwright

FISCAL IMPACT

	Yes (X)	No ( )	No Estimate Available ( )		
	FY 2005-06	FY 2006-07	FY 2007-08	FY 2008-09	FY 2009-10
EXPENDITURES (in millions):					
General Fund					
Teacher Salaries	$1.7	$1.7	$1.7	$1.7	$1.7
Non-Instructional Support Allotment*	($1.7)	($1.7)	($1.7)	($1.7)	($1.7)
Projected Increase in Non-Instructional Allotment	$0.0-18.6	$0.0-7.0	$0.0-7.1	$0.0-7.3	$0.0-7.5
	For detailed explanation, see Assumptions and Methodology section.				
Local Funds	$0.1-1.6	$0.1-0.9	$0.1-0.9	$0.1-0.9	$0.1-0.9
Federal Funds	$0.1-1.6	$0.1-0.9	$0.1-0.9	$0.1-0.9	$0.1-0.9
POSITIONS (cumulative):	N/A				

PRINCIPAL DEPARTMENT(S) & PROGRAM(S) AFFECTED: Local Education Agencies (LEAs), State Public School Fund, Department of Public Instruction (DPI)

EFFECTIVE DATE: July 1, 2005.

*** Note**: Net General Fund (GF) expenditures will not decrease, but the State will allot ($1.7) million less annually to LEAs for paying substitute teachers. LEAs will also face increased expenditures for substitute teachers of up to $18.6 million (including one-time costs of up to $11.6 million) in FY 2005-06 and up to $7.0-7.5 million annually thereafter. These expenditures appear under the GF heading because it is assumed that the General Assembly will appropriate additional funds to cover the LEAs' increased expenditures for substitute teachers.

BILL SUMMARY: The bill reduces by half, from $50 to $25, the deduction from salary required under current statute[1] for a teacher using personal leave on an instructional day. The savings from

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this "substitute deduction," is used to partially offset the cost of a substitute teacher for the day on which the teacher is absent.

ASSUMPTIONS AND METHODOLOGY: Teachers will be contributing half as much as they currently do toward paying the cost of substitute teachers. Local educational agencies (LEAs) will therefore bear the more of the cost of paying the substitutes. Both allotments (deducted pay allotted back to the LEAs[2]) and expenditures (increased number of substitutes) will likely be affected. This analysis uses historical data on allotments and expenditures, and number of leave days projected to be used in the future to estimate the fiscal impact on LEAs.

Historical Data

State Paid Teachers

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It is reasonable to assume that the current "substitute deduction" policy has dampened teachers' utilization of earned personal leave days. With the deduction reduced by half, one might expect increased utilization. In FY 2003-04, approximately 40% of teachers used an average of 2.1 days of personal leave. No information is available on how utilization might be affected by the policy change. This analysis therefore assumes that utilization will increase by some amount, possibly up

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Days Earned/Taken (2 per yr)	12,216	12,216	12,216	12,216	12,216
Annual Expenditure by LEAs	$ 867,336	$ 867,336	$ 867,336	$ 867,336	$ 867,336
One-time Expenditure	$ 867,336	$ -	$ -	$ -	$ -
Total Expenditure by LEAs	**$ 1,734,672**	**$ 867,336**	**$ 867,336**	**$ 867,336**	**$ 867,336**
FEDERAL					
Number of Teachers	6,210	6,210	6,210	6,210	6,210
Days Earned/Taken (2 per yr)	12,420	12,420	12,420	12,420	12,420
Annual Expenditure by LEAs	$ 881,820	$ 881,820	$ 881,820	$ 881,820	$ 881,820
One-time Expenditure	$ 881,820	$ -	$ -	$ -	$ -
Total Expenditure by LEAs	**$ 1,763,640**	**$ 881,820**	**$ 881,820**	**$ 881,820**	**$ 881,820**

Fiscal Impact

State-paid Teachers

As discussed above in the Historical Data section, the LEAs will lose approximately ($1.7 million) in annual allotments as a result of the reduced substitute deduction from State-paid teachers. In

[5] As per G.S. 115C-302.1(d) personal leave may be accumulated to a maximum of five days.

addition, as illustrated by the chart above, annual expenditures for State-paid teachers could increase by up to approximately $6.8-7.5 million (total projected expenditures as shown in chart, less current expenditures of $4.8 million) due to increased utilization. LEAs' annual net increased expenditure for State-paid teachers (i.e., the sum of lost allotments plus increased expenditures) will therefore be approximately $8.5-9.2 million. In FY 2005-06 the one-time increase in expenditures associated with teachers using leave days that they had carried forward from previous years is estimated to be up to approximately $11.6 million. Total increased expenditures in FY 2005-06 could therefore be up to $20.1 million. All of these increased costs would either have to be absorbed by the LEAs from local funds or the State would need to appropriate more funding to cover the costs of substitute teacher pay. While the bill has no net impact on State General Fund expenditures, it seems likely that there will be pressure for the State to appropriate more in the non-instructional support allotment that LEAs can use to pay substitute teachers. The box at the top of the analysis therefore assumes that the General Assembly will increase General Fund appropriations accordingly.

Locally and Federally paid Teachers

LEAs will also have increased expenditures for substitutes for locally and federally paid teachers. Effective net expenditures for substitutes will now be reduced by $25 rather than $50 per substitute. This will lead to increased expenditures for the LEAs. In addition, increased utilization of teacher personal leave will increase baseline expenditures for substitutes. Annual net expenditures for substitutes associated with both locally and federally paid teachers will each increase by a minimum of $125,000, possibly up to approximately $900,000. Including the one-time increase associated with use of days carried forward, the total increase in FY 2005-06 will be up to $1.8 million for both locally and federally paid. The result of these increases will be fewer local and federal resources available to LEAs to be used for various other purposes (such as local teacher supplements and federally funded services for children with special needs).

SOURCES OF DATA: Department of Public Instruction

FISCAL RESEARCH DIVISION: (919) 733-4910

PREPARED BY: Adam Levinson, Fiscal Research Division

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

Official
Fiscal Research Division
Publication

DATE: March 29, 2005

Signed Copy Located in the NCGA Principal Clerk's Offices

HOUSE BILL 1414:
Help Teacher Assistants Become Teachers

BILL ANALYSIS

Committee:	House Education	**Date:**	May 30, 2005
Introduced by:	Rep. Pierce	**Summary by:**	Sara Kamprath
Version:	PCS to Second Edition H1414-CSRJ-27 [v.1]		Committee Staff

SUMMARY: ***The Proposed Committee Substitute for the Second Edition of House Bill 1414 directs the State Board of Education to adopt a program to help teacher assistants who are enrolled in approved N.C. teacher education programs and who are currently employed in a N.C. public school become teachers. The State Board shall consult with the UNC Board of Governors and the N.C. Independent Colleges and Universities in developing the program. The program shall begin with the 2005-06 academic year.***

BILL ANALYSIS: The provisions of the Proposed Committee Substitute (PCS) are codified in a new G.S. 115C-310. The PCS makes the following changes from the Second Edition of the bill. The PCS encourages local school administrative units to assign teacher assistants to another classroom while they student teach. The Second Edition of House Bill 1414 required that when teacher assistants student teach they shall be assigned to another classroom than the one where they are employed as a teacher assistant. The PCS also gives local school administrative units discretion to continue providing teacher assistants their salary and benefits while they student teach in the same local school administrative unit. The Second Edition of the bill required that teacher assistants in the program continue to receive their salary and benefits if they are student teaching in the same local school administrative unit where they are employed.

H1414e2-SMRJ-CSRJ-27 v1

HOUSE BILL 1414:
Help Teacher Assistants Become Teachers

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H1414e2-SMRJ-CSRJ-27 v1

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2005

H D

HOUSE BILL 1414

Committee Substitute Favorable 5/18/05

PROPOSED COMMITTEE SUBSTITUTE H1414-CSRJ-27 [v.1]

5/30/2005 11:20:46 AM

Short Title: Help Teacher Assistants Become Teachers. (Public)

Sponsors:

Referred to:

April 21, 2005

A BILL TO BE ENTITLED

AN ACT TO PERMIT TEACHER ASSISTANTS WHO ARE ENROLLED IN TEACHER EDUCATION PROGRAMS TO CONTINUE TO WORK WHILE THEY COMPLETE THEIR STUDENT TEACHING.

The General Assembly of North Carolina enacts:

SECTION 1. Article 20 of Chapter 115C of the General Statutes is amended by adding a new section to read:

"**§ 115C-310. Teacher assistants engaged in student teaching.**

The State Board of Education shall adopt a program to facilitate the process by which teacher assistants may become teachers.

Teacher assistants who participate in this program:

(1) Shall be enrolled in an approved teacher education program in a North Carolina institution of higher education; and

(2) Shall be employed in a North Carolina public school.

Local school administrative units are encouraged to assign teacher assistants to a different classroom during student teaching than the classroom they are assigned to as a teacher assistant. To the extent possible, they may be assigned to another school within the same local school administrative unit.

At the discretion of the local school administrative unit, teacher assistants may continue to receive their salary and benefits while student teaching in the same local school administrative unit where they are employed as a teacher assistant.

The State Board of Education shall consult with the Board of Governors of The University of North Carolina and the North Carolina Independent Colleges and Universities in the development of the program. Each approved teacher education program and each local school administrative unit shall administer this program beginning with the 2005-2006 academic year."

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

GENERAL ASSEMBLY OF NORTH CAROLINA

Session 2005

FISCAL ANALYSIS MEMORANDUM

[This confidential fiscal memorandum is a fiscal analysis of a draft bill, amendment, committee substitute, or conference committee report that has not been formally introduced or adopted on the chamber floor or in committee. This is not an official fiscal note. If upon introduction of the bill you determine that a formal fiscal note is needed, please make a fiscal note request to the Fiscal Research Division, and one will be provided under the rules of the House and the Senate.]

DATE: June 1, 2005

TO: Representative Pierce

FROM: Adam Levinson
Fiscal Research Division

RE: PCS for H1414v2

FISCAL IMPACT

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

	FY 2005-06	FY 2006-07	FY 2007-08	FY 2008-09	FY 2009-10
REVENUES:					
EXPENDITURES (in millions):					
State General Fund	**$0.0-1.3**	**$0.0-1.4**	**$0.0-1.4**	**$0.0-1.4**	**$0.0-1.5**
Local	**$0.0-1.1**	**$0.0-$1.1**	**$0.0-1.2**	**$0.0-1.2**	**$0.0-1.3**
	****See Assumptions and Methodology Section****				
POSITIONS (cumulative):					

PRINCIPAL DEPARTMENT(S) & PROGRAM(S) AFFECTED: Local Education Agencies (LEAs), State Board of Education

EFFECTIVE DATE: The Act is effective when it becomes law.

BILL SUMMARY: The bill creates a new statute, GS 115C-310, which requires the State Board of Education to establish a program that would support teacher assistants' (TAs') efforts to become teachers by providing that TAs "may continue to receive their salary and benefits while student teaching in the same local school administrative unit where they are employed as a teacher assistant." The bill requires approved teacher education programs and local school administrative units to administer this program beginning with the 2005-06 academic year and provides that teacher assistant must be employed in NC public school.

Source: Bill Digest H.B. 1414 (04/21/0200).

ASSUMPTIONS AND METHODOLOGY:

Potential Additional Expenditures for Salaries and Benefits

The bill is permissive in that it allows rather than requires LEAs to continue paying TAs their full salaries and benefits while student teaching. If no LEA chooses to pay TAs for the time they student teach, the bill would have no fiscal impact associated with additional expenditures for salaries and benefits for incumbent TAs. In the event that LEAs do choose to pay TAs for ten weeks that otherwise would have been unpaid educational leave, however, the bill would create a fiscal impact on the LEAs and/or the State.

Currently, if a TA takes unpaid educational leave to complete student teaching, the LEA would "save" ten weeks, or 2.5 months, of salary for the TA. This funding, which typically would come from the State dollar and categorical allotments in the Public School Fund, would either:

1) Be used by the LEA to pay for other purposes,
2) Revert to the State General Fund (if not used by the end of the fiscal year in which it was appropriated).

Information regarding how LEAs currently use the savings from TAs taking unpaid leave to teach is not available at this time. It is therefore not possible to predict with any precision whether the bill would create potential impact primarily to the LEA (through loss of funds used for other purposes) or to the State (through loss of reversion). It is clear, however, that the bill would create potential increased expenditures for TAs.

To estimate the magnitude of these potential increased expenditures, the analysis first uses the State average TA salary and benefits to estimate what it would cost to continue paying each TA during the 2.5 months required to complete student teaching. In order to estimate additional expenditures over time, the analysis increases the average TA salary for FY 2005-06 annually by 3%, the average growth rate of TA salaries for the past three fiscal years. The results of these calculations are summarized in the table below:

Table 1: Estimated Additional Expenditures per TA Student Teacher

Fiscal Year	Average TA Monthly Salary and Benefits*	Cost of 2.5 months for Student Teaching
FY 2005-06	$ 2,269	**$ 5,671**
FY 2006-07	$ 2,328	**$ 5,820**
FY 2007-08	$ 2,389	**$ 5,974**
FY 2008-09	$ 2,453	**$ 6,132**
FY 2009-10	$ 2,518	**$ 6,294**

* Benefits: FICA (7.65%), Retirement (5.815%), Health Insurance ($286)

The analysis next estimates the total number of TAs who will complete their student teaching in a given year. There is no single source of information on the number of Teaching Assistants pursuing teacher licensure in the state. However, the number of applications for Teaching Assistant Scholarship Fund (TASF) scholarships serves as a reasonable proxy for the number of

TAs that would be affected by the bill. TASF scholarships seems to be an appropriate proxy for several reasons:

1) TAs need to be working full-time and enrolled in a certification/teacher education program to be eligible for the TASF,
2) The TASF is a Statewide program, promoted to all LEAs, and
3) The applicant pool represents TAs that are interested in becoming teachers, whether or not they are awarded a scholarship.

The four-year average number of new applicants for TASF scholarships is 311. This number represents a cohort of TAs that would begin the licensure process and thus at some point would need to student teach. As there is student attrition in any program, however, it is unlikely that the entire cohort would make it to the student teaching phase. Since information on the exact attrition rate is not available, this analysis creates a range in order to determine potential high and low fiscal impact of the bill. Reliable information on attrition by TAs is not available, so this analysis assumes that low attrition would result in seventy-five percent of TAs in a cohort who would student teach and that high attrition would result in twenty-five percent of TAs in a cohort who would student teach.

Applying these percentages to the estimated cohort of 311 produces high and low estimates of the number of TAs who would student teach in a given year. These numbers are then multiplied by the estimated additional cost per TA student teaching to obtain estimated additional expenditures for TAs. The results of these calculations are summarized in the table below:

Table 2: FY 2005-06 Estimated Additional Expenditures

Estimated Cohort of TAs Pursuing Licensure	Percent of TAs that Student Teach	Estimated Number of TAs that Student Teach	Estimated Additional Expense for LEAs
311	75%	233	$ 1,321,444
311	25%	78	$ 442,372

To determine how these potential increased expenditures would grow in future years, the average growth rate for State-paid TA positions for the past two fiscal years (0.70%) is multiplied by the estimated number of TA student teachers in 2005-06.[1] The resulting numbers are then used in the calculations as above. The results of these calculations are summarized in the table on the following page:

[1] The past two years were used instead of three because until the past two years, the growth in TA positions has been negative. The number of TAs in the past few years has fluctuated, but it did not seem wise to assume that the number would go down constantly over the next five years.

Table 3: Estimated Additional Expenditures, FY 2006-07 through FY 2009-10

	2006-07	2007-08	2008-09	2009-10
Estimated Cohort Size	313	315	318	320
Number if 75% of Cohort Student Teaches	235	237	238	240
Number if 25% of Cohort Student Teaches	78	79	79	80
Estimated Impact with 75% of Cohort Student Teaching	$ 1,356,138	$ 1,391,872	$ 1,428,676	$ 1,466,582
Estimated Impact with 25% of Cohort Student Teaching	$ 453,986	$ 465,948	$ 478,269	$ 490,959

Distribution of Potential Additional Expenditures Statewide

These potential additional expenditures would be diffused across the State. Expenditures in an individual LEA would vary according to the numbers of TAs that the LEA had in the proposed program. Further, as TAs would likely student teach at different times, the cost in any given LEA could be spread over several years.

Potential Additional Expenditures for Replacement TAs

If one assumes that the LEA would maintain the same level of instructional service to students in classrooms in which the TA is out for 2.5 months, one must assume that the LEA would either reassign existing staff or use other funds to hire a temporary replacement for the TA. While it is certainly possible that an LEA could reassign existing staff, the bill does not require this. The possibility therefore exists that an LEA would hire temporary replacements for any TAs engaged in student teaching. In order to evaluate potential fiscal impact of the bill, this analysis assumes that LEAs would hire replacements for up to 100% of TAs estimated to student teach in a given year.

In all likelihood, the cost of a replacement TA would be somewhat less than the cost of an incumbent TA since the replacement would likely be a temporary employee who would not be entitled to retirement or health benefits. At the average TA salary, without benefits, the estimated cost of paying the replacement TA for 2.5 months is calculated as follows:

Table 4: Estimated Additional Expenditures per Replacement TA

Fiscal Year	Average TA Monthly Salary and Benefits*	Cost of 2.5 months for Student Teaching
FY 2005-06	$ 1,881	**$ 4,702**
FY 2006-07	$ 1,937	**$4,843**
FY 2007-08	$ 1,996	**$4,988**
FY 2008-09	$ 2,055	**$5,138**
FY 2009-10	$ 2,117	**$5,292**

* Benefits: FICA (7.65%) only – no Retirement or Health Insurance

The estimated Statewide potential additional expenditures over time for replacement TAs is computed using the same cohort estimates used in the above calculations of cost of paying TA student teachers. The results of these calculations are summarized in the table below:

Table 5: Estimated Additional Expenditures for Replacement TAs

	2005-06	2006-07	2007-08	2008-09	2009-10
Estimated Cohort Size	311	313	315	318	320
Number if 75% of Cohort Student Teaches	233	235	237	238	240
Number if 25% of Cohort Student Teaches	78	78	79	79	80
Estimated Impact with 75% of Cohort Student Teaching	$ 1,095,664	$ 1,138,221	$ 1,182,345	$1,222,954	$1,270,228
Estimated Impact with 25% of Cohort Student Teaching	$ 366,789	$ 377,793	$ 394,115	$ 405,939	$ 423,409

Since the State currently appropriates funds to pay for teacher assistants, it is assumed that the General Assembly would consider appropriating additional funding to cover these additional expenditures for replacement TAs. This cost is therefore reflected above as a potential cost to the State General Fund.

SOURCES OF DATA: Department of Public Instruction, Model Teacher Education Consortium.

TECHNICAL CONSIDERATIONS:
This analysis also assumes that the program would be for state paid TA's only. If TA's paid from local or federal sources are included, the local governments could face additional cost as it is unlikely that federal dollars could be used to pay TAs while they are student teaching. State or local funds would likely have to pay these TAs during their student teaching, which would represent a new cost. There is no available data to determine the breakdown of TAs pursuing licensure by the source of funds used to pay them in order to estimate this cost.

FISCAL RESEARCH DIVISION: (919) 733-4910

PREPARED BY: Adam Levinson

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

DATE: June 1, 2005

/480

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2005

H D

HOUSE DRH30254-LE-204 (4/13)

Short Title: Modify Requirements for School Admission. (Public)

Sponsors: Representative Folwell.

Referred to:

A BILL TO BE ENTITLED

AN ACT TO MODIFY THE REQUIREMENTS FOR SCHOOL ADMISSION IN NORTH CAROLINA.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 115C-364(c) reads as rewritten:

"(c) The initial point of entry into the public school system shall be at the kindergarten level. If the principal of a school finds as fact subsequent to initial entry that a child, by reason of maturity can be more appropriately served in the first grade rather than in kindergarten, the principal may act under G.S. 115C-288 to implement this educational decision without regard to chronological age. The principal of any public school ~~may~~ shall require the parent or guardian of any child presented for admission for the first time to that school to furnish a certified copy of the child's birth certificate, which shall be furnished by the register of deeds of the county having on file the record of the birth of the child, or other satisfactory evidence of date of ~~birth~~birth, as provided in Article 4 of Chapter 130A of the General Statutes."

SECTION 2. G.S. 130A-109 reads as rewritten:

"**§ 130A-109. Birth certificate as evidence.**

Certified copies of birth certificates shall be accepted by public school authorities in this State as prima facie evidence of the age of children registering for school attendance, and no other proof shall be required. In addition, certified copies of birth certificates shall be required by all factory inspectors and employers of youthful labor, as prima facie proof of age, and no other proof shall be required. However, when it is not possible to secure a certified copy of a birth certificate, ~~school authorities,~~ factory inspectors and employers may accept as secondary proof of age any competent evidence by which the age of persons is usually ~~established.~~established; school authorities may accept as secondary proof of age a certified copy of any medical record of the child's birth issued by the treating physician or the hospital in which the child was born or a

certified copy of a birth certificate issued by a church, mosque, temple, or other religious institution that maintains birth records of its members."

SECTION 3. G.S. 115C-366 reads as rewritten:

"**§ 115C-366. Assignment of student to a particular school.**

...

(a2) It is the policy of the State that every child of a homeless individual ~~and every homeless child~~ domiciled in this State have access to a free, appropriate public education on the same basis as all children who are domiciled in this State. The local board of education having jurisdiction where the child is actually living shall enroll the child in the school administrative unit where the child is actually living. In no event shall the child be denied enrollment because of uncertainty regarding his domiciliary status, regardless of whether the ~~child is~~ child is:

(1) ~~living~~ Living with the homeless parents or

(2) ~~has been temporarily placed elsewhere by the parents.~~ Temporarily living apart from the parents under circumstances under which the child may attend school without the payment of tuition pursuant to subsection (a3) of this section.

The local board shall not charge the homeless child, as defined in this subsection, tuition for enrollment. The child's parent, guardian, or person standing in loco parentis to the child, may apply to the State Board of Education for a determination of whether a particular local board of education shall enroll the child, and this determination shall be binding on the local board of education, subject to judicial review. As used in this subsection, the term "homeless" refers to an individual who (i) lacks a fixed, regular, and adequate nighttime residence or (ii) has a primary nighttime residence in a supervised publicly or privately operated shelter for temporary accommodations, lives in an institution providing temporary residence for individuals intended to be institutionalized, or a public or private place not designated for, or ordinarily used as, a regular sleeping accommodation for human beings. The term does not include persons who are imprisoned or otherwise detained pursuant to federal or State ~~law.~~ law or children temporarily placed by a parent, guardian, or person standing in loco parentis to live with a friend, relative, or other person, except as provided in subsection (a3) of this section.

(a3) A student who is not a domiciliary of a local school administrative unit may attend, without the payment of tuition, the public schools of that unit if:

(1) The student resides with an adult, who is a domiciliary of that unit, as a result of:

a. The death, serious illness, or incarceration of a parent or legal guardian,

b. The abandonment by a parent or legal guardian of the complete control of the student as evidenced by the failure to provide substantial financial support and parental ~~guidance,~~guidance. For the purpose of this subsection, abandonment is any willful or intentional conduct on the part of the parent that evidences a settled purpose to forego all parental duties and relinquish all

parental claims to the child; abandonment is willful neglect and refusal to perform the natural and legal obligations of parental care and support.

c. Abuse or neglect by the parent or legal guardian,

d. The physical or mental condition of the parent or legal guardian is such that he or she cannot provide adequate care and supervision of the student, or

e. The loss or uninhabitability of the student's home as the result of a natural disaster;

(2) The student is not currently under a term of suspension or expulsion from a school for conduct that could have led to a suspension or an expulsion from the local school administrative unit; and

(3) The adult with whom the student resides and the student's parent, guardian, or legal custodian have each completed and signed separate affidavits that:

a. Confirm the qualifications set out in this subsection establishing the student's residency,

b. Attest that the student's claim of residency in the unit is not primarily related to attendance at a particular school within the unit, and

c. Attest that the adult with whom the student is residing has been given and accepts responsibility for educational decisions for the child, including receiving notices of discipline under G.S. 115C-391, attending conferences with school personnel, granting permission for school-related activities, and taking appropriate action in connection with student records.

For purposes of subdivision (1)c. of this subsection, a student shall be deemed to be abused or neglected if there has been an adjudication of that issue. The State Board may adopt an additional definition of abuse and neglect and that definition shall also apply to this subsection.

If the student's parent, guardian, or legal custodian is unable, refuses, or is otherwise unavailable to sign the affidavit, then the adult with whom the student is living shall attest to that fact in the affidavit.

Upon receipt of both affidavits or an affidavit from the adult with whom the student is living that includes an attestation that the student's parent, guardian, or legal custodian is unable, refuses, or is otherwise unavailable to sign an affidavit, the local board shall admit and assign as soon as practicable the student to an appropriate school, as determined under the local board's school assignment policy, pending the results of any further procedures for verifying eligibility for attendance and assignment within the local school administrative unit.

If it is found that the information contained in either or both affidavits is false, then the local board may, unless the student is otherwise eligible for school attendance under other laws or local board policy, remove the student from school. If a student is removed from school, the board shall provide an opportunity to appeal the removal

under the appropriate policy of the local board and shall notify any person who signed the affidavit of this opportunity. If it is found that a person willfully and knowingly provided false information in the affidavit, the maker of the affidavit shall be guilty of a Class 1 misdemeanor and shall pay to the local board an amount equal to the cost of educating the student during the period of enrollment. Repayment shall not include State funds.

Affidavits shall include, in large print, the penalty, including repayment of the cost of educating the student, for providing false information in an affidavit.

...

(h) When a child first enrolls in or transfers into the public schools of a local school administrative unit, the principal of the school to which the child is assigned shall require the parent to state whether the child is a citizen or a national of the United States, and if the child is not, the immigration status of the child. This information shall be used only for fiscal analysis and shall not be used to deny admission to a child who is a domiciliary of the local school administrative unit."

SECTION 4. G.S. 115C-110(i) reads as rewritten:

"(i) Each local educational agency shall provide free appropriate special education and related services in accordance with the provisions of this Article for all children with special needs who are ~~residents~~ domiciliaries of, or whose parents or guardians are ~~residents~~ domiciliaries of, the agency's district, beginning with children aged five. No matriculation or tuition fees or other fees or charges shall be required or asked of children with special needs or their parents or guardians except those fees or charges as are required uniformly of all public school pupils. The provision of free appropriate special education within the facilities of the Department of Health and Human Services and the Department of Juvenile Justice and Delinquency Prevention shall not prevent that department from charging for other services or treatment."

SECTION 5. This act is effective when it becomes law and applies beginning with the 2005-2006 school year.

NORTH CAROLINA GENERAL ASSEMBLY AMENDMENT

(Please type or use ballpoint pen)

EDITION No. _____

H. B. No. 1480 DATE _____

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

COMMITTEE SUBSTITUTE _____

Rep.) Folwell
)
Sen.)

moves to amend the bill on page 2, line 1

( ) WHICH CHANGES THE TITLE

by deleting "certified" and substituting "valid";

and on page 4, lines 9, by inserting a quotation mark at the end of the line;

and on page 4, lines 10-15, by deleting the lines.

SIGNED _____

VISITOR REGISTRATION SHEET

EDUCATION — 6-1-05

Name of Committee — Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
D. Hammond	Intern
Bryan J Conrad	OSBM
Hilary Akhir	NCASA
Johanna Reese	DENR
Bill Crabtree	NCATL
Karen Barenbrug	ASU
Steve McCaig	BSG
Colin Sand	Rep Glazier
John Mobley	GOO office

VISITOR REGISTRATION SHEET

EDUCATION — 6-1-05

Name of Committee — Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
John Bowdish	ADA
Patrick Buffkin	NCAE Rep NYE
Stephanie Erba	SBE
Roz Savitt	NCCCC
Natalie Martell	Intern
John Umstead	Gen Assembly Intern
Marcus Downs	NCAE
Ashlee Boyce	Gen Assembly, Intern
Jerry Manette	N.C. Sheriffs' Assn.
	VFP
	NCPAPA

VISITOR REGISTRATION SHEET

EDUCATION 6-1-05

Name of Committee | Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Ellen Greaves	PGNC
Molly Ryan	NCSBA
Leanne Winner	NCSBA
Jo Ann Norris	PSF of NC
Gene Causby	NCMA
Neal Mercer	
Will Tolbert	NCDMV
[illegible]	NC DPI
Mary Stamas	NC DPI
Emily MacNaughton	NCPAPA
Suzanne Brierley	GA office

VISITOR REGISTRATION SHEET

EDUCATION — 6-1-05

Name of Committee — Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Dan Holloman	DPI
Kathy Sullivan	DPI
Michael Houser	NCAE
Andrea Schrag	Rural Trust
Hal Miller	NCACCT
Jim Ayer	SBE/DPI
Ann McArthur	Governor's Office
Kenan Bryd	NCCCS
Cecil S Bank	NCAE
Ben Matthews	NCDPI
Derek Graham	NCDPI
Katherine Joyce	NCASA

ATTENDANCE

Education

(Name of Committee)

DATES	03/15/05	04/05/05	04/07/05	04/12/05	05/03/05	05/17/05	05/17/05	06/01/05	06/07/05	06/28/05	07/19/05
BELL, Larry	x	x	x	x	x	x	x	x			
LUCAS, Marvin	x	x	x	x	x	x	x	x			
McLAWHORN, Marian	x	x	x	x	x	x	x	x			
ADAMS, Alma	x	x	x	x	x	x	x	x			
ALLEN, Bernard	x	x	x	x	x	x	x	x			
BLACKWOOD, Curtis	x	x		x	x	x	x				
BORDSEN, Alice	x	x	x	x	x	x	x	x			
BROWN, Larry					x	x	x	x			
CARNEY, Becky	x	x	x	x	x	x	x	x			
CLEVELAND, George	x	x	x	x	x	x	x	x			
COLE, Nelson	x	x	x	x	x	x	x	x			
COLEMAN, Linda	x	x	x	x	x	x	x	x			
CRAWFORD, James	x				x						
DAUGHTRIDGE, William	x	x		x	x	x		x			
DICKSON, Margaret	x	x	x	x	x	x	x	x			
DOCKHAM, Jerry		x		x	x	x					
ENGLAND, Bob	x		x	x	x	x	x	x			
FISHER, Susan	x	x	x	x	x	x	x	x			
FOLWELL, Dale	x	x		x	x	x	x	x			
FRYE, Phillip	x	x	x	x	x	x	x	x			
GLAZIER, Rick	x	x	x	x	x	x	x	x			
GOFORTH, Bruce	x	x	x	x	x	x	x	x			
WADE-GOODWIN, Melanie	x	x		x	x	x		x			
GRADY, Robert											
HARRELL, James	x										
HARRISON, Pricey	x	x	x	x	x	x	x	x			

DATES	03/15/05	04/05/05	04/07/05	04/12/05	05/03/05	05/17/05	05/17/05	06/01/05	06/07/05	06/28/05	07/19/05
HILTON, Mark	x	x	x	x	x	x	x	x			
HOLLO, Mark	x	x	x	x	x	x		x			
HOLLOWAY, Bryan	x	x	x	x	x						
HOLMES, George	x			x	x						
INSKO, Verla	x			x	x		x	x			
JEFFUS, Maggie	x	x	x	x	x	x	x	x			
JOHNSON, Linda	x		x	x		x	x				
JUSTICE, Carolyn	x	x	x	x	x	x					
LANGDON, James	x	x	x	x	x	x	x	x			
LUEBKE, Paul	x	x	x	x	x	x					
MARTIN, Grier	x	x	x	x	x	x	x	x			
McALLISTER, Mary	x	x	x	x	x	x	x	x			
MICHAUX, Mickey		x	x	x		x					
NYE, Edd	x	x	x	x	x	x					
PARMON, Earline	x		x	x	x	x	x				
PATE, Louis	x	x	x	x	x	x	x	x			
PRESTON, Jean	x		x		x	x					
RAPP, Raymond	x	x	x	x	x	x	x	x			
RAY, Karen	x	x	x	x	x	x					
SAULS, John			x		x	x	x	x			
STILLER, Bonner		x	x	x	x	x	x	X			
TOLSON, Joe	x	x	x	x	x	x	x	x			
WALKER, Tracy	x	x	x		x	x		x			
WARREN, Edith	x		x		x	x					
WILEY, Laura	x	x	x	x	x	x		x			
WILKINS, Winkie	x	x	x	x	x	x	x	x			

DATES	03/15/05	04/05/05	04/07/05	04/12/05	05/03/05	05/17/05	05/17/05	06/01/05	06/07/05	06/28/05	07/19/05
WOMBLE, Larry	x	x	x	x	x	x	x	x			
WRAY, Michael	x	x		x	x	x	x	x			
YONGUE, Douglas	x	x	x	x	x	x	x	x			
CULPEPPER, Bill											
CUNNINGHAM, Pete			x	x		x					
EDDINS, Rick											
HACKNEY, Joe											
Dee Atkinson	x		x		x	x	x	x			
Drupti Chauhan	x		x		x	x	x	x			
Shirley Iorio	x		x		x	x	x	x			
Robin Johnson	x		x		x	x	x	x			
Sara Kamprath	x		x		x	x	x	x			

MINUTES
HOUSE EDUCATION COMMITTEE

June 7, 2005
11:00AM Meeting

The House Education Committee met on Tuesday, June 7, 2005, in Room 643 of the Legislative Office Building at 11:00 AM. The following members were present: Chairs Bell, Lucas and McLawhorn, Vice Chairs Dickson, England, Parmon, and Sauls, Representatives Adams, Allen, Blackwood, Bordsen, Brown, Carney, Cleveland, Fisher, Folwell, Frye, Goforth, Goodwin, Harrison, Hilton, Hollo, Holloway, Insko, Johnson, Justice, Langdon, Martin, McAllister, Nye, Pate, Preston, Rapp, Ray, Sauls, Stiller, Tolson, Walker, Warren, Wiley, Wilkins, Womble, Wray, and Yongue. Staff members present were Dee Atkinson, Shirley Iorio, Drupti Chauhan, Robin Johnson, and Sara Kamprath. A Visitor Registration, House Page and Sergeant-At-Arms lists is attached and made part of these minutes.

Chairwoman Marian McLawhorn made introductions and called the meeting to order. Representative Preston introduced a group of people who were visiting from the Carteret County School Administration.

The first order of business was HB 1116, A BILL TO BE ENTITLED AN ACT TO STUDY THE ESTABLISHING AND FUNDING OF A TEACHER ASSISTANT SALARY SCHEDULE AND TO APPROPRIATE FUNDS FOR THAT PURPOSE. Representative Tolson, primary bill sponsor, explained the bill. Representatives Rapp, Womble, Blackwood, Preston, Pate, McAllister, and Stiller commented on the bill. Linda Suggs, representing the NC State Board of Education, and Gene Causby, representing the NC School Counselors Association spoke in favor of the bill. Representative Stiller sent forth an amendment (see Attachment #1). The amendment carried. Upon motion made by Representative Womble, the committee voted to give HB 1116 a favorable report to the bill as amended, rolled into a committee substitute, with a favorable report to the committee substitute and an unfavorable report to the original bill and be re-referred to the Committee on Appropriations.

The next order of business was HB1272, A BILL TO BE ENTITLED AN ACT ESTABLISHING THE EDUCATION FACILITY FINANCING STUDY COMMISSION. Representative Yongue, primary bill sponsor, explained the bill. Upon motion made by Representative Allen, the committee voted to give HB 1272 a favorable report and refer the bill to the Committee on Appropriations.

With there being no further business, the chairwoman adjourned the meeting at 11:25AM.

Respectively submitted,

Marian N. McLawhorn
Representative Marian McLawhorn

Susan H. Burleson
Susan H. Burleson, Committee Assistant

NORTH CAROLINA HOUSE OF REPRESENTATIVES
COMMITTEE MEETING NOTICE AND
BILL SPONSOR NOTIFICATION
2005-2006 SESSION

You are hereby notified that the Committee on **EDUCATION** will meet as follows:

DAY & DATE: **Tuesday, June 7, 2005**

TIME: **11:00am**

LOCATION: **643 LOB**

The following bills will be considered (Bill # & Short Title & Bill Sponsor):

H 1116 –STUDY TEACHER ASSISTANT SALARY SCHEDULE–
Reps. Tolson, Yongue, Jeffus, McLawhorn
H 1272 – EDUCATION FACILITY FINANCING STUDY -
Reps. Yongue, Johnson, Preston, Carney
H 1706 – SCHOLARSHIP LOANS FOR PROSPECTIVE COACHES –
Reps. Yongue, Tolson, Carney, Preston
H 1747 – APPROPRIATE EDUCATION FOR SUSPENDED STUDENTS –
Reps. Preston, Bell, Parmon, Stam

Respectfully,

Representatives Bell, Lucas, McLawhorn
Chairs

I hereby certify this notice was filed by the committee assistant at the following offices at **12:00 p.m.** on **Thursday, June 2, 2005.**

___Principal Clerk
___Reading Clerk - House Chamber

Susan Burleson (Committee Assistant)

HOUSE EDUCATION COMMITTEE MEETING

Tuesday, June 7, 2005
Room 643 LOB
11:00 AM

OPENING REMARKS AND INTRODUCTIONS

Representative Marian N. McLawhorn, Co-Chair

AGENDA ITEMS

H 1116 –STUDY TEACHER ASSISTANT SALARY SCHEDULE–
Reps. Tolson, Yongue, Jeffus, McLawhorn
H 1272 – EDUCATION FACILITY FINANCING STUDY -
Reps. Yongue, Johnson, Preston, Carney

ADJOURNMENT

ATTENDANCE

Education

(Name of Committee)

DATES	6-7-05														
BELL, Larry	✓														
LUCAS, Marvin	✓														
McLAWHORN, Marian	✓														
ADAMS, Alma	✓														
ALLEN, Bernard	✓														
BLACKWOOD, Curtis	✓														
BORDSEN, Alice	✓														
BROWN, Larry	✓														
CARNEY, Becky	✓														
CLEVELAND, George	✓														
COLE, Nelson															
COLEMAN, Linda															
CRAWFORD, James	✓														
DAUGHTRIDGE, William	✓														
DIXON, Margaret	✓														
DOCKHAM, Jerry	✓														
ENGLAND, Bob	✓														
FISHER, Susan	✓														
FOLWELL, Dale	✓														
FRYE, Phillip	✓														
GLAZIER, Rick															
GOFORTH, Bruce	✓														
GOODWIN, Melanie	✓														
GRADY, Robert															
HARRELL, James															
HARRISON, Pricey	✓														

DATES															
HILTON, Mark	✓														
HOLLO, Mark	✓														
HOLLOWAY, Bryan	✓														
HOLMES, George															
INSKO, Verla	✓														
JEFFUS, MAGGIE															
JOHNSON, Linda	✓														
JUSTICE, Carolyn	✓														
LANGDON, James	✓														
LUEBKE, Paul															
MARTIN, Grier	✓														
McALLISTER, Mary	✓														
MICHAUX, Mickey															
NYE, Edd	✓														
PARMON, Earline	✓														
PATE, Louis	✓														
PRESTON, Jean	✓														
RAPP, Raymond	✓														
RAY, Karen	✓														
SAULS, John	✓														
STILLER, Bonner	✓														
TOLSON, Joe	✓														
WALKER, Tracy	✓														
WARREN, Edith	✓														
WILEY, Laura	✓														
WILKINS, Winkie	✓														
WOMBLE, Larry	✓														

DATES															
WRAY, Michael	✓														
YONGUE, Douglas	✓														
~~story~~															
Wrupti	✓														
Shirley	✓														
Sarah	✓														
Robin	✓														
Lee	✓														

VISITOR REGISTRATION SHEET

House Education Committee — 11AM - June 7, 2005

Name of Committee — **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Ralph Holloway	Carteret County Schools
Tamara Ishee	Carteret county schools
JRak	" "
John Cyrus	NCSG
Brian Hunt	Rep England Intern
Suzanne Buckley	GOV OFFICE
Ken Hatter	DPI
Rebecca Troxler	NCACC
Hilary Arthur	NCASA
Susa Harris	WCPSS
Gene Causby	NC SFSA

VISITOR REGISTRATION SHEET

House Education Committee — 11AM - June 7, 2005

Name of Committee — **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Nick Verrelli	Carteret County Schools
Clinton Montford	Carteret County Schools
Paul Idol	Jim Crawford's Intern
Rene Martinez	Carteret County Schools
Theresa Jones	Carteret County Schools
Joe Poletti	"
Greg Guthrie	Carteret Co. Schools
Bud Lanning	" " "
Beth Lanning	Carteret Co. Schools
Ashley Williams	Rep. Sauls Intern
Holly Howington	Intern, Rep. Eddins

VISITOR REGISTRATION SHEET

House Education Committee — 11AM - June 7, 2005

Name of Committee — **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Leanne Winner	NCSBA
Brian Lewis	Covenant w/ NC's children
Shannah Smith	UNC Center for Civil Rights
Stephanie Erba	SBE
April Lilley	Carteret Co. School System
Lillian Miller	Cart " " "
Susan Smith	" " "
Catherine Warren	Carteret Co. School Syst
Lisa Bateman	PJJDP
Wanda Nelson Fowler	Carteret Co. Schools
John Wetmore	Carteret Co. Schools
Glenn Morris	PSF of NC

VISITOR REGISTRATION SHEET

Name of Committee | Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Ryland Pond	Intern - Rep. Corney
Tabbie Merrill	Carteret County Schools

VISITOR REGISTRATION SHEET

Name of Committee _____ Date _____

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Alex Wilson	Edmiston & Webb
Allison B. Ballou	Carteret County Public Schools
Renee Newman	Carteret Co. Public Schools
Heather Dietzler	Carteret Co. Schools !!
Cathy Tomon	Carteret co. schools
Chris Yeomans	Carteret Co. Schools
Michael Thomsen	NCAE
Joanne Stevens	nursing / NCAE
Lindsey Wakely	Intern
Shirley Fawell	DOA/SCO
Rob Schofield	NC Justice Ctr.

VISITOR REGISTRATION SHEET

Name of Committee _____ Date _____

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Bennett Myers	Carteret County Schools
Vicki Fritz	Carteret County Schools
Jeanne Huntley	Carteret County Schools
Lisa Futrell	Carteret County Schools
MAT BOTTOMS	CARTERET COUNTY SCHOOLS
[illegible]	Carteret Co Schools
Rita S. Mullins	Carteret Co. Schools
Carolyn Heller	Carteret Co Schools
Wendy Thomas	Carteret Co. Schools
Pollye Pruitt	Carteret Co. Schools
Nancy Ng	Carteret Co. Schools

VISITOR REGISTRATION SHEET

Ed. — June 7 —

Name of Committee — Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Frank Thompson	Vice Chn Lee Co. Bd of Ed.
Sharon Spence	Lee County Schools
Jim Cain	NCASA
[illegible]	RT
Andrea Schrag	Rural Ed.
Pennylloyd Baldridge	Carteret County Schools
DAVID LENKER	Carteret Co Schools
Beth Neal	Carteret County Schools
Bill Ahlum	Carteret County Schools
D Gordon Price	" " "
Ralph Lewis	" " "
John [illegible]	NC Family Policy Council
Tami Fitzgerald	" "

VISITOR REGISTRATION SHEET

House Education Committee — 11AM - June 7, 2005

Name of Committee — **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Emily MacNaughton	NCPAPA
Lloyd Throssen	NCPAPA
Molly Ryan	NCSBA
Deep Thada	
Ellen Frost	PENC
Becki Gray	JWP Civitas Institute
Jason D Bennett	"
Joel Maynard	CMS
Angela Fitzgerald	AKA
Jodi Powell	Carolina Journal

House Pages

Name Of Committee: Ed. Da : June 7, 05

1. Name: Zach Bridges
   County: Cleveland
   Sponsor: Tim Moore
2. Name: Kyle West
   County: Orange
   Sponsor: Insko
3. Name: Michael Moore
   County: Cleveland
   Sponsor: Tim Moore
4. Name: Lindsey Garrison
   County: Scotland
   Sponsor: Doug Yongue
5. Name: Emily Helm
   County: Guilford
   Sponsor: Maggie Jeffus

Jared Wilson
Cumberland
Lucas

Lamar
Watkins
Rutherford
Rep Tim Moore

~~Faith Leach~~ Jetun
Wayne - Bill

Sgt-At-Arms

1. Name: Frank Prewo
2. Name: Leslie Oakley
3. Name: Brad Badgett
4. Name: Martha Pannill
5. Name: Jay Calloway

H

HOUSE BILL 1116

Short Title:	Study Teacher Assistant Salary Schedule.	(Public)
Sponsors:	Representatives Tolson, Yongue, Jeffus, McLawhorn (Primary Sponsors); Faison, Parmon, Pate, Pierce, Setzer, Underhill, Wainwright, and Wray.	
Referred to:	Education.	

April 5, 2005

A BILL TO BE ENTITLED

AN ACT TO STUDY THE ESTABLISHING AND FUNDING OF A TEACHER ASSISTANT SALARY SCHEDULE AND TO APPROPRIATE FUNDS FOR THAT PURPOSE.

Whereas, teacher assistants are valuable members of public school personnel; and

Whereas, the pay of teacher assistants is not commensurate with the federal poverty level; Now, therefore,

The General Assembly of North Carolina enacts:

SECTION 1. The Department of Public Instruction shall contract with a third party to study the feasibility and advisability of establishing, funding, and implementing a salary schedule for teacher assistants in this State. As part of the study, consideration shall be given to establishing:

(1) A 15-step salary schedule where movement is based on years of experience.

(2) The minimum annual salary for teacher assistants as sixteen thousand five hundred dollars ($16,500).

(3) A three percent (3%) difference between each step on the salary schedule.

SECTION 2. There is appropriated from the General Fund to the Department of Public Instruction the sum of twenty-five thousand dollars ($25,000) for the 2005-2006 fiscal year to contract with a third party to conduct the study mandated by Section 1 of this act.

SECTION 3. The Department of Public Instruction shall report the findings and results of the study required by this act, including any legislative recommendation or proposal, to the Joint Legislative Education Oversight Committee by March 1, 2006.

SECTION 4. This act becomes effective July 1, 2005.

HOUSE BILL 1116:
Study Teacher Assistant Salary Schedule

BILL ANALYSIS

Committee:	House Education	**Date:**	June 6, 2005
Introduced by:	Reps. Tolson, Yongue, Jeffus, McLawhorn	**Summary by:**	Robin Johnson Committee Counsel
Version:	First Edition		

SUMMARY: House Bill 1116 would direct the Department of Public Instruction (DPI) to contract with a third party to study the feasibility and advisability of establishing, funding and implementing a salary schedule for teacher assistants.

CURRENT LAW: The General Assembly appropriates funds in a dollar allotment for teacher assistants. Local school administrative units are responsible for establishing the annual salary for teacher assistants, so long as the minimum annual salary is no less than the Office of State Personnel's Pay Grade 54 classification for a State employee ($1,510.58 per month).

BILL ANALYSIS: The bill would appropriate to DPI $25,000 for the 2005-2006 fiscal year so that DPI can contract with a third party to study whether to implement a salary schedule for teacher assistants. The study must consider whether to establish: (i) a 15-step salary schedule with movement based on years of experience, (ii) a minimum annual salary of $16,500, and (iii) a 3% difference between each step.

DPI would be directed to report to the Joint Legislative Education Oversight Committee (JLEOC) by March 1, 2006 on the results of the study.

EFFECTIVE DATE: The bill would become effective July 1, 2005.

BACKGROUND: Several years ago, it was recommended that teacher assistants should be classified at salary grade 56. However, additional funds were not appropriated for this purpose, so the State Board of Education's current policy states, "[U]ntil legislation provides funding to pay teacher assistants at salary grade 56, teacher assistants must be paid at least at the minimum of salary grade 54 ($1,510.58 per month) for the 2004-2005 school year. Additional grade increases will not be adopted by the State Board of Education until legislative funding is received."

If teacher assistants were paid at the minimum of salary grade 56, the minimum monthly salary would be $1588.75.

In 2000, the General Assembly directed the State Board to develop a salary schedule for teacher assistants, based on a list of items to consider, and to determine and report to JLEOC the cost of implementation (See Below: S.L. 2000-67, Sec. 8.13A(c)) The State Board's report to JLEOC is attached.

H1116e1-SMRH

S.L. 2000-67, Section 8.13A(c)

TEACHER ASSISTANT SALARY SCHEDULE

Section 8.13A.(c) Prior to the adoption and implementation of a minimum experience-based salary schedule for teacher assistants, the General Assembly is committed to determining the cost of implementing such a schedule. Such a salary schedule should: (i) be based on a teacher assistant's years of experience as a teacher or teacher assistant in North Carolina's public schools, (ii) reflect an annual increase of a set percentage based on the teacher assistant's years of experience with an experience level maximum of 21 to 30 years, (iii) have a minimum monthly salary of the Office of State Personnel's Pay Grade 56 classification or one thousand three hundred eighty dollars ($1,380) whichever is less, and (iv) include incremental increases for teacher assistants for educational certification and degree standards.

The State Board of Education shall develop a proposed salary schedule that reflects the above conditions. The State Board also must assure that the schedule meets guidelines of the federal wage and hour laws, meets the needs of public schools regarding flexible use of teacher assistant resources, minimizes the administrative burden on local boards of education and the Department of Public Instruction to implement the schedule, and assures that the schedule can be implemented consistently in all public schools. The State Board of Education shall report to the Joint Legislative Education Oversight Committee by December 11, 2000, on its recommendations regarding the Teacher Assistant Salary Schedule and the costs of implementation.

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

December 11, 2000

TO: The Honorable Howard Lee, CoChair
The Honorable Gene Rogers, CoChair
Joint Legislative Education Oversight Committee
Members, Joint Legislative Education Oversight Committee

FROM: Phillip J. Kirk, Jr., Chairman Phil

RE: Attached Required Report – Teacher Assistant Salary Schedule

Section 8.13A, House Bill 1840 (S.L. 2000-67) requires the State Board of Education to report on its recommendations regarding the Teacher Assistant Salary Schedule and its costs of implementation.

The attached report was reviewed and approved by the State Board of Education at its meeting on Dec. 7, 2000.

Thank you for your continuing service to our State and support for our public schools.

Attachment

cc: Robin Johnson
Kory Goldsmith
Shirley Iorio
Sara Kamprath
Jim Newlin
Philip Price

State Board of Education
North Carolina Department of Public Instruction

Report to Education Oversight Committee

House Bill 1840, Section 8.13A.(c)
Teacher Assistant Salary Schedule
Opportunities and Issues

DECEMBER 20, 2000

House Bill 1840, Section 8.13A.(c)

Teacher Assistant Salary Schedule

The State Board of Education shall...

The purpose of this report and presentation is to present the material requested by legislation in House Bill 1840, Section 8.13A(c) which directed the State Board of Education to report on its recommendations regarding the Teacher Assistant Salary Schedule and the costs of implementation of a salary schedule that reflected the following conditions as set forth in this legislation:

1) Be based on a teacher assistant's years of experience as a teacher or teacher assistant in North Carolina's public schools,

2) Reflect an annual increase of a set percentage based on the teacher assistant's years of experience with an experience level maximum of 21 to 30 years,

3) Have a minimum monthly salary of the Office of State Personnel's Pay Grade 56 classification or one thousand three hundred eighty dollars ($1,380) whichever is less, and

4) Include incremental increases for teacher assistants for educational certification and degree standards.

5) Assure that the schedule meets guidelines of the federal wage and hour laws,

6) Meets the needs of public schools regarding flexible use of teacher assistant resources,

7) Minimizes the administrative burden on local boards of education and the Department of Public Instruction to implement the schedule, and

8) Assures that the schedule can be implemented consistently in all public schools.

Gathering data for report

The Department of Public Instruction (DPI), gathered the information necessary to complete this report by analyzing current available data at DPI, issuing several survey's to the Local Education Agencies (LEAs), National Associations, other state departments, and holding a meeting with the Licensure/School Personnel Support Advisory Committee.

This information was presented to the State Board of Education on November 1, 2000 for discussion and on December 6 and 7, 2000 for approval for presentation to Education Oversight.

North Carolina Teacher Assistant Demographics

The following are some essential demographics about the North Carolina Teacher Assistant Population, which are necessary to understand before reviewing the salary schedule, options:

- Years of Experience reflect a relatively young population for experience. Fifty percent (50%) of the current teacher assistant population have five (5) years or less experience. Ninety (90%) have twenty-one(21) years or less, with seventy-five percent (75%) of the current teacher assistant population in North Carolina having fourteen (14) years of less experience. *It should be noted that the median level experience for a classroom teacher is eleven years based on fiscal year 1999-2000 data.* Note: High School graduation is the minimum requirement for a teacher assistant.

- Another critical demographic about the current North Carolina teacher assistant population is that seventy-four percent (74%) of this population has less than an Associate's degree (some college = 43%, and high school or less = 31%). Only eleven percent (11%) of the current teacher assistant population has a bachelor's degree. *DPI, currently, does not have data to know the types of degree's (Associates or Bachelor's) that are held by teacher assistants.*

- In looking at the current salaries, being paid to North Carolina teacher assistants the following chart relates that eighty-four percent (84%) of the teacher assistants are paid in the bottom half of the current salary range.

  Pay grade 54: Minimum = $1,375.17 per month

  Pay grade 56: Maximum = $2,401.30 per month

Monthly Pay Rates	% Percent of Total
$1,380 or less	4.5%
$1,380.01-$1,600.00	61.7%
$1,600.01-$1,800.00	22.1%
$1,800.01-$2,000.00	8.1%
$2,000.01-$2,200.00	3.1%
$2,200.01-$2,2401.30	0.4%

North Carolina Teacher Assistant Demographics continued

- It is also interesting that in doing a ten (10) year analysis of a teacher assistant who receives the basic legislative salary increase for each of the ten (10) years stays in the same portion of the salary range as where they began.

Year	Salary	Increase	Minimum
1990-1991	$ 1,070.00		
1991-1992	$ 1,070.00	0%	$ 1,070.00
1992-1993	$ 1,113.50	$43.50	$ 1,113.50
1993-1994	$ 1,135.77	2.0%	$ 1,120.25
1994-1995	$ 1,181.20	4.0%	$ 1,131.42
1995-1996	$ 1,204.82	2.0%	$ 1,154.05
1996-1997	$ 1,259.04	4.5%	$ 1,227.69
1997-1998	$ 1,309.40	4.0%	$ 1,252.25
1998-1999	$ 1,348.69	3.0%	$ 1,289.82
1999-2000	$ 1,389.15	3.0%	$ 1,328.51
2000-2001	$ 1,447.49	4.2%	$ 1,375.17

- The remaining demographic we looked at was the various fund sources from which the teacher assistant's are paid:

  State Funds: 82%

  Local Funds: 10%

  Federal Funds: 8%

Legislative Directives per House Bill 1840, Section 8.13A(c)

We built three (3) salary schedule options, based on these first three (3) legislative directives:

Legislative Item 1: Be based on a teacher assistant's years of experience as a teacher or teacher assistant in North Carolina's public schools,

Legislative Item 2: Reflect an annual increase of a set percentage based on the teacher assistant's years of experience with an experience level maximum of 21 to 30 years, and

Legislative Item 3: Have a minimum monthly salary of the Office of State Personnel's Pay Grade 56 classification or one thousand three hundred eighty dollars ($1,380) whichever is less.

The Options:

- A one- percent (1%) schedule as the baseline.
- A one and a half percent (1.5%) schedule, which is similar to most steps in the teacher salary, schedules.
- A two-percent (2%) schedule is based on the historic standard between steps on the teacher salary schedules.

Teacher Assistant
Salary SchedulesOptions

Percent Between Steps

	1.00%		1.50%		2.00%	
Years of Experience	Monthly Salary	Ten Month Salary	Monthly Salary	Ten Month Salary	Monthly Salary	Ten Month Salary
0	$1,380	$13,800	$1,380	$13,800	$1,380	$13,800
1	$1,394	$13,940	$1,401	$14,010	$1,408	$14,080
2	$1,408	$14,080	$1,422	$14,220	$1,436	$14,360
3	$1,422	$14,220	$1,443	$14,430	$1,465	$14,650
4	$1,436	$14,360	$1,465	$14,650	$1,494	$14,940
5	$1,450	$14,500	$1,487	$14,870	$1,524	$15,240
6	$1,465	$14,650	$1,509	$15,090	$1,554	$15,540
7	$1,480	$14,800	$1,532	$15,320	$1,585	$15,850
8	$1,495	$14,950	$1,555	$15,550	$1,617	$16,170
9	$1,510	$15,100	$1,578	$15,780	$1,649	$16,490
10	$1,525	$15,250	$1,602	$16,020	$1,682	$16,820
11	$1,540	$15,400	$1,626	$16,260	$1,716	$17,160
12	$1,555	$15,550	$1,650	$16,500	$1,750	$17,500
13	$1,571	$15,710	$1,675	$16,750	$1,785	$17,850
14	$1,587	$15,870	$1,700	$17,000	$1,821	$18,210
15	$1,603	$16,030	$1,726	$17,260	$1,857	$18,570
16	$1,619	$16,190	$1,752	$17,520	$1,894	$18,940
17	$1,635	$16,350	$1,778	$17,780	$1,932	$19,320
18	$1,651	$16,510	$1,805	$18,050	$1,971	$19,710
19	$1,668	$16,680	$1,832	$18,320	$2,010	$20,100
20	$1,685	$16,850	$1,859	$18,590	$2,050	$20,500
21	$1,702	$17,020	$1,887	$18,870	$2,091	$20,910
22	$1,719	$17,190	$1,915	$19,150	$2,133	$21,330
23	$1,736	$17,360	$1,944	$19,440	$2,176	$21,760
24	$1,753	$17,530	$1,973	$19,730	$2,220	$22,200
25	$1,771	$17,710	$2,003	$20,030	$2,264	$22,640
26	$1,789	$17,890	$2,033	$20,330	$2,309	$23,090
27	$1,807	$18,070	$2,063	$20,630	$2,355	$23,550
28	$1,825	$18,250	$2,094	$20,940	$2,402	$24,020
29+	$1,843	$18,430	$2,125	$21,250	$2,450	$24,500

Legislation Directive per H.B. 1840, Section 8.13A.(c)

The Annualized Base Salary Cost of the three (3) years of experience based options:

	1% Schd		1.5% Schd		2% Schd	
FUND	$ Cost	% HH	$ Cost	%HH	$ Cost	%HH
State	$3.0 M	74%	$11.5 M	48%	$26.9 M	33%
Local	$402 K	74%	$1.1 M	55%	$2.3 M	43%
Federal	$301 K	74%	$856K	55%	$1.8 M	40%

%HH = percent of teacher assistants which would fall into a hold-harmless situation (hence they would not qualify for a pay raise).

NOTE: The above cost estimates do not include benefits which would add fifteen percent (15%) to the figures above.

- It should be noted that the hold-harmless situation would also cause the distribution of the teacher assistant resources to not be distributed equally amongst the LEAs. In the example below, when looking at the 2% schedule and comparing Wake County (large) to Rutherford (small) you would have 63% of Wake county's teacher assistants in a hold-harmless situation versus just 1% for Rutherford county's teacher assistants.

LEA	1% Schd		1.5% Schd		2% Schd	
	% Raise	% HH	% Raise	%HH	% Raise	%HH
Wake	5	95	30	70	37	63
Rutherford	97	3	98	2	99	1

Legislation Directive per H.B. 1840, Section 8.13A.(c)

The next legislative directive in the house bill asked that the schedule should also include:

Legislative Item 4: Include incremental increases for teacher assistants for educational certification and degree standards.

This aspect of the legislation opened the door to many more questions and opportunities than answers or concrete data in which to develop any schedule options to include these types of incremental increases. The following are some of the key issues and concerns brought to light when this directive was explored:

- **There appears that there is not "ONE" definition of a teacher assistant. Teacher assistants fill in various roles and needs of the public schools such as:**
  - K-3 classroom assistance where instructional skills are required,
  - Exceptional children assistance where medical skills and knowledge may be required,
  - Technology assistance where more advanced computer skills may be required, to
  - Overall school-wide support roles, which may require more administrative skills.
- **There is differing information available on the qualities necessary for an effective teacher assistant and if teacher assistants make a significant contribution to the student's achievement.**
- **There is currently no statewide program for issuing teacher assistants credentials at a level below an associate's degree.**
  - There is a plan in the works with the community colleges to issue certificates, however, it is not in place at this time. It also currently appears that this proposed certification program is not based on any studies defining the skills and attributes necessary for an effective teacher assistant. In contrast, the TEACHER certification requirements have been established after and based on extensive research to ensure a specific knowledge base.
  - Only four (4) states have any form of a teacher assistant certification program at this time, with only two (2) of those states (New Mexico and Georgia) actually certifying teacher assistants at the state level.
  - Seventy-four percent (74%) of the teacher assistant population in North Carolina has only some college or less.
  - Additional questions raised are: Is this a course level certification?, What types of degrees or subjects would qualify?, would different types of teacher assistants require different types of certification?

Legislation Directive per H.B. 1840, Section 8.13A.(c)

The next four (4) legislative directives in the house bill asked that the State Board of Education shall:

Legislative Item 5: Assure that the schedule meets guidelines of the federal wage and hour laws,

- **There are no significant legal issues with this requirement in any of the salary schedule options, however, the teacher assistant population is non-exempt in accordance with federal regulations and would qualify for time-and-a-half for any overtime.**

Legislative Item 6: Meets the needs of public schools regarding flexible use of teacher assistant resources,

- **Flexibility in current funding for LEAs could be severely impacted.**
  - Would the flexibility in conversion to teachers remain? This option offers great flexibility in dealing with class-size issues and allowing the LEAs to maximize their resources.
  - Due to varying roles in which teacher assistants are used, there would need to be continued flexibility with the resources to allow the LEAs to address those market needs when filling those positions.
  - With a fixed schedule there is the potential for an un-funded local mandate, with costs ranges from $402 thousand to $2.3 million of local funds necessary to fund the years of experience schedule options. This would also affect the flexibility in how federal resources are used at the LEAs.
  - Would there be a need for this to be a "position" allotment, rather than a dollar allotment? How does this affect the continuation budget and the state's portion for benefits, should a position allotment result?

Legislative Item 7: Minimizes the administrative burden on local boards of education and the Department of Public Instruction to implement the schedule, and

Legislative Item 8: Assures that the schedule can be implemented consistently in all public schools.

- **Administrative resources would be needed for this effort at both the local and agency levels given current limited funding and staffing.**
  - Over 28,000 people (current teacher assistants) would need to be certified by DPI for "consistent implementation". This could greatly affect the TEACHER certification process in its initial stages as these people are processed.
  - The Uniform Education Reporting System (UERS) software would require modifications at the LEA and DPI to ensure the necessary data would be gathered and audited to also ensure "consistent implementation".

Legislation Directive per H.B. 1840, Section 8.13A.(c)

That completes the requirements of the legislation. There was another signification issue brought to light as a result of gathering information for this report which the State Board of Education wanted to be presented to Education Oversight Committee:

- **Concerns over funding and limited resources going towards an area with no apparent supply/demand issues.**
  - Average vacancy rate in a LEA is 1.4 teacher assistant vacancies.
  - It takes most LEAs less than two (2) weeks to fill a teacher assistant vacancy.
  - Only areas such as exceptional children and technology were experiencing supply/demand concerns.
  - There are greater supply/demand issues surrounding clerical and custodial staff than teacher assistants.

Attachment #1

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.) Stiller
)
Sen.)

moves to amend the bill on page 1, line 15

( ) WHICH CHANGES THE TITLE

by adding after "experience" ~~and~~ the phrase "and level of education acquired",

SIGNED Bonnie Stiller

ADOPTED _____ FAILED _____ TABLED _____

PRINCIPAL CLERK'S OFFICE (FOR ENGROSSMENT)

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2005

H D

HOUSE BILL 1116
PROPOSED COMMITTEE SUBSTITUTE H1116-PCS70514-RH-40

Short Title: Study Teacher Assistant Salary Schedule. (Public)

Sponsors:

Referred to:

April 5, 2005

A BILL TO BE ENTITLED

AN ACT TO STUDY THE ESTABLISHING AND FUNDING OF A TEACHER ASSISTANT SALARY SCHEDULE AND TO APPROPRIATE FUNDS FOR THAT PURPOSE.

Whereas, teacher assistants are valuable members of public school personnel; and

Whereas, the pay of teacher assistants is not commensurate with the federal poverty level; Now, therefore,

The General Assembly of North Carolina enacts:

SECTION 1. The Department of Public Instruction shall contract with a third party to study the feasibility and advisability of establishing, funding, and implementing a salary schedule for teacher assistants in this State. As part of the study, consideration shall be given to establishing:

(1) A 15-step salary schedule where movement is based on years of experience and level of education acquired.

(2) The minimum annual salary for teacher assistants as sixteen thousand five hundred dollars ($16,500).

(3) A three percent (3%) difference between each step on the salary schedule.

SECTION 2. There is appropriated from the General Fund to the Department of Public Instruction the sum of twenty-five thousand dollars ($25,000) for the 2005-2006 fiscal year to contract with a third party to conduct the study mandated by Section 1 of this act.

SECTION 3. The Department of Public Instruction shall report the findings and results of the study required by this act, including any legislative recommendation or proposal, to the Joint Legislative Education Oversight Committee by March 1, 2006.

SECTION 4. This act becomes effective July 1, 2005.

2005 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES

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

By Representative Bell, Lucas, McLawhorn (Chairs) for the Committee on EDUCATION.

☐ Committee Substitute for

HB 1116 A BILL TO BE ENTITLED AN ACT TO STUDY THE ESTABLISHING AND FUNDING OF A TEACHER ASSISTANT SALARY SCHEDULE AND TO APPROPRIATE FUNDS FOR THAT PURPOSE.

☒ With a favorable report as to the committee substitute bill, unfavorable as to the original bill, and recommendation that the committee substitute bill # be re-referred to the Committee on APPROPRIATIONS.

(FOR JOURNAL USE ONLY)

_____ Pursuant to Rule 32(a), the bill/resolution is re-referred to the Committee on _____.

_____ Pursuant to Rule 36(b), the (House) committee substitute bill/(joint) resolution (No._____) is placed on the Calendar of _____. (The original bill resolution No._____) is placed on the Unfavorable Calendar.

_____ The (House) committee substitute bill/(joint) resolution (No. ____) is re-referred to the Committee on _____. (The original bill/resolution) (House/Senate Committee Substitute Bill/(Joint) resolution No. ___) is placed on the Unfavorable Calendar.

HOUSE BILL 1272

Short Title:	Education Facility Financing Study.	(Public)
Sponsors:	Representatives Yongue, Johnson, Preston, Carney (Primary Sponsors); Faison, Glazier, and Insko.	
Referred to:	Education.	

April 19, 2005

A BILL TO BE ENTITLED

AN ACT ESTABLISHING THE EDUCATION FACILITY FINANCING STUDY COMMISSION.

The General Assembly of North Carolina enacts:

SECTION 1.(a) Establishment of the Commission. – The Education Facility Financing Study Commission is established.

SECTION 1.(b) Membership. – The Commission shall be composed of 16 members, as follows:

(1) Eight members appointed by the President Pro Tempore of the Senate: two members of the Senate from urban areas, two members of the Senate from rural areas, one member representing a large, fast-growing, urban school administrative unit that is a plaintiff in the Leandro school-financing litigation, one member from the financial services industry, one county commissioner, and one educator. One of these members shall serve as cochair; and

(2) Eight members appointed by the Speaker of the House of Representatives: two members of the House of Representatives from urban areas, two members of the House of Representatives from rural areas, one member representing a rural school administrative unit that is a plaintiff in the Leandro school-financing litigation, one member who is knowledgeable about municipal and school finance, one school board member, and one educator. One of these members shall serve as cochair.

Vacancies shall be filled by the appointing authority.

SECTION 1.(c) Duties of the Commission. – The Commission shall examine the present system of local financing for school facilities and shall study alternative options for financing local school construction, renovation, repair, and maintenance. The Commission may study and consider public-private partnerships for

school construction and facility ownership, sale lease-back arrangements, private and commercial financing arrangements, design standards for school facilities that may facilitate alternative financing techniques, alternative local revenue sources for financing school facilities, the use of real estate investment trusts, State and local construction bond pools, and any other financing issues deemed pertinent by the Commission.

SECTION 1.(d) Expenses of Members. – Members of the Commission shall receive per diem, subsistence, and travel allowances in accordance with G.S. 120-3.1, 138-5, or 138-6, as appropriate.

SECTION 1.(e) Consultants and Other Staff. – The Commission may hire consultants to provide research, staff support, and information about school financing in other states to the Commission, in accordance with G.S. 120-32.02. The Legislative Services Office, with the prior approval of the Legislative Services Commission, shall also assign professional and clerical staff to assist the Commission in its work.

SECTION 1.(f) Cooperation by Government Agencies. – The Commission may call upon any department, agency, institution, or officer of the State or any political subdivision of the State for facilities, data, or other assistance. All State departments and agencies, local governments, and their subdivisions shall cooperate with the Commission and, upon request, shall furnish the Commission and its staff any information in their possession or available to them.

SECTION 1.(g) Meetings During Legislative Session. – The Commission may meet during a regular or extra session of the General Assembly.

SECTION 1.(h) Meeting Location. – The Legislative Services Commission shall grant adequate meeting space to the Commission in the State Legislative Building or the Legislative Office Building. The Commission may also meet at various locations around the State in order to promote greater public participation in its deliberations.

SECTION 1.(i) Reports. – The Commission shall make a final report to the 2006 Regular Session of the 2005 General Assembly no later than March 31, 2006. The final report shall contain recommendations for legislation to implement recommendations made by the Commission. The Commission shall terminate on March 31, 2006.

SECTION 1.(j) Notwithstanding the provisions of G.S. 115C-546.1(b), the Secretary of Revenue shall remit to the State Treasurer for credit to the General Assembly the sum of one hundred thousand dollars ($100,000) of the funds to be deposited in the Public School Building Capital Fund pursuant to G.S. 115C-546.1(b) during the 2005-2006 fiscal year. These funds shall be used for the expenses of the Education Facility Financing Study Commission. The Commission may also apply for, receive, or accept grants and contributions, subject to the provisions of G.S. 120-32.03, to support the work of the Commission.

SECTION 2. This act becomes effective July 1, 2005.

HOUSE BILL 1272:
Education Facility Financing Study

BILL ANALYSIS

Committee:	House Education	**Date:**	June 6, 2005
Introduced by:	Reps. Yongue, Johnson, Preston, Carney	**Summary by:**	Drupti Chauhan Committee Counsel
Version:	First Edition		

SUMMARY: House Bill 1272 would establish the Education Facility Financing Study Commission.

BILL ANALYSIS: House Bill 1272 would establish the Education Facility Financing Study Commission. The Commission would be composed of 16 members with 8 members appointed by the President Pro Tempore of the Senate and 8 members appointed by the Speaker of the House of Representatives. The appointments must include a county commissioner, a school board member and educators.

The Commission would be required to examine the present system of local financing for school facilities and to study alternative options for financing local school construction, renovation, repair and maintenance. The Commission may study and consider public-private partnerships for school construction and facility ownership, various financing arrangements, alternative local revenue sources, the use of real estate investment trusts, State and local construction bonds, and any other financing issues deemed pertinent.

The Commission may hire consultants and may call upon any department, agency, institution, or any political subdivision for information or assistance. The Commission may meet during a regular or extra session of the General Assembly.

The Commission must make its final report to the 2006 Regular Session of the 2005 General Assembly no later than March 31, 2006. The Commission terminates on March 31, 2006.

EFFECTIVE DATE: The bill would become effective July 1, 2005.

BACKGROUND: The 2004 Appropriations Act established the Local School Construction Financing Study Commission to examine the present system of local financing for school facilities and to study alternative options for financing local school construction, renovation, repair and maintenance.

G.S. 115C-521 states that it is the duty of local boards of education to provide classroom facilities. However, some State funding of local school construction exists. For example, G.S. 115C-546.1 creates the Public School Building Capital Fund (Fund) which is used to assist county governments in meeting their public school building capital needs. In 2003-2004 approximately 57 million dollars was available in the Fund from the State's corporate income tax revenue.

H1272e1-SMRQ

2005 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES

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

By Representative Bell, Lucas, McLawhorn (Chairs) for the Committee on EDUCATION.

☐ Committee Substitute for

HB 1272 A BILL TO BE ENTITLED AN ACT ESTABLISHING THE EDUCATION FACILITY FINANCING STUDY COMMISSION.

☒ With a favorable report and recommendation that the bill be re-referred to the Committee on APPROPRIATIONS.

(FOR JOURNAL USE ONLY)

_____ Pursuant to Rule 32(a), the bill/resolution is re-referred to the Committee on _____.

_____ The bill/resolution is re-referred to the Committee on _____.

MINUTES
HOUSE COMMITTEE ON EDUCATION
June 28, 2005

The House Committee on Education met at 11:00 a.m. on Tuesday, June 28, 2005 in Room 643 of the Legislative Office Building. The following ***Representatives*** were present: ***Chairs: Bell, Lucas and McLawhorn; Vice Chairs: Dickson, England, Glazier, Parmon, Preston and Sauls; Members: Adams, Allen, Blackwood, Bordsen, Brown, Carney, Cleveland, Cole, Coleman, Crawford, Daughtridge, Dockham, Fisher, Folwell, Frye, Goforth, Goodwin, Harrell, Harrison, Hilton, Hollo, Holloway, Holmes, Insko, Jeffus, Johnson, Justice, Langdon, Luebke, Martin, McAllister, Michaux, Nye, Pate, Rapp, Ray, Stiller, Tolson, Walker, Warren, Wiley, Wilkins, Womble, Wray, and Yongue.***

Research staff persons included: ***Attorneys -*** Drupti Chauhan and Robin Johnson; ***Legislative Analyst -*** Dr. Shirley Iorio and Sara Kamprath; ***Assistant*** Dee Atkinson. ***Legislative Committee Assistants*** - Sue Burleson, Carolyn Edwards and Thelma Utley. The Agenda, Pages/Sergeant at Arms and Visitor Registration Sheets are attached and incorporated into the minutes.

Chairman Bell called the meeting to order.

Sen. Lucas is welcomed and asked to speak and explain **SB 566 A BILL TO BE ENTITLED AN ACT TO AMEND THE LAW TO FACILITATE THE IMPLEMENTATION OF THE LEARN AND EARN PROGRAM.**

Sen. Lucas explains that the bill would amend existing policy that already allows high school students an opportunity to attend the community college and receive tuition waivers based on their eligibility. Sen. Lucas asked the committee to further amend and allow the opportunity for early college and middle college high school students to attend and receive additional waivers if the students are eligible. (Lines 8 and 9 of the bill)

Chairman Bell recognized ***Rep. Rapp*** for the following questions, "Is there a fiscal note with the bill and would it seem wise that we understand the costs involved?" Dr. Iorio, research staff responds, "No."

Ken Whitehurst with the North Carolina Community College Systems Office, Social Vice-President for Academic/Student Services states, "We anticipate a very small number of students, primarily those who are 9th and 10th graders to enroll in the early college high schools, in addition to the current provision for high school dual enrollment that already provide waiver. It would be a very small number, probably fewer 9th graders than 10th graders across the state.

Kennon Briggs states that the community colleges will earn budget FTE for courses taught at the community colleges level as college transfer classes used for university credit. The fiscal impact would be a small amount of tuition that is waived, but the reimbursement for those FTE's to the colleges is important and far offsets any loss of tuition to the colleges.

Ken Whitehurst explains to Rep. Blackwood, that as of now only Anson county is included as an early college high school.

Rep. Daughtridge wants to make sure funding equivalency for students is present. For example, students might be funded totally as a full time high school student and ¾ as a community college student; thereby creating more funding for a full student enrolled in high school and taking courses at the local community college than for a regular full-time high school student.

Kennon Briggs states that the community colleges would not be paid twice. The program is on an actual hour reimbursement basis. He also states that the students receive all their services from the public school and are taking between 1-2 classes at the community college and the state would not be paying for the full reimbursement but instead they will pay for 1-2 courses taken at the local community college.

Rep. Pate queries the bill sponsor; "Does the money follow the student from DPI when they take community college credits?" **Sen. Lucas** responds, "No."

Kennon Briggs answers Rep. Blackwood question of how much the state pays community colleges per credit hour. He states that the college is reimbursed $3600 for a full time equivalent student taking 16 credit hours in one semester. In order to find the number per credit hour, one must divide 26 into $3600 to find that amount.

Rep. Adams motions to give SB 566 a favorable report and the motions carries.

Chairman Bell calls ***Sen. Swindell*** to speak on **SB 630 – A BILL TO BE ENTITLED AN ACT TO MODIFY THE STATUTES GOVERNING RESIDENTIAL SCHOOLS TO MAKE THEIR ACCOUNTABILITY SYSTEM AND THEIR SCHOOL IMPROVEMENT PLANS LIKE THOSE OF OTHER PUBLIC SCHOOLS AND TO MAKE OTHER TECHNICAL OR CONFORMING CHANGES TO THOSE STATUTES.**

Sen. Swindell explains that SB 630 is a technical piece of legislation that would make two NC schools for the death and blind conform to the update to the ABC's legislation and that it does not require additional monies. These schools were exempt because of an oversight.

Rep. Womble motions to give a favorable report to SB 630. ***Chairman Bell*** calls for a vote and the motion carries.

Respectfully submitted,

Carolyn A. Edwards

Carolyn A. Edwards, Committee Assistant

Representative Larry M. Bell
Presiding Chair

2005 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES

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

By Representative Bell, Lucas, McLawhorn (Chairs) for the Committee on EDUCATION.

☐ Committee Substitute for

SB 566 A BILL TO BE ENTITLED AN ACT TO AMEND THE LAW TO FACILITATE THE IMPLEMENTATION OF THE LEARN AND EARN PROGRAM.

☒ With a favorable report.

(FOR JOURNAL USE ONLY)

_____ Pursuant to Rule 32(a), the bill/resolution is re-referred to the Committee on _____.

_____ Pursuant to Rule 36(b), the bill/resolution is placed on the Calendar of _____.

2005 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES

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

By Representative Bell, Lucas, McLawhorn (Chairs) for the Committee on EDUCATION.

☐ Committee Substitute for

SB 630 A BILL TO BE ENTITLED AN ACT TO MODIFY THE STATUTES GOVERNING RESIDENTIAL SCHOOLS TO MAKE THEIR ACCOUNTABILITY SYSTEM AND THEIR SCHOOL IMPROVEMENT PLANS LIKE THOSE OF OTHER PUBLIC SCHOOLS, AND TO MAKE OTHER TECHNICAL OR CONFORMING CHANGES TO THOSE STATUTES.

☒ With a favorable report.

(FOR JOURNAL USE ONLY)

_____ Pursuant to Rule 32(a), the bill/resolution is re-referred to the Committee on _____.

_____ Pursuant to Rule 36(b), the bill/resolution is placed on the Calendar of _____.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2005

S 1

SENATE BILL 566

Short Title:	Facilitate Comm. Coll. Learn & Earn Prog.	(Public)
Sponsors:	Senators Lucas; Berger of Franklin, Dannelly, Dorsett, Holloman, and Malone.	
Referred to:	Education/Higher Education.	

March 16, 2005

A BILL TO BE ENTITLED

AN ACT TO AMEND THE LAW TO FACILITATE THE IMPLEMENTATION OF THE LEARN AND EARN PROGRAM.

The General Assembly of North Carolina enacts:

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

"(b) In order to make instruction as accessible as possible to all citizens, the teaching of curricular courses and of noncurricular extension courses at convenient locations away from institution campuses as well as on campuses is authorized and shall be encouraged. A pro rata portion of the established regular tuition rate charged a full-time student shall be charged a part-time student taking any curriculum course. In lieu of any tuition charge, the State Board of Community Colleges shall establish a uniform registration fee, or a schedule of uniform registration fees, to be charged students enrolling in extension courses for which instruction is financed primarily from State funds; provided, however, that the State Board of Community Colleges may provide by general and uniform regulations for waiver of tuition and registration fees for persons not enrolled in elementary or secondary schools taking courses leading to a high school diploma or equivalent certificate, for training courses for volunteer firemen, local fire department personnel, volunteer rescue and lifesaving department personnel, local rescue and lifesaving department personnel, Radio Emergency Associated Citizens Team (REACT) members when the REACT team is under contract to a county as an emergency response agency, local law-enforcement officers, patients in State alcoholic rehabilitation centers, all full-time custodial employees of the Department of Correction, employees of the Department's Division of Community Corrections and employees of the Department of Juvenile Justice and Delinquency Prevention required to be certified under Chapter 17C of the General Statutes and the rules of the Criminal Justice and Training Standards Commission, trainees enrolled in courses conducted under the New and Expanding Industry Program, clients of sheltered workshops, clients of adult developmental activity programs, students in Health and Human Services Development

Programs, juveniles of any age committed to the Department of Juvenile Justice and Delinquency Prevention by a court of competent jurisdiction, prison inmates, and members of the North Carolina State Defense Militia as defined in G.S. 127A-5 and as administered under Article 5 of Chapter 127A of the General Statutes. Provided further, tuition shall be waived for senior citizens attending institutions operating under this Chapter as set forth in Chapter 115B of the General Statutes, Tuition Waiver for Senior Citizens. Provided further, tuition shall also be waived for all courses taken by high school students at community ~~colleges~~ colleges, including students in early college and middle college high school programs, in accordance with G.S. 115D-20(4) and this section."

SECTION 2. This act becomes effective July 1, 2005.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2005

S 1

SENATE BILL 630

Short Title:	Residential Schools Like Other Public Schools.	(Public)
Sponsors:	Senator Swindell.	
Referred to:	Education/Higher Education.	

March 17, 2005

A BILL TO BE ENTITLED

AN ACT TO MODIFY THE STATUTES GOVERNING RESIDENTIAL SCHOOLS TO MAKE THEIR ACCOUNTABILITY SYSTEM AND THEIR SCHOOL IMPROVEMENT PLANS LIKE THOSE OF OTHER PUBLIC SCHOOLS.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 143B-146.4 reads as rewritten:

"**§ 143B-146.4. Performance recognition.**

(a) ~~The superintendent and instructional personnel assigned to participating schools that achieve or exceed a level of expected growth to be determined by the State Board are eligible for financial awards in amounts set by the State Board. Participating schools and personnel shall not be required to apply for these awards.~~ The personnel in schools that achieve a level of expected growth greater than one hundred percent (100%) at a level to be determined by the State Board of Education are eligible for financial awards in amounts set by the State Board. Schools and personnel shall not be required to apply for these awards. For the purpose of this section, "personnel" includes the principal, assistant principal, instructional personnel, instructional support personnel, and teacher assistants (i) serving students in one or more of the grades kindergarten through 12 or (ii) assigned to a public school prekindergarten program that is located within a public elementary school and is designed to prepare students for kindergarten at that school.

(b) The State Board shall establish a procedure to allocate the funds for these awards. Funds shall become available for expenditure July 1 of each fiscal year. Funds shall remain available until November 30 of the subsequent fiscal year for expenditure ~~for:~~ for awards to personnel.

~~(1) Awards to the personnel; or~~

~~(2) The purposes authorized in a plan that has been:~~

~~a. Developed and voted on by the superintendent and instructional personnel in the same manner that a school improvement plan is approved under G.S. 143B-146.12;~~

~~b. Approved by a majority of the personnel who vote on the plan; and~~

~~c. Submitted to and approved by the Secretary.~~

~~The Secretary shall approve this plan unless the plan involves expenditures of funds that are not for a public purpose or that are otherwise unlawful.~~

The Secretary is encouraged to make these awards to each eligible person no later than the first regular teacher payroll following receipt of the funds, and shall make these awards to each eligible person no later than the second regular teacher payroll following the receipt of the funds."

SECTION 2. G.S. 143B-146.12 reads as rewritten:

"**§ 143B-146.12. Development and approval of school improvement plans.**

(a) In order to improve student performance, each ~~participating~~ school shall develop a school improvement plan that takes into consideration the annual performance goal for that school that is set by the State Board under G.S. 143B-146.3. The ~~superintendent,~~principal of each school, instructional personnel, and residential life personnel assigned to that school, and a minimum of five parents of children enrolled in the school shall constitute a school improvement team to develop a school improvement plan to improve student performance.

(a1) Representatives of the instructional and residential life personnel shall be elected by their respective groups by secret ballot.

(b) Parents shall be elected by parents of children enrolled in the school in an election conducted by the parent and teacher organization of the school or, if none exists, by the largest organization of parents formed for this purpose. To the extent possible, parents serving on school improvement teams shall reflect the composition of the students enrolled in that school. No more than two parents may be employees of the school. Parental involvement is a critical component of school success and positive student achievement; therefore, it is the intent of the General Assembly that parents, along with ~~teachers,~~instructional and residential life personnel, have a substantial role in developing school improvement plans. To this end, school improvement team meetings shall be held at a convenient time to assure substantial parent participation. Parents who are elected to serve on school improvement teams and who are not employees of the school shall receive travel and subsistence expenses in accordance with G.S. 138-5 and, if appropriate, may receive a stipend.

(c) The strategies for improving student performance shall include the following:

(1) A plan for the use of staff development funds that may be made available to the school ~~by the Secretary to meet the goals for that school under the ABC's Program and~~ to implement the school improvement plan. The plan may provide that a portion of these funds is used for mentor training and for release time and substitute teachers while teachers are meeting with mentors;

(1a) A plan for preparing students to read at grade level by the time they enter second grade. The plan shall require kindergarten and first grade teachers to notify parents or guardians when a child is not reading at grade level and is at risk of not reading at grade level by the time the

child enters second grade. The plan may include the use of assessments to monitor students' progress in learning to read, strategies for teachers and parents to implement that will help students improve and expand their reading ability, and provide for the recognition of teachers and strategies that appear to be effective at preparing students to read at grade level.

(2) A comprehensive plan to encourage parent involvement.

(3) A safe school plan designed to provide that the school is safe, secure, and orderly, that there is a climate of respect in the school, and that appropriate personal conduct is a priority for all students and all residential school personnel. This plan shall include components similar to those listed in G.S. 115C-105.47(b).

(4) A plan that specifies the effective instructional practices and methods to be used to improve the academic performance of students identified as at risk of academic failure or at risk of dropping out of school.

(d) Support among affected staff members is essential to successful implementation of a school improvement plan to address improved student performance at that school. The ~~superintendent~~ principal of the school shall present the proposed school improvement plan to all of the instructional personnel assigned to the school for their review and vote. The vote shall be by secret ballot. The ~~superintendent~~ principal shall submit the school improvement plan to the Superintendent of the Office of Education Services for presentation to the Secretary only if the proposed school improvement plan has the approval of a majority of the instructional personnel who voted on the plan.

(e) The Secretary shall accept or reject the school improvement plan. The Secretary shall not make any substantive changes in any school improvement plan that the Secretary accepts. If the Secretary rejects a school improvement plan, the Secretary shall state with specificity the reasons for rejecting the ~~plan;~~plan to the Superintendent of the Office of Education Services to share with the principal; the school improvement team may then prepare another plan, present it to the instructional personnel assigned to the school for a vote, and submit it to the Superintendent of the Office of Education Services for presentation to the Secretary to accept or reject. Within 60 days after the initial submission of the school improvement plan to the Secretary, the Secretary shall accept the plan or shall ~~designate a person to~~direct that the Superintendent of the Office of Education Services work with the school improvement team to resolve the disagreements. If there is no resolution within 30 days, then the Secretary may develop a school improvement plan for the school; however, the General Assembly urges the Secretary to utilize the school's proposed school improvement plan to the maximum extent possible when developing this plan.

(f) A school improvement plan shall remain in effect for no more than three years; however, the school improvement team may amend the plan as often as is necessary or appropriate. If, at any time, any part of a school improvement plan becomes unlawful or the Secretary finds that a school improvement plan is impeding student performance at a school, the Secretary may vacate the relevant portion of the

plan and may direct the school to revise that portion. The procedures set out in this section shall apply to amendments and revisions to school improvement plans.

(g) Any funds the Secretary makes available to a school to meet the goals for that school under the ABC's Program and to implement the school improvement plan at that school shall be used in accordance with those goals and the school improvement plan.

~~(h) The Secretary, in consultation with the State Board, shall develop a list of recommended strategies that it determines to be effective which building-level committees may use to establish parent involvement programs designed to meet the specific needs of their schools.~~

(i) Once developed, the ~~Secretary~~ principal shall ensure the plan is available and accessible to parents and the school community."

SECTION 3. This act becomes effective July 1, 2005.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2005

S 2

SENATE BILL 630

Education/Higher Education Committee Substitute Adopted 3/30/05

Short Title: Residential Schools Like Other Public Schools. (Public)

Sponsors:

Referred to:

March 17, 2005

A BILL TO BE ENTITLED

AN ACT TO MODIFY THE STATUTES GOVERNING RESIDENTIAL SCHOOLS TO MAKE THEIR ACCOUNTABILITY SYSTEM AND THEIR SCHOOL IMPROVEMENT PLANS LIKE THOSE OF OTHER PUBLIC SCHOOLS, AND TO MAKE OTHER TECHNICAL OR CONFORMING CHANGES TO THOSE STATUTES.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 143B-146.1(b) reads as rewritten:

"(b) The following definitions apply in this Part:

(1) ABC's Program or Program. – The School-Based Management and Accountability Program developed by the State Board.

(2) Department. – The Department of Health and Human Services.

(3) Instructional personnel. ~~Principals, assistant~~ Assistant principals, teachers, instructional personnel, instructional support personnel, and teacher assistants employed in a residential school.

(4) Participating school. – A residential school that is required to participate in the ABC's Program.

(5) Residential school personnel. – The individuals included in G.S. 143B-146.16(a)(2).

(6) Schools. – The residential schools under the control of the Secretary.

(7) Secretary. – The Secretary of Health and Human Services.

(8) State Board. – The State Board of Education.

(9) Superintendent. – ~~The individual designated by the Secretary to administer a residential school.~~ The Superintendent of the Office of Education Services of the Department of Health and Human Services."

SECTION 2. G.S. 143B-146.2(a) reads as rewritten:

"(a) The Governor Morehead School and the schools for the deaf shall participate in the ABC's Program. The Secretary, in consultation with the General Assembly and the State Board, may designate other residential schools that must participate in the

ABC's Program. The primary goal of the ABC's Program is to improve student performance. The Program is based upon an accountability, recognition, assistance, and intervention process in order to hold each participating school, its ~~superintendent,~~ principal, and the instructional personnel accountable for improved student performance in that school."

SECTION 3. G.S. 143B-146.4 reads as rewritten:

"**§ 143B-146.4. Performance recognition.**

(a) ~~The superintendent and instructional personnel assigned to participating schools that achieve or exceed a level of expected growth to be determined by the State Board are eligible for financial awards in amounts set by the State Board. Participating schools and personnel shall not be required to apply for these awards.~~ The personnel in participating schools that achieve a level of expected growth greater than one hundred percent (100%) at a level to be determined by the State Board of Education are eligible for financial awards in amounts set by the State Board. Schools and personnel shall not be required to apply for these awards. For the purpose of this section, "personnel" includes the principal and the instructional personnel (i) serving students in one or more of the grades kindergarten through 12 or (ii) assigned to a prekindergarten program that is located within the participating school and is designed to prepare students for kindergarten at that school.

(b) The State Board shall establish a procedure to allocate the funds for these awards. Funds shall become available for expenditure July 1 of each fiscal year. Funds shall remain available until November 30 of the subsequent fiscal year for expenditure ~~for:~~ for awards to personnel.

~~(1) Awards to the personnel; or~~

~~(2) The purposes authorized in a plan that has been:~~

~~a. Developed and voted on by the superintendent and instructional personnel in the same manner that a school improvement plan is approved under G.S. 143B-146.12;~~

~~b. Approved by a majority of the personnel who vote on the plan; and~~

~~c. Submitted to and approved by the Secretary.~~

~~The Secretary shall approve this plan unless the plan involves expenditures of funds that are not for a public purpose or that are otherwise unlawful.~~

The Secretary is encouraged to make these awards to each eligible person no later than the first regular teacher payroll following receipt of the funds, and shall make these awards to each eligible person no later than the second regular teacher payroll following the receipt of the funds."

SECTION 4. G.S. 143B-146.6(b) reads as rewritten:

"(b) When assigned to an identified low-performing school, an assistance team shall:

...

(2) Evaluate at least semiannually the ~~superintendent~~ principal and instructional personnel assigned to the school and make findings and recommendations concerning their performance.

..."

SECTION 5. G.S. 143B-146.7(a) reads as rewritten:

"(a) Within 30 days of the initial identification of a school as low-performing, whether by the Secretary under G.S. 143B-146.5(b) or by the State Board under G.S. 143B-146.5(a), the Secretary shall take one of the following actions concerning the school's ~~superintendent:~~ principal: (i) decide whether the ~~superintendent~~ principal should be retained in the same position, (ii) decide whether the ~~superintendent~~ principal should be retained in the same position and a plan of remediation should be developed, (iii) decide whether the ~~superintendent~~ principal should be transferred, or (iv) proceed under the State Personnel Act to dismiss or demote the ~~superintendent.~~ principal. The ~~superintendent~~ principal may be retained in the same position without a plan for remediation only if the ~~superintendent~~ principal was in that position for no more than two years before the school is identified as low-performing. The ~~superintendent~~ principal shall not be transferred to another position unless (i) it is in a ~~superintendent~~ principal position in which the ~~superintendent~~ principal previously demonstrated at least two years of success, (ii) there is a plan to evaluate and provide remediation to the ~~superintendent~~ principal for at least one year following the transfer to assure the ~~superintendent~~ principal does not impede student performance at the school to which the ~~superintendent~~ principal is being transferred; and (iii) the parents of the students at the school to which the ~~superintendent~~ principal is being transferred are notified. The ~~superintendent~~ principal shall not be transferred to another low-performing school. The Secretary may, at any time, proceed under the State Personnel Act for the dismissal of any ~~superintendent~~ principal who is assigned to a low-performing school to which an assistance team has been assigned. The Secretary shall proceed under the State Personnel Act for the dismissal of any ~~superintendent~~ principal when the Secretary receives from the assistance team assigned to that school two consecutive evaluations that include written findings and recommendations regarding the ~~superintendent's~~ principal's inadequate performance. The Secretary shall order the dismissal of the ~~superintendent~~ principal if the Secretary determines from available information, including the findings of the assistance team, that the low performance of the school is due to the ~~superintendent's~~ principal's inadequate performance. The Secretary may order the dismissal of the ~~superintendent~~ principal if (i) the Secretary determines that the school has not made satisfactory improvement after the State Board assigned an assistance team to that school; and (ii) the assistance team makes the recommendation to dismiss the ~~superintendent.~~ principal. The Secretary may order the dismissal of a ~~superintendent~~ principal before the assistance team assigned to the ~~superintendent's~~ principal's school has evaluated that ~~superintendent~~ principal if the Secretary determines from other available information that the low performance of the school is due to the ~~superintendent's~~ principal's inadequate performance. The burden of proof is on the ~~superintendent~~ principal to establish that the factors leading to the school's low performance were not due to the ~~superintendent's~~ principal's inadequate performance. The burden of proof is on the Secretary to establish that the school failed to make satisfactory improvement after an assistance team was assigned to the school. Two consecutive evaluations that include written findings and recommendations regarding

that person's inadequate performance from the assistance team are substantial evidence of the inadequate performance of the ~~superintendent.~~ principal. Within 15 days of the Secretary's decision concerning the ~~superintendent,~~ principal, but no later than September 30, the Secretary shall submit to the State Board a written notice of the action taken and the basis for that action."

SECTION 6. G.S. 143B-146.8 reads as rewritten:

"**§ 143B-146.8. Evaluation of certificated personnel and ~~superintendents;~~ principals; action plans; State Board notification.**

(a) Annual Evaluations; Low-Performing Schools. – The ~~superintendent~~ principal shall evaluate at least once each year all certificated personnel assigned to a participating school that has been identified as low-performing but has not received an assistance team. The evaluation shall occur early enough during the school year to provide adequate time for the development and implementation of an action plan if one is recommended under subsection (b) of this section. If the employee is a teacher as defined under G.S. 115C-325(a)(6), either the principal or an assessment team assigned under G.S. 143B-146.9 shall conduct the evaluation. If the employee is a school administrator as defined under G.S. 115C-287.1(a)(3), the ~~superintendent~~ Superintendent shall conduct the evaluation.

Notwithstanding this subsection or any other law, the principal shall observe at least three times annually, a teacher shall observe at least once annually, and the principal shall evaluate at least once annually, all teachers who have not attained career status. All other employees defined as teachers under G.S. 115C-325(a)(6) who are assigned to participating schools that are not designated as low-performing shall be evaluated annually unless the Secretary adopts rules that allow specified categories of teachers with career status to be evaluated more or less frequently. The Secretary also may adopt rules requiring the annual evaluation of noncertificated personnel. This section shall not be construed to limit the duties and authority of an assistance team assigned to a low-performing school.

The Secretary shall use the State Board's performance standards and criteria unless the Secretary develops an alternative evaluation that is properly validated and that includes standards and criteria similar to those adopted by the State Board. All other provisions of this section shall apply if an evaluation is used other than one adopted by the State Board.

(b) Action Plans. – If a certificated employee in a participating school that has been identified as low-performing receives an unsatisfactory or below standard rating on any function of the evaluation that is related to the employee's instructional duties, the individual or team that conducted the evaluation shall recommend to the ~~superintendent~~ principal that: (i) the employee receive an action plan designed to improve the employee's performance; or (ii) the ~~superintendent~~ principal recommend to the Secretary that the employee be dismissed or demoted. The ~~superintendent~~ principal shall determine whether to develop an action plan or to recommend a dismissal proceeding. The person who evaluated the employee or the employee's supervisor shall develop the action plan unless an assistance team or assessment team conducted the evaluation. If an assistance team or assessment team conducted the evaluation, that team

shall develop the action plan in collaboration with the employee's supervisor. Action plans shall be designed to be completed within 90 instructional days or before the beginning of the next school year. The State Board, in consultation with the Secretary, shall develop guidelines that include strategies to assist in evaluating certificated personnel and developing effective action plans within the time allotted under this section. The Secretary may adopt policies for the development and implementation of action plans or professional development plans for personnel who do not require action plans under this section.

(c) Reevaluation. – Upon completion of an action plan under subsection (b) of this section, the ~~superintendent~~ principal or the assessment team shall evaluate the employee a second time. If on the second evaluation the employee receives one unsatisfactory or more than one below standard rating on any function that is related to the employee's instructional duties, the ~~superintendent~~ principal shall recommend that the employee be dismissed or demoted under G.S. 115C-325. The results of the second evaluation shall constitute substantial evidence of the employee's inadequate performance.

...

(f) Evaluation of ~~Superintendents.~~ Principals. – Each year the Secretary or the ~~Secretary's designee~~ Superintendent shall evaluate the ~~superintendents.~~principals."

SECTION 7. G.S. 143B-146.9 reads as rewritten:

"**§ 143B-146.9. Assessment teams.**

The State Board shall develop guidelines for the Secretary to use to create assessment teams. The Secretary shall assign an assessment team to every low-performing school that has not received an assistance team. The Secretary shall ensure that assessment team members are trained in the proper administration of the employee evaluation used in the participating schools. If service on an assessment team is an additional duty for an employee of a local school administrative unit or an employee of a residential school, the Secretary may pay the employee for that additional work.

Assessment teams shall:

(1) Conduct evaluations of certificated personnel in low-performing schools;

(2) Provide technical assistance and training to principals ~~and superintendents~~ who conduct evaluations of certificated personnel;

(3) Develop action plans for certificated personnel; and

(4) Assist principals ~~and superintendents~~ in the development and implementation of action plans."

SECTION 8. G.S. 143B-146.10 reads as rewritten:

"**§ 143B-146.10. Development of performance standards and criteria for certificated personnel.**

The State Board, in consultation with the Secretary, shall revise and develop uniform performance standards and criteria to be used in evaluating certificated personnel, including school administrators. These standards and criteria shall include improving student achievement, employee skills, and employee knowledge. The standards and

criteria for school administrators also shall include building-level gains in student learning and effectiveness in providing for school safety and enforcing student discipline. The Secretary shall develop guidelines for evaluating ~~superintendents.~~ principals. The guidelines shall include criteria for evaluating a ~~superintendent's~~principal's effectiveness in providing safe schools and enforcing student discipline."

SECTION 9. G.S. 143B-146.12 reads as rewritten:

"**§ 143B-146.12. Development and approval of school improvement plans.**

(a) In order to improve student performance, each ~~participating~~ school shall develop a school improvement plan that takes into consideration the annual performance goal for that school that is set by the State Board under G.S. 143B-146.3. The ~~superintendent,~~principal of each school, instructional personnel, and residential life personnel assigned to that school, and a minimum of five parents of children enrolled in the school shall constitute a school improvement team to develop a school improvement plan to improve student performance.

(a1) Representatives of the instructional and residential life personnel shall be elected by their respective groups by secret ballot.

(b) Parents shall be elected by parents of children enrolled in the school in an election conducted by the parent and teacher organization of the school or, if none exists, by the largest organization of parents formed for this purpose. To the extent possible, parents serving on school improvement teams shall reflect the composition of the students enrolled in that school. No more than two parents may be employees of the school. Parental involvement is a critical component of school success and positive student achievement; therefore, it is the intent of the General Assembly that parents, along with ~~teachers,~~instructional and residential life personnel, have a substantial role in developing school improvement plans. To this end, school improvement team meetings shall be held at a convenient time to assure substantial parent participation. Parents who are elected to serve on school improvement teams and who are not employees of the school shall receive travel and subsistence expenses in accordance with G.S. 138-5 and, if appropriate, may receive a stipend.

(c) The strategies for improving student performance shall include the following:

(1) A plan for the use of staff development funds that may be made available to the school ~~by the Secretary to meet the goals for that school under the ABC's Program and~~ to implement the school improvement plan. The plan may provide that a portion of these funds is used for mentor training and for release time and substitute teachers while teachers are meeting with mentors;

(1a) A plan for preparing students to read at grade level by the time they enter second grade. The plan shall require kindergarten and first grade teachers to notify parents or guardians when a child is not reading at grade level and is at risk of not reading at grade level by the time the child enters second grade. The plan may include the use of assessments to monitor students' progress in learning to read, strategies for teachers and parents to implement that will help students improve

and expand their reading ability, and provide for the recognition of teachers and strategies that appear to be effective at preparing students to read at grade level.

(2) A comprehensive plan to encourage parent involvement.

(3) A safe school plan designed to provide that the school is safe, secure, and orderly, that there is a climate of respect in the school, and that appropriate personal conduct is a priority for all students and all residential school personnel. This plan shall include components similar to those listed in G.S. 115C-105.47(b).

(4) A plan that specifies the effective instructional practices and methods to be used to improve the academic performance of students identified as at risk of academic failure or at risk of dropping out of school.

(d) Support among affected staff members is essential to successful implementation of a school improvement plan to address improved student performance at that school. The ~~superintendent~~ principal of the school shall present the proposed school improvement plan to all of the instructional personnel assigned to the school for their review and vote. The vote shall be by secret ballot. The ~~superintendent~~ principal shall submit the school improvement plan to the Superintendent for presentation to the Secretary only if the proposed school improvement plan has the approval of a majority of the instructional personnel who voted on the plan.

(e) The Secretary shall accept or reject the school improvement plan. The Secretary shall not make any substantive changes in any school improvement plan that the Secretary accepts. If the Secretary rejects a school improvement plan, the Secretary shall state with specificity the reasons for rejecting the ~~plan;~~plan to the Superintendent to share with the principal; the school improvement team may then prepare another plan, present it to the instructional personnel assigned to the school for a vote, and submit it to the Superintendent for presentation to the Secretary to accept or reject. Within 60 days after the initial submission of the school improvement plan to the Secretary, the Secretary shall accept the plan or shall ~~designate a person to~~direct that the Superintendent work with the school improvement team to resolve the disagreements. If there is no resolution within 30 days, then the Secretary may develop a school improvement plan for the school; however, the General Assembly urges the Secretary to utilize the school's proposed school improvement plan to the maximum extent possible when developing this plan.

(f) A school improvement plan shall remain in effect for no more than three years; however, the school improvement team may amend the plan as often as is necessary or appropriate. If, at any time, any part of a school improvement plan becomes unlawful or the Secretary finds that a school improvement plan is impeding student performance at a school, the Secretary may vacate the relevant portion of the plan and may direct the school to revise that portion. The procedures set out in this section shall apply to amendments and revisions to school improvement plans.

(g) Any funds the Secretary makes available to a school to meet the goals for that school under the ABC's Program and to implement the school improvement plan at that school shall be used in accordance with those goals and the school improvement plan.

(h) The ~~Secretary,~~ Superintendent, in consultation with the State Board, shall develop a list of recommended strategies that it determines to be effective which building level committees may use to establish parent involvement programs designed to meet the specific needs of their schools.

(i) Once developed, the ~~Secretary~~ principal shall ensure the plan is available and accessible to parents and the school community."

SECTION 10. G.S. 143B-146.15 reads as rewritten:

"**§ 143B-146.15. Duty to report certain acts to law enforcement.**

When the ~~superintendent~~ principal has personal knowledge or actual notice from residential school personnel or other reliable source that an act has occurred on school property involving assault resulting in serious personal injury, sexual assault, sexual offense, rape, kidnapping, indecent liberties with a minor, assault involving the use of a weapon, possession of a firearm in violation of the law, possession of a weapon in violation of the law, or possession of a controlled substance in violation of the law, the ~~superintendent~~ principal shall immediately report the act to the appropriate local law enforcement agency. Failure to report under this section is a Class 3 misdemeanor. For purposes of this section, "school property" shall include any building, bus, campus, grounds, recreational area, or athletic field, in the charge of the ~~superintendent~~ principal or while the student is under the supervision of school personnel. It is the intent of the General Assembly that the ~~superintendent~~ principal notify the Secretary or the ~~Secretary's designee~~ Superintendent of any report made to law enforcement under this section."

SECTION 11. This act becomes effective July 1, 2005.

NORTH CAROLINA HOUSE OF REPRESENTATIVES
COMMITTEE MEETING NOTICE
2005-2006 SESSION

You are hereby notified that the Committee on **Education** will meet as follows:

DAY & DATE: **Tuesday, June 28, 2005**

TIME: **11:00 AM**

LOCATION: **643 LOB**

The following bills will be considered (Bill # & Short Title & Bill Sponsor):

SB - 566 Facilitate Comm. Coll. Learn & Earn Prog. - Senator Lucas

SB - 630 Residential Schools Like Other Public Schools - Senator Swindell

Respectfully,

Representatives Bell, Lucas, McLawhorn
Chairs

I hereby certify this notice was filed by the committee clerk at the following offices at **11:00 A. M.** on **June 23, 2005**.

___Principal Clerk
___Reading Clerk - House Chamber

Carolyn Edwards (Committee Assistant)

AGENDA

HOUSE EDUCATION COMMITTEE

June 28, 2005
11:00 A.M.
Room 643 LOB

Representative Larry M. Bell
Presiding Chair

CALL TO ORDER

OPENING REMARKS

BILLS TO BE CONSIDERED:

SB 566 – Facilitate Comm. Coll. Learn & Earn Prog – Sen. Lucas

SB 630 – Residential Schools Like Other Public Schools – Sen. Swindell

ADJOURNMENT

Chairs:
Representative L. Bell
Representative M. Lucas
Representative M. McLawhorn

VISITOR REGISTRATION SHEET

EDUCATION — June 28, 2005

Name of Committee — **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Michael Horner	NCAE
Greg Mathot	RT
Marcus Davis	NCAE
Ken Whitehurst	NCCCS
Kenan Briggs	NCCCS
Jami Fitzgerald	NCFPC
Stephanie Erba	SBE
Alex Wilson	Edmisten + Webb
[illegible]	[illegible]
Kyle Bryant	NCCCS
Joel Mayo	[illegible]

VISITOR REGISTRATION SHEET

EDUCATION — June 28, 2005

Name of Committee — **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Molly Ryan	NCSBA
Leann Winn	NCSBB
Cecil Banks	NCAE
Cynthia Barnett	DHHS
Roz Savitt	NCCCS
Andrea Schrag	KT
Tina Nixon	SBE/DPI
Ann McArthur	Governor's Off.
Hilary Arthur	NCASA
Stella McKinney	NC DHHS
Don McCorquodale	SAS
J B Buxton	Gov's office

VISITOR REGISTRATION SHEET

EDUCATION — June 28, 2005

Name of Committee — **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Kevin FitzGerald	UNC
John Holton	Intern
Sam Watts	NC Center for Public Policy Research

2005-2006

HOUSE EDUCATION

COMMITTEE MINUTES

HOUSE EDUCATION COMMITTEE MINUTES
Tuesday, July 17, 2005
Room 643 LOB
11:00 a.m.

Rep. Lucas called the meeting to order and introduced the Pages and Sergeant-at-Arms (sheets attached).

Senator Purcell was called on to explain **SB 961 Child Nutrition Standards**. The bill was explained and Dr. Ben Matthews, Director of School Support, DPI, and committee members made several comments/questions. Rep. Womble made motion for a favorable report. The motion passes. Rep. Insko is to handle the bill on House Floor.

SB 408 Study Ways to Reduce Dropout Rate. – Rep. Allen made motion to accept the PCS. Rep. Lucas declares the PCS is properly before us. Senator Bingham was called on to explain the bill. Comments/questions made by members and staff. Rep. McAllister moved for adoption of an amendment to the PCS. Amendment passes. Rep. Cole moved to adopt the amendment. The amendment passes. Rep. Lucas will handle bill on House Floor.

Rep. Womble introduced government and education officials from Kenya, Africa. Rep. Lucas welcomed them and thanked them for coming to Education Committee meeting.

Meeting adjourned.

Respectfully submitted,

Marvin W. Lucas

Marvin W. Lucas, Chairing

Thelma T. Utley

Thelma T. Utley, Committee Assistant

2005 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES

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

By Representative Bell, Lucas, McLawhorn (Chairs) for the Committee on EDUCATION.

☐ Committee Substitute for

SB 408 A BILL TO BE ENTITLED AN ACT DIRECTING THE STATE BOARD OF EDUCATION TO IDENTIFY RESEARCH-BASED METHODS TO REDUCE THE DROPOUT RATE.

☒ With a favorable report as to House committee substitute bill, which changes the title, unfavorable as to the original bill..

(FOR JOURNAL USE ONLY)

_____ Pursuant to Rule 32(a), the bill/resolution is re-referred to the Committee on _____.

_____ Pursuant to Rule 36(b), the (House/Senate) committee substitute bill/(joint) resolution (No._____) is placed on the Calendar of _____. (The original bill resolution No._____) is placed on the Unfavorable Calendar.

_____ The (House) committee substitute bill/(joint) resolution (No. ____) is re-referred to the Committee on _____. (The original bill/resolution) (House/Senate Committee Substitute Bill/(Joint) resolution No. ___) is placed on the Unfavorable Calendar.

_____ Pursuant to Rule 32(a), the bill/resolution is re-referred to the Committee on _____.

_____ Pursuant to Rule 36(b), the bill/resolution is placed on the Calendar of _____.

HOUSE EDUCATION COMMITTEE MEETING
AGENDA
Tuesday, July 19, 2005
Room 643 LOB
11:00 a.m.

CALL TO ORDER – Rep. Lucas, Presiding

INTRODUCTIONS

BILLS TO BE CONSIDERED

S 961 - Child Nutrition Standards – Senator Purcell

S 408 - Study Ways to Reduce Dropout Rate - Senator Bingham

ADJOURNMENT

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2005

S 1

SENATE BILL 408

Short Title:	Study Ways to Reduce Dropout Rate.	(Public)
Sponsors:	Senators Bingham; Albertson, Apodaca, Berger of Rockingham, Blake, Brown, Cowell, East, Forrester, Garwood, Hagan, Jacumin, Jenkins, Kinnaird, Pittenger, Presnell, Smith, and Stevens.	
Referred to:	Education/Higher Education.	

March 7, 2005

A BILL TO BE ENTITLED

AN ACT DIRECTING THE STATE BOARD OF EDUCATION TO IDENTIFY RESEARCH-BASED METHODS TO REDUCE THE DROPOUT RATE.

The General Assembly of North Carolina enacts:

SECTION 1. The State Board of Education shall identify research-based methods to reduce the dropout rate, especially in high-poverty schools with diverse student populations. As part of its study, the State Board shall review the research for best practices, effective policies, and model programs in areas such as (i) academic rigor in the curriculum, (ii) early identification of at-risk students, (iii) effective supplemental services for at-risk students, (iv) school size, (v) school climate, and (vi) adolescent literacy programs, as they relate to a reduction in the dropout rate.

The State Board shall report its findings to the Joint Legislative Education Oversight Committee by January 2006.

SECTION 2. This act becomes effective July 1, 2005.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2005

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SENATE BILL 408
PROPOSED HOUSE COMMITTEE SUBSTITUTE S408-CSSF-33 [v.1]

7/15/2005 10:21:30 AM

Short Title: Study Ways to Reduce Dropout Rate. (Public)

Sponsors:

Referred to:

March 7, 2005

A BILL TO BE ENTITLED

AN ACT DIRECTING THE STATE BOARD OF EDUCATION TO IDENTIFY RESEARCH-BASED METHODS TO REDUCE THE DROPOUT RATE.

The General Assembly of North Carolina enacts:

SECTION 1. The State Board of Education shall identify research-based methods to reduce the dropout rate, especially in high-poverty schools with diverse student populations. As part of its study, the State Board shall review the research for best practices, effective policies, and model programs in areas such as (i) academic rigor in the curriculum, (ii) early identification of at-risk students, (iii) effective supplemental services for at-risk students, (iv) school size, (v) school climate, and (vi) adolescent literacy programs, as they relate to a reduction in the dropout rate.

The State Board shall report its findings to the Joint Legislative Education Oversight Committee by January 2006.

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

SENATE BILL 408:
Study Ways to Reduce Dropout Rate

BILL ANALYSIS

Committee:	House Education	**Date:**	July 19, 2005
Introduced by:	Sen. Bingham	**Summary by:**	Shirley Iorio, Ph D
Version:	PCS to the First Edition S408-CSSF-33 [v.1]		Legislative Analyst

SUMMARY: ***Senate Bill 408 would require the State Board of Education to identify research-based methods to reduce the dropout rate and report its findings to the Joint Legislative Education Oversight Committee by January 2006.***

The PCS changes the effective date from July 1, 2005 to "when it becomes law".

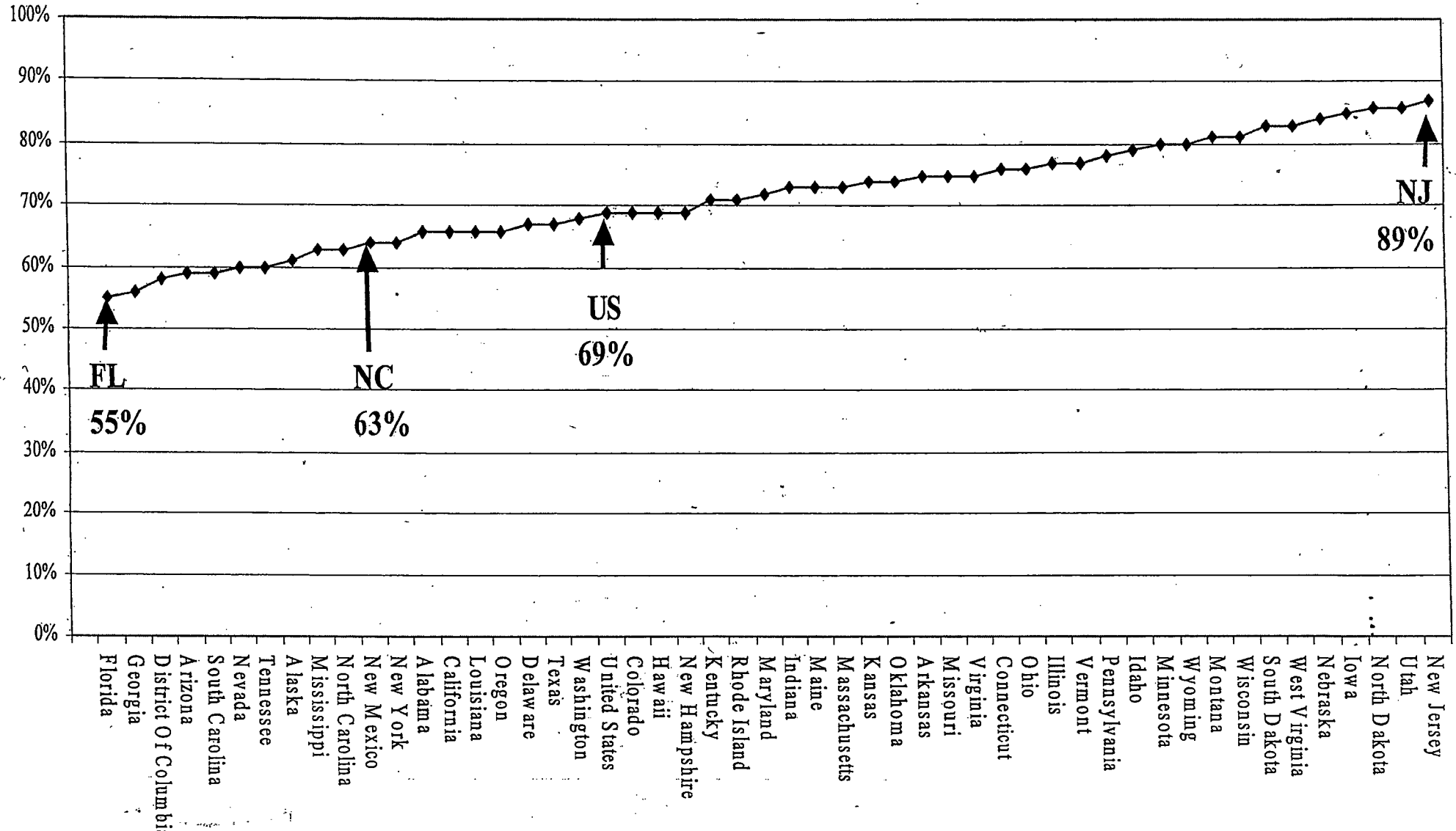
BACKGROUND/BILL ANALYSIS: National data as well as North Carolina data show that certain groups of students are particularly vulnerable to dropping out of school. Those high-risk groups include males, non-English speakers, Native Americans, Hispanics and African Americans. In North Carolina, most dropout events occur at ninth grade. Young people who drop out of high school are probably not going to have the minimum skills necessary to function in today's society and workplace and therefore are more likely than high school completers to be unemployed.

Many states, including North Carolina, are struggling with finding ways to reduce the dropout rate and encourage high school completion. Senate Bill 408 requires the State Board of Education (State Board) to identify effective ways to reduce the dropout rate, especially in high-poverty schools with diverse student populations. The State Board must review best practices, effective policies, and model programs, as they relate to a reduction in the dropout rate, in such areas as:

- Academic rigor in the curriculum;
- Early identification of at-risk students;
- Effective supplemental services for at-risk students;
- School size;
- School climate; and
- Adolescent literacy programs

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

Public High School Graduation Rates by State: 2000



2005 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES

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

By Representative Bell, Lucas, McLawhorn (Chairs) for the Committee on EDUCATION.

☒Committee Substitute for

SB 961 A BILL TO BE ENTITLED AN ACT TO ESTABLISH A STATEWIDE STANDARD FOR VENDING PRODUCTS SOLD DURING THE SCHOOL DAY, AS RECOMMENDED BY THE STUDY COMMITTEE FOR CHILDHOOD OVERWEIGHT/OBESITY OF THE HEALTH AND WELLNESS TRUST FUND.

☒ With a favorable report.

(FOR JOURNAL USE ONLY)

_____ Pursuant to Rule 32(a), the bill/resolution is re-referred to the Committee on _____.

_____ Pursuant to Rule 36(b), the bill/resolution is placed on the Calendar of _____.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2005

S 3

SENATE BILL 961*

Education/Higher Education Committee Substitute Adopted 5/25/05
Third Edition Engrossed 5/31/05

Short Title: Child Nutrition Standards. (Public)

Sponsors:

Referred to:

March 24, 2005

A BILL TO BE ENTITLED

AN ACT TO ESTABLISH A STATEWIDE STANDARD FOR VENDING PRODUCTS SOLD DURING THE SCHOOL DAY, AS RECOMMENDED BY THE STUDY COMMITTEE FOR CHILDHOOD OVERWEIGHT/OBESITY OF THE HEALTH AND WELLNESS TRUST FUND.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 115C-264 reads as rewritten:

"**§ 115C-264. (Effective August 1, 2005) Operation.**

(a) In the operation of their public school ~~food~~ nutrition programs, the public schools shall participate in the National School Lunch Program established by the federal government. The program shall be under the jurisdiction of the Division of School ~~Food~~ Support, Child Nutrition Services of the Department of Public Instruction and in accordance with federal guidelines as established by the ~~Child Nutrition Division~~ Food and Nutrition Service of the United States Department of Agriculture.

(b) For nutritional purposes, the public schools shall not (i) use cooking oils in their school food programs that contain trans-fatty acids or (ii) sell processed foods containing trans-fatty acids that were formed during the commercial processing of the foods.

~~Each school may, with the approval of the local board of education, sell soft drinks to students so long as soft drinks are not sold (i) during the lunch period, (ii) at elementary schools, or (iii) contrary to the requirements of the National School Lunch Program.~~

(c) All school food services shall be operated on a nonprofit basis, and any earnings therefrom over and above the cost of operation as defined herein shall be used to reduce the cost of food, to serve better food, or to provide free or reduced-price lunches to indigent children and for no other purpose. The term "cost of operation"~~shall be defined as~~ means the actual cost incurred in the purchase and preparation of food, the salaries of all personnel directly engaged in providing food services, and the cost of

nonfood supplies as outlined under standards adopted by the State Board of Education. "Personnel" ~~shall be defined as food service~~ means child nutrition supervisors or directors, bookkeepers directly engaged in food service record keeping and those persons directly involved in preparing and serving ~~food: Provided, that food service~~ food. Child nutrition personnel shall be paid from the funds of food services only for services rendered in behalf of ~~lunchroom services.~~ the child nutrition program. Any cost incurred in the provisions and maintenance of school food services over and beyond the cost of operation shall be included in the budget request filed annually by local boards of education with boards of county commissioners. Public schools are not required to comply with G.S. 115C-522(a) in the purchase of supplies and food for such school food services."

SECTION 2. Part 2 of Article 17 of Chapter 115C of the General Statutes is amended by adding the following new section to read:

"**§ 115C-264.2. Vending machine sales.**

(a) Each school may, with the approval of the local board of education, sell to students beverages in vending machines during the school day so long as:

(1) Soft drinks are not sold (i) during the breakfast and lunch periods, (ii) at elementary schools, or (iii) contrary to the requirements of the National School Lunch Program;

(2) Sugared carbonated soft drinks, including mid-calorie carbonated soft drinks, are not offered for sale in middle schools;

(3) Not more than fifty percent (50%) of the offerings for sale to students in high schools are sugared carbonated soft drinks;

(4) Diet carbonated soft drinks are not considered in the same category as sugared carbonated soft drinks; and

(5) Bottled water products are available in every school that has beverage vending.

(b) Nothing in subsection (a) of this section prohibits a school from adopting stricter policies with respect to beverage vending.

(c) Snack vending in all schools shall, by school year 2006-2007, meet the Proficient Level of the NC Eat Smart Nutrition Standards, such that in elementary schools, no snack vending is available to students, and in middle and high schools, seventy-five percent (75%) of snack vending products have not more than 200 calories per portion or snack vending package.

SECTION 3. This act becomes effective August 1, 2005, and applies to contracts for vending services executed or renewed on and after that date.

SENATE BILL 961:
Child Nutrition Standards

BILL ANALYSIS

Committee:	House Education	**Date:**	July 18, 2005
Introduced by:	Sen. Purcell	**Summary by:**	Drupti Chauhan*
Version:	Third Edition		Committee Counsel

SUMMARY: ***Senate Bill 961 is a recommendation of the Study Committee for the Prevention and Treatment of Childhood Overweight/Obesity in North Carolina established by the North Carolina Health and Wellness Trust Fund. The bill would establish statewide standards for the sale of soft drinks and snacks in school vending machines.***

CURRENT LAW: G.S. 115C-264, which governs the public schools nutrition program, allows schools, subject to the approval of their local board of education, to sell soft drinks to students with the following limitations: (i) they cannot be sold during the lunch period; (ii) they cannot be sold at elementary schools; and (iii) they must be in compliance with the requirements of the federal National School Lunch Program.

The schools' purchases of soft drinks and snack foods are subject to the requirements of Article 8 of Chapter 143 of the General Statutes, which govern public contracts. In addition, G.S. 143-64 specifically requires local school administrative units, community colleges, and UNC's constituent institutions to competitively bid contracts involving the sale of juice or bottled water. A provision added last year requires these sales to be bid separately from one another and separately from any other contract, including contracts for other beverages or vending machine services.

An elementary school is one that has all or part of grades one through eight and has a kindergarten or other early childhood program. A middle school is one that has all or part of grades six through nine. A high school is one that includes all or part of grades nine through twelve and that offers the minimum high school course of study.

BILL ANALYSIS: Senate Bill 961 would amend G.S. 115C-264 to make technical changes and to delete the provision that authorizes schools to sell soft drinks. Section 2 of the bill would create a new G.S. 115C-264.2 that would govern vending machine sales. This new law would include the provision for the sale of soft drinks that currently is in G.S. 115C-264 and would add new requirements. The law would set the following requirements for beverages that are sold in vending machines in public schools:

- Soft drinks cannot be sold during the breakfast and lunch periods
- Soft drinks cannot be sold contrary to the requirements of the National School Lunch Program.
- Soft drinks cannot be sold at elementary schools.
- Sugared carbonated soft drinks may not be sold in a middle school.
- Sugared carbonated soft drinks in high school are limited to a maximum of 50% of the offerings.
- Diet carbonated soft drinks are not in the same category as sugared carbonated soft drinks.
- Bottled water products must be available in all schools that have beverage vending.

The bill would specify that these requirements apply to beverage vending during the school day. The bill would also permit schools to adopt stricter policies for beverage vending.

The bill also would provide that by the 2006-2007 school year, there would be no snack vending available to students in elementary schools and 75% of the snack vending products available in middle and high schools will have no more than 200 calories per portion or package.

EFFECTIVE DATE: Senate Bill 961 would become effective August 1, 2005, and would apply to contracts for vending services executed or renewed on or after that date.

BACKGROUND: The General Assembly created the North Carolina Health and Wellness Trust Fund (NCHWTF) as one of three entities to invest North Carolina's portion of the Tobacco Master Settlement Agreement. By statute, it is composed of persons in public health, operation of healthcare delivery systems, healthcare practice, health research, tobacco-related healthcare issues, health promotion and disease prevention, health policy trends, healthcare for underserved populations, and child healthcare.

The NCHWTF established a study committee to address the State's overweight/obesity epidemic among children and youth. The bill is a recommendation from this committee.

** Robin Johnson, Committee Counsel to House Education, substantially contributed to this summary.*

S0961e3-SMRQ

§ 115C-522. Provision of equipment for buildings.

(a) It shall be the duty of local boards of education to purchase or exchange all supplies, equipment, and materials, and these purchases shall be made in accordance with Article 8 of Chapter 143 of the General Statutes. These purchases may be made from contracts made by the Department of Administration. Title to instructional supplies, office supplies, fuel and janitorial supplies, enumerated in the current expense fund budget and purchased out of State funds, shall be taken in the name of the local board of education which shall be responsible for the custody and replacement: Provided, that no contracts shall be made by any local school administrative unit for purchases unless provision has been made in the budget of the unit to pay for the purchases, unless surplus funds are on hand to pay for the purchases, or unless the contracts are made pursuant to G.S. 115C-47(28) and G.S. 115C-528 and adequate funds are available to pay in the current fiscal year the sums obligated for the current fiscal year. The State Board of Education shall adopt rules regarding equipment standards for supplies, equipment, and materials related to student transportation. The State Board may adopt guidelines for any commodity that needs safety features. If a commodity that needs safety features is available on statewide term contract, any guidelines adopted by the State Board must at a minimum meet the safety standards of the statewide term contract. Compliance with Article 8 of Chapter 143 of the General Statutes is not mandatory for the purchase of published books, manuscripts, maps, pamphlets, and periodicals.

(1) Where competition is available, local school administrative units may utilize the:

a. E-Quote service of the NC E-Procurement system as one means of solicitation in seeking informal bids for purchases subject to the bidding requirements of G.S. 143-131; and

b. Division of Purchase and Contract's electronic Interactive Purchasing System as one means of advertising formal bids on purchases subject to the bidding requirements of G.S. 143-129 and applicable rules regarding advertising. This sub-subdivision does not prohibit a local school administrative unit from using other methods of advertising.

(2) In order to provide an efficient transition of purchasing procedures, the Secretary of the Department of Administration and the local school administrative units shall establish a local school administrative unit purchasing user group. The user group shall be comprised of a proportionate number of representatives from the Department of Administration and local school administrative unit purchasing and finance officers. The user group shall examine any issues that may arise between the Department of Administration and local school administrative units, including the new relationship between the Department and the local school administrative units, the appropriate exchange of information, the continued efficient use of E-Procurement, appropriate bid procedures, and any other technical assistance that may be necessary for the purchase of supplies and materials.

(b) It shall be the duty of the local boards of education to provide suitable school furniture and apparatus, as provided in G.S. 115C-521(b).

(c) It shall be the duty of local boards of education and tax-levying authorities to provide suitable supplies for the school buildings under their jurisdictions. These shall include, in addition to the necessary instructional supplies, proper window shades, blackboards, reference books, library equipment, maps, and equipment for teaching the sciences.

Likewise, it shall be the duty of said boards of education and boards of county commissioners to provide every school with a good supply of water, approved by the Department of Environment and Natural Resources, and where such school cannot be connected to water-carried sewerage facilities, there shall be provided sanitary privies for the boys and for the girls according to specifications of the Commission for Health Services. Such water supply and sanitary privies shall be considered an essential and necessary part of the equipment of each public school and may be paid for in the same manner as desks and other essential equipment of the school are paid for.

ATTENDANCE

Education

(Name of Committee)

DATES	03/15/05	04/05/05	04/07/05	04/12/05	05/03/05	05/17/05	05/17/05	06/01/05	07/19/05
BELL, Larry	x	x	x	x	x	x	x	x	x
LUCAS, Marvin	x	x	x	x	x	x	x	x	x
McLAWHORN, Marian	x	x	x	x	x	x	x	x	x
ADAMS, Alma	x	x	x	x	x	x	x	x	x
ALLEN, Bernard	x	x	x	x	x	x	x	x	x
BLACKWOOD, Curtis	x	x		x	x	x	x		x
BORDSEN, Alice	x	x	x	x	x	x	x	x	x
BROWN, Larry					x	x	x	x	x
CARNEY, Becky	x	x	x	x	x	x	x	x	x
CLEVELAND, George	x	x	x	x	x	x	x	x	x
COLE, Nelson	x	x	x	x	x	x	x	x	x
COLEMAN, Linda	x	x	x	x	x	x	x	x	x
CRAWFORD, James	x				x				
DAUGHTRIDGE, William	x	x		x	x	x		x	x
DICKSON, Margaret	x	x	x	x	x	x	x	x	x
DOCKHAM, Jerry		x		x	x	x			x
ENGLAND, Bob	x		x	x	x	x	x	x	x
FISHER, Susan	x	x	x	x	x	x	x	x	x
FOLWELL, Dale	x	x		x	x	x	x	x	x
FRYE, Phillip	x	x	x	x	x	x	x	x	x
GLAZIER, Rick	x	x	x	x	x	x	x	x	
GOFORTH, Bruce	x	x	x	x	x	x	x	x	x
WADE-GOODWIN, Melanie	x	x		x	x	x		x	x
GRADY, Robert									
HARRELL, James	x								
HARRISON, Pricey	x	x	x	x	x	x	x	x	x

DATES	03/15/05	04/05/05	04/07/05	04/12/05	05/03/05	05/17/05	05/17/05	06/01/05	07/19/05
HILTON, Mark	x	x	x	x	x	x	x	x	x
HOLLO, Mark	x	x	x	x	x	x		x	x
HOLLOWAY, Bryan	x	x	x	x	x				
HOLMES, George	x			x	x				
INSKO, Verla	x			x	x		x	x	
JEFFUS, Maggie	x	x	x	x	x	x	x	x	x
JOHNSON, Linda	x		x	x		x	x		x
JUSTICE, Carolyn	x	x	x	x	x	x			
LANGDON, James	x	x	x	x	x	x	x	x	x
LUEBKE, Paul	x	x	x	x	x	x			
MARTIN, Grier	x	x	x	x	x	x	x	x	x
McALLISTER, Mary	x	x	x	x	x	x	x	x	x
MICHAUX, Mickey		x	x	x		x			
NYE, Edd	x	x	x	x	x	x			
PARMON, Earline	x		x	x	x	x	x		x
PATE, Louis	x	x	x	x	x	x	x	x	x
PRESTON, Jean	x		x		x	x			
RAPP, Raymond	x	x	x	x	x	x	x	x	x
RAY, Karen	x	x	x	x	x	x			
SAULS, John			x		x	x	x	x	
STILLER, Bonner		x	x	x	x	x	x	x	x
TOLSON, Joe	x	x	x	x	x	x	x	x	
WALKER, Tracy	x	x	x		x	x		x	x
WARREN, Edith	x		x		x	x			x
WILEY, Laura	x	x	x	x	x	x		x	x
WILKINS, Winkie	x	x	x	x	x	x	x	x	x

DATES	03/15/05	04/05/05	04/07/05	04/12/05	05/03/05	05/17/05	05/17/05	06/01/05	07/19/05
WOMBLE, Larry	x	x	x	x	x	x	x	x	x
WRAY, Michael	x	x		x	x	x	x	x	x
YONGUE, Douglas	x	x	x	x	x	x	x	x	
CULPEPPER, Bill									
CUNNINGHAM, Pete			x	x		x			
EDDINS, Rick									
HACKNEY, Joe									
Dee Atkinson	x		x		x	x	x	x	x
Drupti Chauhan	x		x		x	x	x	x	x
Shirley Iorio	x		x		x	x	x	x	x
Robin Johnson	x		x		x	x	x	x	x
Sara Kamprath	x		x		x	x	x	x	x

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Education — 7-19-05

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ON
EDUCATION
2006 SESSION

Volume 1

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2005 – 2006 SESSION



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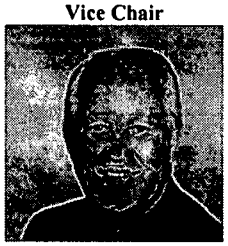
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HOUSE EDUCATION COMMITTEE
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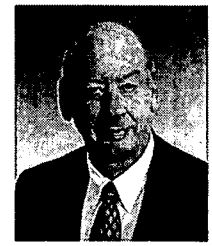

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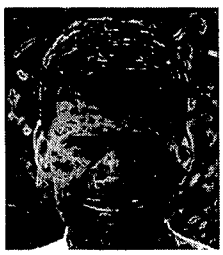

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NORTH CAROLINA GENERAL ASSEMBLY

HOUSE EDUCATION COMMITTEE
2005 – 2006 SESSION


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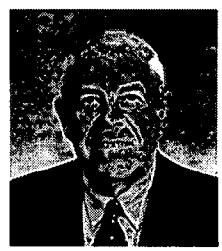

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Holmes, George	Glenda Jacobs	733-5654	1211	102
Insko, Verla	Pam Evans	733-7208	2121	70

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HOUSE COMMITTEE ON EDUCATION

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Justice, Carolyn	Vivian Sherrell	715-9664	418B	16
Langdon, James	Jackson Stancil	733-5849	503	101
Luebke, Paul	Joyce Harris	733-7663	529	44
Martin, Grier	Charlotte Graham	733-5758	2123	95
McAllister, Mary	Johnna Smith	733-5959	638	58
Michaux, Mickey	Anita Wilder	715-2528	1227	57
Nye, Edd	Jo Bobbitt	733-5477	639	23
Pate, Louis	Edna Pearce	733-5755	607	63
Rapp, Ray	Dot Barber	733-5732	2213	77
Ray, Karen	Mary Ann Norwood	733-5741	1025	75
Stiller, Bonner	Carla Farmer	733-5974	508	52
Tolson, Joe	Shirley Phillips	715-3024	402	59
Walker, Tracy	Barbara Powell	733-5935	1111	39
Warren, Edith	Nancy Willis	715-3023	416A	35
Wiley, Laura	Susan Brothers	733-5877	538	88
Wilkins, Winkie	Nancy Brantley	715-0850	1301	71
Womble, Larry	Dorothy McLean	733-5777	537	56
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Yongue, Douglas	Katie Stanley	733-5821	1303	84
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Cunningham, Pete	Valerie Rustin	733-5778	541	7
Eddins, Rick	Susan Phillips	733-5828	1002	26
Hackney, Joe	Emily Reynolds	733-5752	2207	69
Staff	**Research**			
Dee Atkinson	Assistant	733-2578	545	
Drupti Chauhan	Attorney	733-2578	545	
Shirley Iorio	Legislative Analyst	733-2578	545	
Robin Johnson	Attorney	733-2578	545	
Sara Kamprath	Legislative Analyst	733-2578	545	
Legislative Assistants	**Office**			
Susan Burleson	Rep. McLawhorn	733-5757	1217	
Carolyn Edwards	Rep. Bell	733-5863	530	
Thelma Utley	Rep. Lucas	733-5775	1323	

NORTH CAROLINA HOUSE OF REPRESENTATIVES
COMMITTEE MEETING NOTICE AND
BILL SPONSOR NOTIFICATION
2005-2006 SESSION

You are hereby notified that the Committee on **EDUCATION** will meet as follows:

DAY & DATE: **Tuesday, May 16, 2006**

TIME: **11:00am**

LOCATION: **643 LOB**

The following bills will be considered (Bill # & Short Title & Bill Sponsor):

Respectfully,

Representatives Bell, Lucas, McLawhorn
Chairs

I hereby certify this notice was filed by the committee assistant at the following offices at **2:00 p.m.** on **Wednesday, May 10 2006.**

___Principal Clerk
___Reading Clerk - House Chamber

Susan Burleson (Committee Assistant)

HOUSE EDUCATION COMMITTEE MEETING

Tuesday, May 16, 2006
Room 643 LOB
11:00 AM

OPENING REMARKS AND INTRODUCTIONS

Representative Marian McLawhorn, Co-Chair, Presiding
Representative Larry Bell, Co-Chair
Representative Marvin Lucas, Co-Chair

AGENDA ITEMS

"Learning from India" presented by the Public School Forum and the Center for International Understanding

ADJOURNMENT

ATTENDANCE

Education

(Name of Committee)

DATES	5-16-06														
BELL, Larry	X														
LUCAS, Marvin	X														
McLAWHORN, Marian	X														
ADAMS, Alma	X														
ALLEN, Bernard	X														
BLACKWOOD, Curtis	X														
BORDSEN, Alice	X														
BROWN, Larry	X														
CARNEY, Becky	X														
CLEVELAND, George	X														
COLE, Nelson	X														
COLEMAN, Linda	X														
CRAWFORD, James	X														
DAUGHTRIDGE, William	X														
DICKSON, Margaret	X														
DOCKHAM, Jerry															
ENGLAND, Bob	X														
FISHER, Susan	X														
FOLWELL, Dale	X														
FRYE, Phillip	X														
GLAZIER, Rick	X														
GOFORTH, Bruce	X														
GOODWIN, Melanie	X														
GRADY, Robert															
HARRELL, James															
HARRISON, Pricey															

DATES	5-16-06														
HILTON, Mark	X														
HOLLO, Mark	X														
HOLLOWAY, Bryan	X														
HOLMES, George															
INSKO, Verla	X														
JEFFUS, MAGGIE	X														
JOHNSON, Linda	X														
JUSTICE, Carolyn	X														
LANGDON, James	X														
LUEBKE, Paul															
MARTIN, Grier	X														
McALLISTER, Mary	X														
MICHAUX, Mickey															
NYE, Edd															
PARMON, Earline	X														
PATE, Louis	X														
PRESTON, Jean	X														
RAPP, Raymond	X														
RAY, Karen	X														
SAULS, John															
STILLER, Bonner	X														
TOLSON, Joe	X														
WALKER, Tracy	X														
WARREN, Edith	X														
WILEY, Laura	X														
WILKINS, Winkie	X														
WOMBLE, Larry	X														

DATES	5-16-06														
WRAY, Michael	X														
YONGUE, Douglas	X														
IORIO, SHIRLEY	X														
CHAUHAN, DRUPTI	X														
KAMPRATH, SARA	X														
ATKINSON, DEE															

MINUTES
HOUSE EDUCATION COMMITTEE

May 16, 2006
11:00AM Meeting

The House Education Committee met on Tuesday, May 16, 2006, in Room 643 of the Legislative Office Building at 11:00 AM. The following members were present: Chairs Bell, Lucas and McLawhorn, Vice Chairs Dickson, England, Glazier, Parmon, and Preston, Representatives Adams, Allen, Blackwood, Bordsen, Brown, Carney, Cleveland, Cole, Coleman, Crawford, Daughtridge, Fisher, Folwell, Frye, Goforth, Goodwin, Hilton, Hollo, Holloway, Insko, Jeffus, Johnson, Justice, Langdon, Martin, McAllister, Pate, Rapp, Ray, Stiller, Tolson, Walker, Warren, Wiley, Wilkins, Womble, Wray, and Yongue. Staff members present were Shirley Iorio, Drupti Chauhan, and Sara Kamprath. A Visitor Registration, House Page and Sergeant-At-Arms lists is attached and made part of these minutes.

Chairwoman Marian McLawhorn made introductions and called the meeting to order.

Chairwoman McLawhorn introduced Ms. Millie Ravenel, Executive Director for the University Of North Carolina Center Of International Understanding and Mr. John Dornan, Executive Director of the Public School Forum of North Carolina to present to the committee a presentation on "Learning from India". "Learning from India" is the result of the findings of a study of the education system and economy of India conducted by the International Studies Program, a collaboration of the Public School Forum and the Center for International Understanding that was made possible through financial support from the Burroughs Wellcome Fund and from the William R. Kenan Junior Charitable Trust. Please see attached brochure (Attachment 1) and PowerPoint presentation (Attachment 2) outlining the findings of this study. The overall result of these findings concluded that India's focus on mathematics, science and technology has positioned the country to play a larger role in the world economy. For North Carolina to insure a viable future for its citizens, it needs to put a similar focus on math, science and technology throughout its educational system.

Once Ms. Ravenel and Mr. Dornan finished their presentation, Chairwoman McLawhorn allowed members of the committee to ask questions. Representative Rapp asked the presenters if we should be looking at differentiated pay for teachers in math and science. Mr. Dornan answered that he didn't see any way around it because of supply and demand. He stated that there was a reason why we only graduated three people out of all of our colleges to teach physics because of the difference in pay between public and private sector. Representative Preston asked Mr. Dornan to expand on the culture of learning and also to describe the family structure in India. Mr. Dornan replied that the culture in India could not be more different than ours. He stated that arranged marriages still occur and young couples often still live at home with their parents. The family is very strong and there is a great deal of respect and yearning for an education. Discipline is not a problem and young people feel that they are letting their parents and teachers down if they do not excel. Representative Stiller stated that he agreed there was a need for higher pay for teachers who have a more mathematical and scientific background.

Chairwoman McLawhorn introduced to the committee Mr. David Murdoch, owner and CEO of Castle and Cooke, Incorporated and Dole Food Company. Mr. Murdoch briefly

addressed the committee about his building the North Carolina Research Campus located in Kannapolis, North Carolina. The research campus will house the University of North Carolina at Chapel Hill's Nutrition Institute, A Dole-North Carolina State Institute for Advanced Fruit and Vegetable Science, a campus of Rowan Cabarrus Community College, and a science and mathematics school for girls.

Chairwoman McLawhorn referred House Bill 1908 from the House Education Committee to the Education Subcommittee on Pre-school, Elementary and Secondary Education (See Attached Referral Form). With there being no further business, the chairwoman adjourned the meeting at 11:58AM.

Respectively submitted,

Representative Marian McLawhorn

Susan H. Burleson, Committee Assistant

Attachment 1



Learning from India

The findings of a study of the education system and economy of India conducted by the International Studies Program, a collaboration of the Public School Forum and the Center for International Understanding, that was made possible through financial support from the Burroughs Wellcome Fund and from the William R. Kenan, Jr. Charitable Trust.



Participants

James Barber; *Executive Director, LEARN NC, UNC-CH School of Education*

John H. Bishop; *Professor, Human Resources Studies Department, Cornell University*

Dr. Enriqueta Bond; *President, Burroughs Wellcome Fund*

Dr. Valerie Brown; *Vice President of Business Development; Topics Education*

Rep. Rebecca Carney; *NC General Assembly*

Sen. Janet Cowell; *NC General Assembly*

John Dornan; *Executive Director, Public School Forum of North Carolina*

Sen. Katie Dorsett; *NC General Assembly*

Edward Fiske; *Education Writer/Consultant*

Mimi Fletcher; *Director, Human Resources, Cisco Systems*

Dr. Ellen Greaves; *Executive Director, Professional Educators of North Carolina*

Meredith Henderson; *Program Manager, Education Initiative, The Center for International Understanding*

Diane Houston; *Teacher, Wake County Public Schools*

Dr. Samuel Houston; *President and CEO, NC Science, Mathematics and Technology Education Center*

Dr. Kenneth Jenkins; *Professor, School of Education, Appalachian State University*

Jo Ann Norris; *Associate Executive Director, Public School Forum of North Carolina*

Patricia Orrange; *President, Next Level Consulting Group*

Rep. Louis Pate; *NC General Assembly*

Clark Plexico; *Former Member NC Senate; President, Clark Plexico Consulting*

Millie Ravenel; *Executive Director, The Center for International Understanding*

John Tate; *Senior Vice President, Wachovia, Member, State Board of Education*

D. Carr Thompson; *Senior Program Officer, Burroughs Wellcome Fund*

Rep. Joe Tolson; *NC General Assembly*

Eszter Vajda; *Reporter/Anchor, UNC-TV*

Dr. A. Hope Williams; *President, NC Independent Colleges and Universities*

Rep. Douglas Yongue; *NC General Assembly*



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15	The Structure of Schools in India
17	Competitiveness: Admission to Institutes Comes at a Price
20	Differences Between Schools in India & NC
23	Implications for North Carolina
24	Lessons to be Learned from India
27	All That Glitters is Not Gold
28	For the U.S.: Dreams or Memories?





Executive Summary

- India's clarity of educational purpose is propelling the nation to a position of leadership in mathematics, science and technology.

- India's focus on mathematics, science and technology has positioned the country to play a larger role in the world economy. For North Carolina to insure a viable future for its citizens, it needs to put a similar focus on math, science and technology throughout its educational system.

- India's investment in its academically best and brightest students has given it a pool of highly-educated, highly-skilled workers that uniquely positions the country in today's global marketplace.

- India's emergence as a growing economic force in the global market serves as a wake up call to policymakers in North Carolina and the United States.

- India's under-investment in education for all students is creating a larger and larger gap between haves and have nots. Unlike India, North Carolina has the resources to invest heavily in its neediest, most at-risk students, while, at the same time, doing far more for its academically gifted.

- India's investment in its national Institutes for Management, Science and Technology came at the expense of millions of students who are denied a K-12 foundation of learning. Here again, the lesson for North Carolina is finding an investment balance that guarantees North Carolinians a world class education both at the K-12 foundation level, and at the state's colleges and universities.

- India's educational system has as a goal preparing its young people for a global marketplace. The question for North Carolina is whether its schools are doing all that they could and should to prepare its young people to succeed in a world that is, indeed, growing flatter by the day.

Foreword

A joint venture of the Public School Forum and the Center for International Understanding has enabled delegations of North Carolinians to study education in seven countries. With the support of the Burroughs Wellcome Fund and the William R. Kenan, Jr. Charitable Trust, the Forum and the Center's International Studies Program has attempted to isolate best educational practices in other countries with the goal of bringing back ideas that have the potential to strengthen the schools of North Carolina.

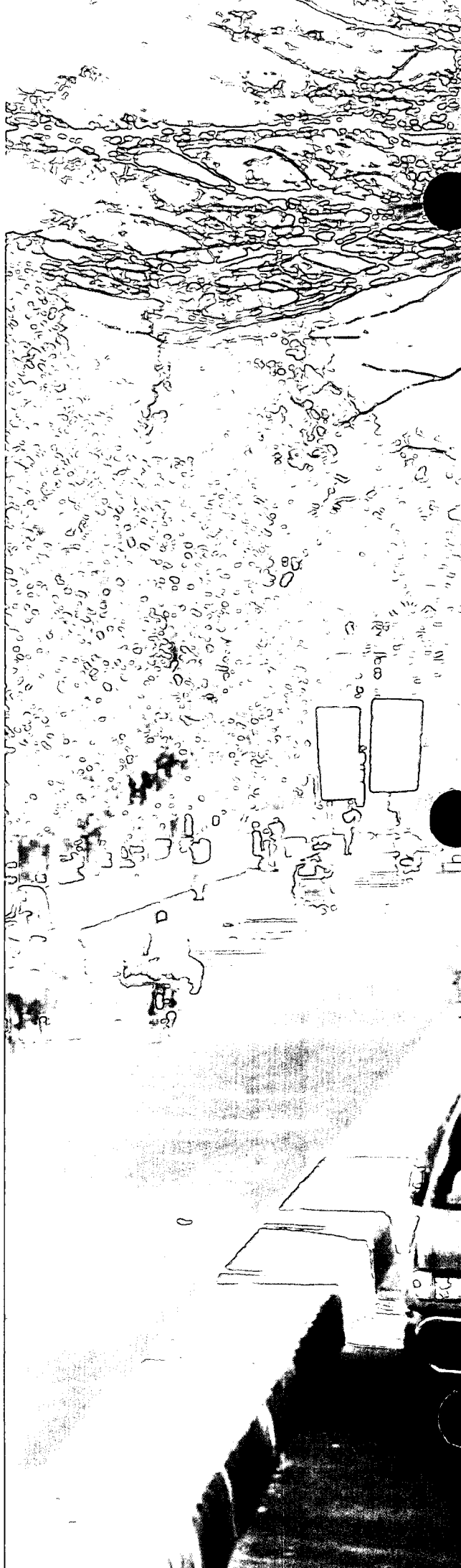
Previous studies have examined the educational systems of Great Britain, The Netherlands, Denmark, South Korea, Japan and China. Those studies have focused on a variety of issues, including long-range educational planning, teacher preparation, workforce development strategies and the impact of school choice, to name but a few.

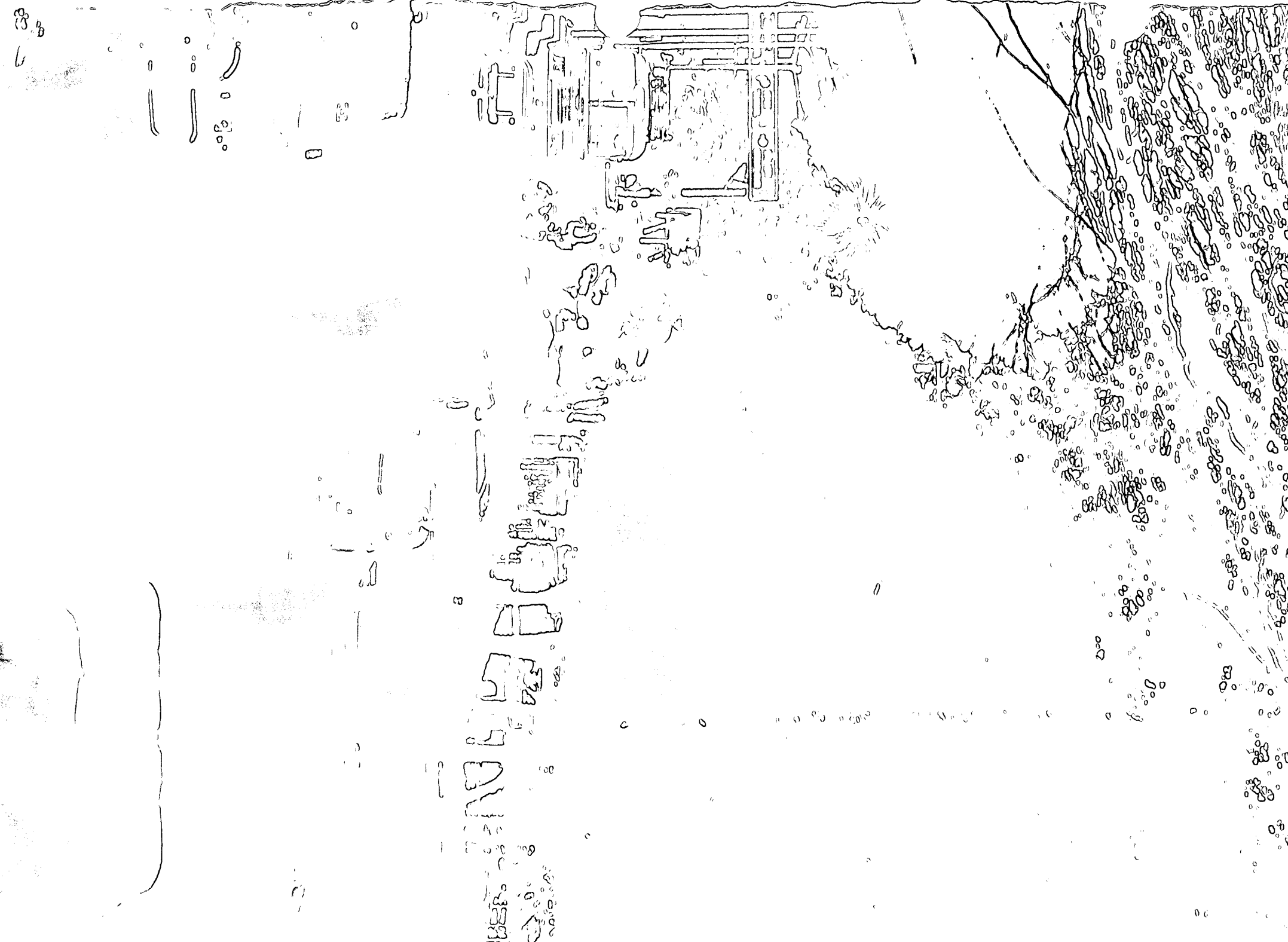
This study, the seventh in the series, had a very different focus that was inspired by *The World is Flat*, the best-selling analysis by Thomas Friedman of how economic globalization is changing the world. The book begins by describing how technology firms in Bangalore, India's equivalent of the United States' Silicon Valley, are carving out a larger and larger niche in the world economy. Throughout the book the emergence of India and China as up-and-coming economic powers is cited as one of the major global changes that has the potential to dramatically impact the economy of the United States.

A previous International Studies Program had focused on education in China, but, as *The World is Flat* makes clear, the educational and economic strategies employed by India vary greatly from those in China. It was decided that the seventh "Learning From" study would focus on India. More specifically it was decided to focus the study on the role that education has played in positioning India to thrive in the new global marketplace and the public policy decisions that made this possible.

Financial support for the study from the Burroughs Wellcome Fund and the William R. Kenan, Jr. Charitable Trust was augmented with support from Cisco Systems, Wachovia Bank, the New Schools Project, and the North Carolina Science, Mathematics and Technology Education Center. Cisco has already opened facilities in India. Wachovia Bank has just begun relying on Indian firms to perform "back office" functions, the New Schools Project is attempting to learn from best high school practices around the world, and the center's mission is to advance the teaching of science and mathematics.

Accompanying the delegation to India was a reporter from UNC-TV. UNC public television subsequently aired a four-part series on the study. What follows are the findings of the delegation that studied India through orientation briefings prior to traveling to the country and to seeing, first-hand, emerging businesses in India, as well as the schools and universities that trained and educated their employees.





Wires are suspended above the streets in what would be an American power company's worst nightmare.

East Meets West...

Only three of the twenty-six member delegation that traveled to India had visited the country before. The others, even after several days of orientation briefings and extensive reading, were unprepared for the assault on the senses that begins when one steps off an airplane and sets foot in India.

The delegation went with the goal of finding out about India. Before they could begin, India found the delegation.

Walking out of the Bangalore airport at 5:30 in the morning, the delegation was greeted with the blare of horns and hundreds of cars, busses, rickshaws, carts and motorbikes. There was an acrid smell of smoke in the air. And there was color – from flowers, from signs and vehicles, from women clothed in bright, flowing saris, the traditional dress for Indian women.

This unexpected, early-morning introduction to daily life in India was just the beginning of a ten-day journey that gave the delegation a glimpse into the paradox that is modern-day India. On one hand, the delegation would find "new" India, a country of gated campuses housing some of the world's finest universities and rapidly growing high tech firms. On the other, the delegation would see "old" India, with its history stretching back five thousand years.

Most of the delegation was unprepared for many aspects of the old India. Abject poverty was evident throughout the three cities the delegates would visit. Unlike the U.S. where slums and poverty tend largely to be hidden from view, India's poverty is inescapable. It lines sidewalks with lean-to's and tarps that shelter the poor. It congregates in vacant lots where acres of make-shift shacks house hundreds of people. It is in the eyes of mothers and children who pound on the sides of busses with their hands extended in hopes of receiving coins from the passengers gazing down upon them.

Less impactful, but no less important for India, is the state of the country's infrastructure. Parts of Bangalore, the city often referred to as India's Silicon Valley, are reminiscent of Mexican border towns in the seventies. Main streets are paved; side streets are not. In all three cities, wires are suspended above the streets in what would be an American power company's worst nightmare. One cannot drink the water. Rivers and streams are testimony to the lack of adequate sewage capacity.

Cows, monkeys and dogs are found virtually everywhere. Even in New Delhi, a city of roughly fifteen million people, it is not uncommon to see cows lounging on sidewalks or strolling down busy streets. Dogs roam in packs, foraging through streets strewn with garbage, looking for food. Monkeys are frequently seen sitting on walls or electrical wires watching the streets below them.

The paradox that is the old and new India is perhaps best summed up by cataloging the vehicles that make driving in India as challenging a driving experience as any the delegation had ever seen. Modern busses, cars and trucks compete for space with motorbikes and bicycles and rickshaws, three-wheel vehicles that are sometimes motorized and sometimes pedaled along the streets. Also competing for space are carts and wagons, some drawn by horses, some by oxen, some by mules and some by people bent with the weight of their contents. Two-lane roads frequently become three or four-lane roads. Horns are a constant as all of India's conveyances fight for their share of roads that simply are not up to the task.

Just as modern vehicles co-exist on India's streets with wooden carts that have changed little through thousands of years of history, the buildings that line the streets underscore the paradox of old and new. Five star hotels can, and do, tower over streets lined with vendors selling their goods on sidewalks and from carts. New high tech firms housed in multi-story modern buildings look out over acres of land claimed by "squatters" who live in make-shift shacks and can only imagine what it would be like to work inside the new India structures. Just across the street from the modern hotel where the delegation stayed in Delhi, a McDonald's was in the same block as a row of squatters selling tea boiled in charcoal fires burning on the curb.

It did not take long for east to meet west. However, after the delegation began to grow accustomed to the paradox of old and new India, it was time to turn its attention to India's economy and schools.


જાલિયાણા અહમદ મટ્ટો

A Young Nation
with a Long History

It is easy to forget that the India we know today began only in 1947, when it gained independence from Great Britain. Prior to 1947, India's rich history stretches back over 5,000 years that include notable periods of self-rule and advancements in mathematics and city building. However, during much of modern history, India has been under the control of others. Most recently, it was Great Britain, through the famous or infamous East India Company, that governed India for roughly 150 years prior to ceding control back to India in 1947.

Great Britain left its mark on India. In fact, Indian presenters cited three English contributions to the nation that positioned the country for a role in the global marketplace. First, English is one of the nation's two universal languages, required of all young people studying in schools. Since English has become the international language of business and the Internet, India, unlike most countries, has not had to overcome language deficiencies to interact with countries around the globe.

Second, Great Britain left behind a system of law and protections for businesses and individuals that do not exist in other emerging countries, where disputes over intellectual property rights and patents continue to hamper foreign investment. Last, during Great Britain's rule, the nation developed a civil service system and a formalized system of government that provided the framework for much of what is in place today.

It should be noted that the civil service system had the effect of formalizing a meritocracy that rewarded those who achieved academically. That practice conformed easily to India's caste system, which placed the highly educated or Brahmin class even higher than the ruling and warrior class.

The government bureaucracy that was established during Great Britain's rule is even more complex today. A common saying in India, is that "Great Britain invented government bureaucracy; India perfected it." The delegation would later hear from entrepreneurial business leaders that they had succeeded in spite of government rules and regulations.

Prior to the English, India, for roughly 400 years, was governed by a succession of Muslim leaders, who also left their stamp upon the country. Today, for instance, nearly twenty percent of the population of India is Muslim. During this period many of the architectural jewels of India, including the Taj Mahal and imposing forts and mosques, were built.

Emerging after over half a millennium of domination by others, today's Indian government is in charge of a country with staggering demographics and challenges. India is the world's second largest nation, with over 1.1 billion people. If current population trends continue, it will not be long until India passes China and becomes the world's most populous country.

The country is organized around 28 states and seven union territories. Many of the states have an indigenous language. In fact, the government recognizes seventeen official languages, all of which are used on India's paper currency, in addition to Hindi and English. For schools, this means that young people in India will routinely learn three languages – English and Hindi, which are required, and, depending on where they live, the language of their state.

The overwhelming majority of the country is Hindu. In addition to the Muslim minority, smaller numbers of Indians are adherents of Christianity, Sikhism, Buddhism, Jainism and other religions.

The engines driving the new India economy are largely clustered in its major cities: Mumbai (formerly Bombay), Kolkata (formerly Calcutta), New Delhi and Bangalore. However, over seventy percent of the nation's population lives in rural areas stretching from the Himalayan mountains to tropical climates bordering the Indian Ocean.

In rural areas, the culture remains essentially agrarian, and for many the economic benefits of the new Indian economy are but a dream. Government estimates have nearly one third of India's population – over 300 million, or the equivalent of the entire population of the United States – surviving on less than $1 dollar a day. According to the World Bank, the average per capita income in 2005 was the equivalent of $620 in U.S. currency.

While the delegation had only the briefest glimpse of rural areas as it traveled between cities, academics and government officials who briefed the delegation all placed narrowing the gap between rural areas and India's urban centers as chief among the challenges faced by the Indian government. In fact, while the delegation was visiting in India, the government was preparing to launch a New Deal-like program aimed at insuring that at least one member of the nation's neediest families in rural areas would be guaranteed at least 100 days of government employment a year.

Nearly one third of India's population – over 300 million – survive on less than $1 dollar a day.

If successful, that program will help narrow the rural/urban gap, but Indian officials were quick to point out that the gap is more than economic. Schooling in India's rural areas is woefully inferior to that offered in urban centers, due in no small part to the difficulty of attracting qualified teachers to rural India. Similar gaps were described in areas as diverse as health care, transportation, providing electricity and jobs.

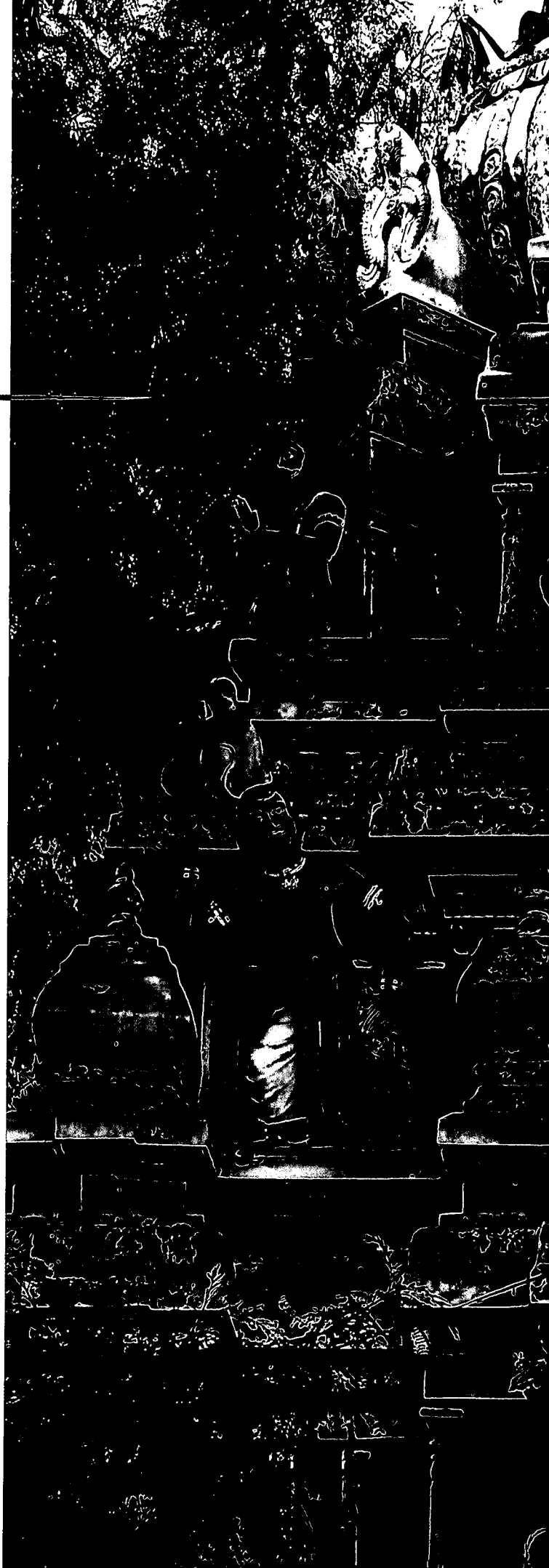
The government that emerged in 1947 leaned heavily toward socialism and, as a result of over 150 years of English domination, away from Great Britain and western nations. As the new government established national priorities, eliminating poverty and creating a system of universal education were among the challenges that headed the nation's long-range goals.

The process of reaching those goals, however, was interrupted or slowed by competing forces. India and Pakistan, for instance, have a long dispute over the control of Kashmir, a northern Indian state bordering Pakistan. This dispute has resulted in three wars since 1947 and is a constant source of tension between the two nations – a tension that remains much in evidence today.

The dispute with Pakistan and India's long history of being dominated by foreign powers resulted in India making huge investments in its military. India has nuclear weapons. It has successfully created a sophisticated space program. It is introducing Indian-designed and built jet planes into its air force.

To study the India that is emerging, it is critical to once again remember that while India's history is long and rich, the India of today began less than sixty years ago. The India that the English left behind in 1947 did not aspire to educate all of its young people or provide decent health care to all or focus on bringing prosperity to rural areas. All of this was left to the new government of one of the largest, most diverse, nations in the world.

The competition for government funds and the enormous challenge of narrowing the gap between India's haves and have nots leave India's goals of universal education and economic wellbeing as goals, not realities. But, as the next section will make clear, the new Indian government made strategic, educational investments that are now reaping benefits.





Americans now realize that call centers are only the tip of the iceberg in what has become India's rapid entry into the world marketplace.

India...
Rewriting the Plan for Economic Growth

Since the industrial age began, the typical growth pattern for a country working its way up the world's economic ladder was to move from an agrarian economy to a manufacturing economy and, if successful, ultimately moving to a knowledge-based economy capable of inventing, refining and producing new, innovative products and services.

This certainly has been the pattern for economic growth and modernization in the Pacific Rim. Led by Japan in the 50's and 60's, inexpensive goods destined for store shelves across the United States began crossing the Pacific in larger and larger quantities. As Japan's economic engine began heating up, so did its aspirations. The country moved from a manufacturer of cheap goods to a producer of quality products that now threaten to replace American icons such as General Motors as tops in the U.S.A.

As Japan's economic base became more sophisticated, its inexpensive manufacturing status was overtaken by countries like South Korea and China. Currently, China is enjoying the kind of economic boom Japan experienced when U.S. magazines were calling it the "Pacific miracle" in its manufacturing heyday.

One country, however, is threatening to rewrite the economic development playbook. India appears to be changing the typical order of economic development by going directly from an agrarian economy to a knowledge-based economy.

For most Americans, awareness of India's emergence came about as company after company began turning to Indian workers to staff call centers that performed tasks as varied as market research, direct sales and staffing twenty-four hour help centers, especially for high technology firms based in the U.S.

As a result of a CBS "Sixty Minute" special and accounts such as those in *The World is Flat* more and more Americans now realize that call centers are only the tip of the iceberg in what has become India's rapid entry into the world marketplace.

Today, a growing number of American accounting firms are using technology and highly trained Indian employees to prepare tax forms for U.S. customers. American hospitals routinely email x-rays to India for analysis and diagnosis. The giants of the United States' technology firms, IBM, CISCO, and Dell to name but a few, are making larger and larger investments in Indian brainpower.

As Nicholas Krisof, a columnist for the *New York Times*, wrote, "With India's ever-deepening pool of English speakers, its outsourcing boom will continue. Your next employment contract may be prepared by an Indian law firm, your mutual fund advised by Indian analysts – and if you need elective surgery, you may get it in a luxurious Indian hospital that will let foreigners combine their medical care with a recuperative vacation".

He went on to say, "The bottom line is that the once-great nation of India is reawakening from several centuries of torpor... India is poised again to be a great world power."

Whether Krisof's prediction becomes true remains to be seen. What is not in doubt, however, is that decisions made regarding education in India have played a large role in India's moving to center stage as an emerging economic powerhouse.

India is one of the only nations in the world with an abundance of highly educated graduates ready to take their place in the global market.

Betting on Brainpower:
Investing in the Best and the Brightest

When India gained independence from Great Britain in 1947, its political leadership reflected a socialist/populist bent. As noted earlier, from its earliest days of independence, India established providing universal education and the eradication of poverty as national priorities. However, as an Indian academic said in a presentation to the North Carolina delegation, "Statements of public policy are good intentions. Implementation takes money."

In India's case, both universal education and the eradication of poverty remain merely good intentions after over fifty years of nationhood. In education, what was implemented (and funded) was the establishment of a higher education system that held the potential to maximize the capacity of the nation's academically best and brightest.

The foundation block of India's educational success came with the establishment of a national network of Institutes in technology, science and mathematics. These Institutes were richly endowed. Their campuses spread over acres. Their facilities compare favorably to those in the United States. They attracted highly trained faculty, many of whom completed their graduate studies in the United States.

The Institutes are the result of recommendations coming from a Commission on Education and Economic Development that concluded in the nineteen sixties that India's education policies should be directly related to the long-term economic development of the country. Those recommendations fueled investment in the Institutes beginning in the sixties and continuing through the eighties.

Today, there are between eight and ten institutes in each of the major areas – technology, science and management – located across India. The Institutes are well funded and are objects of pride in the communities in which they are located. As a dean of one of the Institutes told the delegation, "Our college shines as an institution and it shines even more brightly in contrast to what you see outside (i.e., outside of the gated walls of the Institute campus)."

In creating the Institutes, the nation made a very far-sighted policy decision. Given the size of its population and the system of world-class Institutes funded by the government, India is now one of the only nations in the world that has access to an abundance of highly educated graduates ready to take their place in the global market.

Like many public policy decisions, the decision to invest in the nation's best and brightest came with a hidden cost. The decision has left millions upon millions of young people behind. As will be discussed later, India remains challenged by decisions that leave nearly one-third of its population in a state of abject poverty – in the old India.

Those with access to India's schools and those who successfully move up the education ladder, however, are the backbone of the new India. Focusing only on these students, the delegation isolated some of the factors contributing to the educational success of India.

A Necessary Caveat

Before examining India's approach to education, it is necessary to add one caveat. The delegation's time in India was brief, and what it was able to observe was limited. The delegation was able to meet with officials at three of India's Institutes, one a Technology Institute, one a Science Institute and the last an Institute for Management. While the delegation was able to visit public schools, those visited were clearly among India's best, and they were few in number. Finally, the delegation saw first-hand five of India's emerging business enterprises and visited with two U.S.-owned companies that have established a presence in India. While the meetings and visits were rich, it bears repeating that the following conclusions were formed after an extremely limited exposure to education and business in India.





The Structure of Schools in India

The basic structure of schools in India would feel familiar to anyone familiar with schools in North Carolina. They are organized around elementary schools, lower secondary schools and upper secondary schools that correspond to North Carolina's elementary, middle and high schools.

The primary difference between schools in India and those in the United States is the differences in funding streams and tuition costs. What North Carolinians would call "public" schools are typically referred to as "government" schools in India. As the delegation would learn, "government," or schools where the Indian government bears all, or most, of the costs of education are not highly regarded by well-educated Indians. While some, including one visited by the delegation, offer a high-quality program, it appeared that was the exception, not the rule.

In addition to "government" schools there are "private" schools that are partially subsidized by the government and then there are "private" schools that are fully subsidized by tuition fees charged to students or funded through private sources.

Even within the "private" schools, however, funding for the cost of education varies. Top students (i.e., those who score highest on standardized tests) receive free education in some private schools. Other students who do not score as well can attend the same schools, but their parents will bear the burden of tuition.

The variance in funding for education also appears to result in wide differences in school resources and, most importantly, the quality of the faculty within the schools. Teachers working in highly regarded, high-tuition schools will earn more than those working in government schools or in lesser-regarded schools. Predictably, the competition to be admitted to the most highly regarded schools is intense.

Clarity of Goals & Focus

The architects of India's educational system could not have been clearer in establishing what would become the primary focus of India's schools – science, technology and mathematics. They had the foresight to realize that engineers, scientists and technologists would be the drivers of the new economy.

It is important to note that a stark difference between education in the United States and in India, and most other nations, is that national goals set the direction for education across the country. In the United States, there are essentially fifty different sets of goals for schools, a reflection of our philosophy of states' rights.

The result of India's clarity of focus is that all schools place a priority on math and science, beginning in the elementary years. In contrast to schools in the United States, elementary math and science are taught not by generalists trained in elementary education, but by teachers who majored in math and science. Another contrast is that mathematics course work is more integrated in Indian classrooms. Algebra and geometry are introduced early and, instead of being treated as separate subjects, broad mathematical concepts are integrated and reinforced through the years.

Driving the Process: Institute Admission & Honor

The degree to which India's educational system has made mastery of math and science almost a national obsession came home when North Carolina's delegation members had a chance to quiz students on what their favorite subjects were and what they hoped to be when they grew up. On being asked what their favorite subjects were, almost as one, students said science or math. When it came to careers, one could count on about half of the students aspiring to engineering or medicine.

And it is important to note that mastery of, and interest in, math and science did not appear to be limited to the male students. When the delegates had an opportunity to interact with students, girls were as likely as boys to have medicine or scientific research as a goal. In fact, in one class the students only half-jokingly kidded about the girls being best at science and the boys excelling in math.

Delegation members quizzed several presenters on how India had made such a priority out of math and science. They were assured it was not the result of a genetic condition; albeit, the roots of many mathematical disciplines sprouted in India thousands of years ago. Instead, it appears that for the nation, for families and, subsequently, for students, there is no greater honor than acceptance into one of the nation's Institutes – and to be accepted into one of the Institutes, math, science and technology skills are essential. Additionally, throughout the delegation's time in India, it was clear that education is widely viewed as the one, almost-certain way to economically and socially move up within Indian culture.

It is difficult for an American to appreciate how difficult it is to be accepted into one of the top Institutes. A dean of the Institute of Management in Bangalore said that 250,000 students annually take the entrance examination in competition for the 1,200 slots available at the Institute.

For families of students accepted into the Institute it is a great honor – it is also an honor for the high schools that prepared the students. Beyond honor, for the nation's top students the cost of the Institutes is borne by the federal government. Thus, Institute admission enables students whose families could never afford the cost of higher education to gain what in the United States would be the equivalent of an MIT or Stanford education at no cost.



Institute of Science - Bangalore

The competitiveness of India's system helps explain the seriousness with which Indian students approach their studies.

Competitiveness

Admission to Institutes Comes at a Price

For the young people who aspire to be accepted into one of India's Institutes, there is a steep price to pay. The competition for admission does not simply hinge on India's equivalent of an SAT, or college entrance exam. Success hinges on a student's performance as far back as middle school. It hinges on how well students do on a pre-high school examination that will determine whether and where they will go on to high school. And, finally, it hinges on both their high school performance and their performance on India's college admission exam.

The competitiveness of India's system helps to explain the seriousness with which Indian students approach their studies. Delegation members were struck by the obvious motivation and focus of young people. They seemed hungry to learn. They appeared genuinely engaged in the educational enterprise.

For high school students, the school day does not end when school doors close. Most students, especially in their junior and senior years of high school, are tutored after schools and/or on weekends, either individually or in small groups. The tutoring is aimed both at reinforcing concepts learned in school and at test-taking skills for admission exams.

It should be noted that tutoring is spawning a cottage industry of well-paid individual tutors, private firms offering tutoring on a large scale and, more recently, internet-based tutoring firms. Some of the more entrepreneurial of the Indian tutoring firms are now marketing their service to students in the United States.

The degree to which students and families obsess over school tests was driven home in the brief time the delegation visited in India. Both in Bangalore and Delhi, papers ran articles on how to succeed at test taking on almost a daily basis. Papers in both cities ran daily schedules of the college admission examinations that were weeks away.

Even in the old market in Delhi, the importance of test taking was driven home. The old Delhi market is organized around types of products. Jewelry stores might be clustered on one street and on the next would be dozens of stores selling automotive parts.

On one of the small, twisting streets in the market, there were several blocks of new and used bookstores. Every one of the stores had posters or signs advertising cram and test-taking books aimed at improving college and high school admission scores. To the American delegation this was breathtaking. Instead of glitzy posters advertising the latest biography or "tell all" book, the ads were for "how-to" books preparing students for school tests and, on a Sunday morning, there were lines of young people at several of the book stalls.

The Family Role in Admission

Several members of the North Carolina delegation previously had the opportunity to examine schools in China, Japan or South Korea. In each of those countries, North Carolinians were taken aback at the strong role the family played in supporting young people in school. India was no different.

In describing how much Indian parents care about their children's education, one teacher said, "It's not uncommon for parents to stay up until midnight waiting for their children to finish their homework. They want their children to know that they aren't alone."

It is impossible, given the delegations' brief time in India, to generalize about what appears to be the degree of near-universal parental support for students and belief in education. Asian cultures, including India, have a long tradition of revering education and honoring teachers. India, specifically, placed educated people at the top of their caste system. As noted earlier, Brahmins, or the educated, held a special place in India for thousands of



To earn the right to be interviewed for a job at Infosys, an applicant must have scored 65 or better on a test taken at the end of junior high.

years, and the English civil service system reinforced this traditional meritocracy based on academic achievement.

A more practical explanation relates to another public policy decision made after India's independence. Because education had traditionally been reserved for the upper classes, India's socialist-leaning government established what Americans would call a quota system that guarantees access to education for historically lower-caste youngsters.

The term for quotas in India is "Progressive Reservation." Call it what you will, it has opened the possibility of school admission to millions of Indian young people who would never have had an opportunity for education during the time that caste-oriented thinking held sway or when the British were in power.

For low-income parents, success in school can mean economic opportunity for their sons and daughters. Given that, the degree to which parents are supportive and involved in their children's education could easily be dismissed as unsurprising. But the degree to which educational attainment is valued in India requires a much deeper explanation than the potential for free college tuition.

Professionals in India, whether in education or in the private sector, seemed always to include in conversation or presentations not only where they attended university, but how many degrees they had attained. Some Indian business cards include not only the basics – position, address, phone, etc. – but a listing of colleges attended and degrees attained – in effect, a virtual resume on a 2" x 3" business card. Educational attainment in India is a matter of pride.

Education's Consequences Don't End with College Admission

One more factor might help explain the motivation to excel that appears to drive Indian students. The consequences of doing well in school do not end with the competitive college admission process.

In visits with seven very different emerging Indian firms it became clear that for an Indian job hunter to gain employment with firms that are rapidly growing, one must have a record of academic achievement. This was underscored when the delegation visited Infosys, a technology consulting business that now has 46,000 employees and is providing technology services for businesses around the world.

At Infosys to earn the right to be interviewed for a job, an applicant must have scored 65 or better on the test taken at the end of junior high as well as the test taken for college admission. Only then are college grades considered. In contrast, in the United States it is rare to find employers who even consider high school transcripts.

Academic records, however, are only part of the Infosys hiring process. Once an individual is granted an interview, screeners are looking for candidates who possess what Infosys calls "learnability," or the ability to derive new solutions from specific circumstances and then to apply knowledge toward solving new problems.

In the next year, Infosys intends to hire an additional 15,000 employees. They anticipate that they will have over one million applicants.

The same search, not only for excellence but for the ability to solve problems and learn on the job, was evident at two call centers visited by the delegation. In both cases, the call centers hired only college graduates. In both cases, they put a premium on applicants who appeared capable of continuous learning and problem solving.

In short, not only do India's schools reward excellence, but potential employers in the businesses that are emerging as part of India's global business strategy appear to base employment decisions on the same exacting standards. Hiring practices described to the delegation, operate like meritocracies, rewarding those who have excelled in school and who have the potential to continue learning through a lifetime.

Differences
Between Schools in India & North Carolina

Time: a Huge Competitive Edge

One difference between Indian schools and schools in the United States deserves attention. Indian students attend school 210 days per year. In contrast American students attend school 180 days per year.

Multiply the thirty additional days of education per year times thirteen years (i.e. the length of Kindergarten to 12th grade), and Indian students receive 390 additional days of instruction. Put another way, Indian students receive two-plus more years of instruction than do students in North Carolina over the course of their K-12 journey. The instruction gap grows even larger when one factors in time spent in after-school and weekend tutoring during the high school years.

While educational researchers are not known for agreeing with one another, there is virtual unanimity when it comes to the time spent learning. The more time one spends learning, the more one is likely to learn.

It is worth noting that India is not alone in having a substantially longer school year than does North Carolina. Students in the average industrial country attend schools over 200 days a year. In Japan and Germany, students attend schools 240 days per year. The United States has the dubious distinction of having the shortest school year in the industrial world, and some contend that time for instruction, or the lack of it, is a major factor for the poor showing American students make on international tests comparing student achievement.

Preparing Students for a Global Economy

The ease with which Indian firms are operating in the global marketplace is not simply due to their academically talented workforce. It also is the result of a global orientation that is reinforced in their schools.

That global orientation begins with languages. The typical Indian student will have mastered three languages before leaving high school. English education is required of all students and begins early – in elementary school. Most Indian students will also learn Hindi as well as one of seventeen regional languages spoken in India.

In schools visited by the delegation, students began the day with discussions of current events. There was a pride in the number of exchange programs the schools had with other countries. And there is an evident pride in India's growth and a keen awareness of the drive underway to become a global powerhouse.

The Indian curriculum also puts a priority on "soft skills," the skills that are becoming more and more valued in the new economy. One school the delegation visited, for instance, focuses on public speaking and, from the confidence with which students talked to members of the visiting delegation, the focus was paying dividends. As one school principal put it, "our students know no public fright."

Another school principal said to the visiting delegation, "Our over-arching objective is to empower our children in the global world."

A Culture of Respect

Uniforms are required in the schools of India. Students stand when adults come into a room. When classes change, students are orderly. School grounds are well-tended.

Delegation members were impressed with the climate of schools they visited. They were warm, nurturing environments. Faculty members appear to be motivated and student-centered. Likewise, students appeared motivated and respectful. It must be noted, of course, that a similar climate can be observed in schools across North Carolina. As for uniforms, many American schools, especially parochial schools have a long-standing tradition of school uniforms and demanding behavioral expectations.

The thing that set Indian students apart from their counterparts in the United States was their apparent hunger to succeed academically.

Large Class Sizes & Modest Facilities

"Our education system is built with brains, not bricks." This was how one education ministry official described India's educational system and, even a casual visit to an Indian school would confirm that.

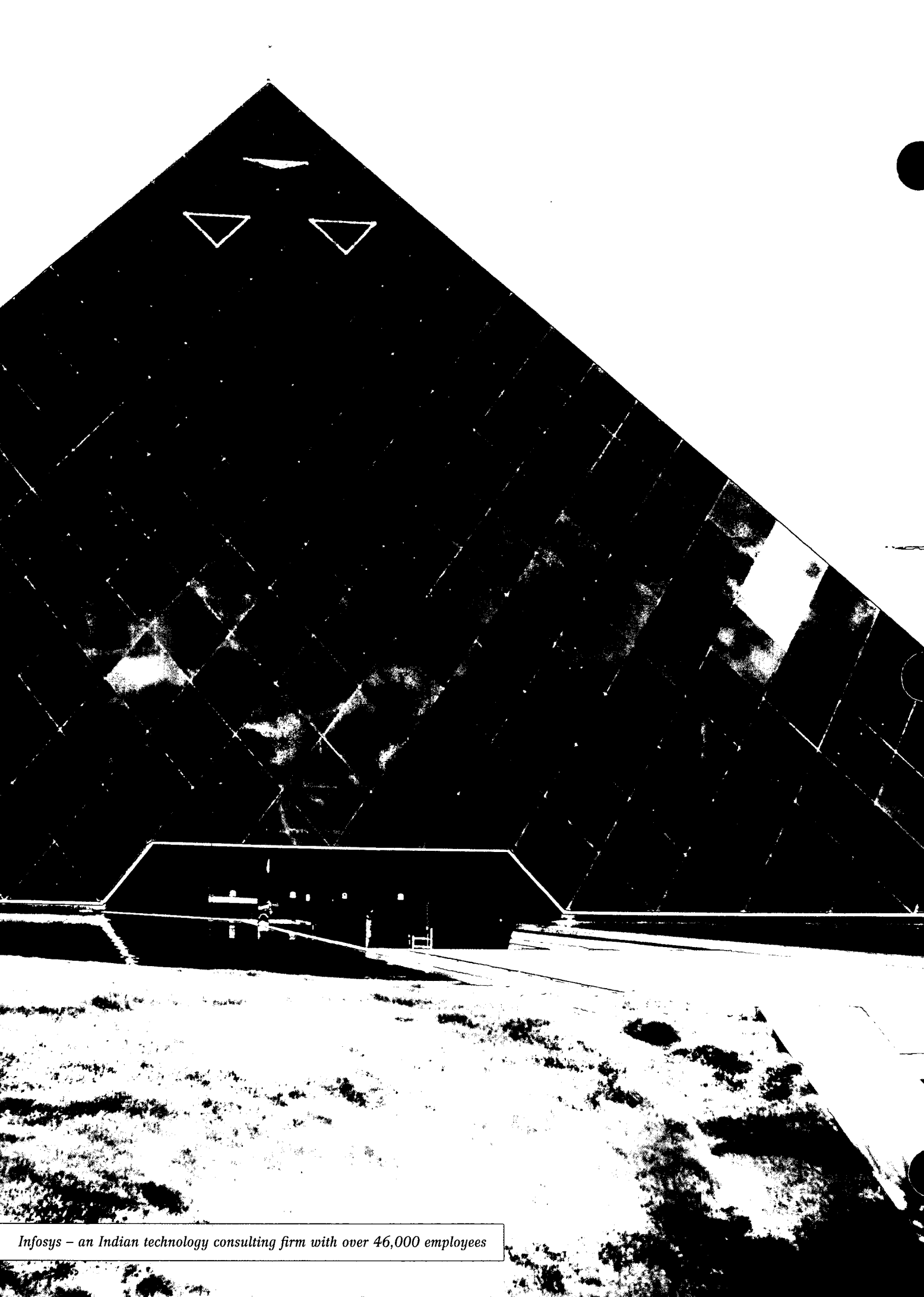
By American standards, India's school facilities are modest. Halls are not as wide as those in North Carolina schools. Common areas are much smaller. Schools occupy far less real estate. The absence of student-driven cars eliminates the need for acres of parking lots. India's education dollars are not going into expensive school buildings and equipment.

The difference is perhaps best observed in school libraries. The number of books on shelves is small in comparison to American libraries. Magazine and periodical offerings are sparse. But as one teacher explained, "it's all there on the Internet. Our students can find it."

A striking difference between our country and India is in the number of students in classrooms. Not uncommonly, India's class sizes are in the 35 to 40-plus range. It should be noted that the same phenomenon was observed in China, Japan and South Korea. Other countries somehow manage to effectively convey instruction to large numbers of young people, whether in elementary school or high school. Thus, far fewer dollars flow into school facilities and far fewer teachers can teach large numbers of students than is the case in North Carolina.



Salwan Public School hosted the North Carolina Delegation.



Infosys – an Indian technology consulting firm with over 46,000 employees

The list of companies that are shifting work to Indian professionals reads like a "who's who" of corporate America.

Implications for North Carolina

In recent months the list of companies that have announced that they are shifting work to Indian professionals or are making huge investments in facilities in India reads like a "who's who" of corporate America. There is little doubt that the flow to India of American business and jobs will continue. As the *Economist* described the phenomena in its February 25, 2006 edition in a feature story on India, "More than half the Fortune 500 companies outsource some of their information-technology work to India, and the rest have to explain to shareholders why they are not doing so."

While in India, the delegation saw first-hand the almost palpable optimism that Indian business people have about their economic future. That spirit, combined with confident entrepreneurialism, was as evident in conversations with high-ranking corporate officials as it was with recent college graduates. It was equally evident with young people who, when asked about their career aspirations, said they "wanted to contribute to making India a superpower."

The erosion of well-paying American jobs, is only a part of why India should serve as a wake-up call to North Carolina and to the United States. India is building on its investments in an educated workforce and rewriting the economic development playbook. Instead of the normal progression of agriculture to manufacturing to innovation, India is leapfrogging the manufacturing stage of economic evolution and earning a place among nations, including the United States, that have long dominated the world in scientific and technological innovation.

How Does the U.S. Maintain Leadership in Innovation?

While job erosion might be the issue that is garnishing today's headlines and dominating the political debate, the more serious issue is the potential erosion of the United States' position of world leadership in scientific and technological innovation.

It is this issue that has led more and more national voices to sound a call for the country to launch a movement to motivate more American young people to pursue careers in science, engineering, mathematics and technology. The North Carolina delegation that visited India adds its voice to the growing cries for examining how states can become educational leaders in these areas.

Fortunately, North Carolina has a strong base upon which to build. Its School of Science and Mathematics, for instance, is a model for other states and even for other countries. However, only 600 of North Carolina's 1.3 million students per year benefit from the state's investment in the North Carolina's School of Science and Mathematics.

The State's public and private universities are also models of excellence in areas like engineering and medicine. However, fewer and fewer highly-trained college graduates are becoming teachers of mathematics or science, and the State's educational pipeline for students motivated to major in those fields is threatening to wither.

There is no single solution to the challenge of motivating more young people to pursue education and careers in STEM-related areas (i.e., science, technology, engineering and mathematics). Possible solutions include establishing regional schools of mathematics and science, far more career counseling at an earlier age, incentives to attract qualified math and science graduates into teaching, beginning at the elementary school level, and much more. Solutions to this problem exist and should be pursued.



Lessons to be Learned
from India

How to Establish Excellence & Equity at the Same Time?

The most obvious lesson to be learned from India is also the lesson that has enormous implications for North Carolina. India stands as a testament to the potential dividends that can be realized through investments made in a nation's best and brightest young people. The growing highly trained Indian workforce did not happen by happenstance; it is not a genetic fluke. Instead, it is the result of policy decisions that led India to invest in its brightest young people in the belief that they would hold the key to the country's economic well-being.

North Carolina can learn from India's decision to invest in its most academically able young people. And, in this regard, North Carolina has several huge advantages.

Unlike India, North Carolina has an established system of universal education. Unlike India, neither North Carolina's rural young people nor its poorest young people are denied an education. Further, unlike India, North Carolina and the United States are prosperous enough that they can afford to provide high-quality universal education at the same time they can afford to invest far more in their gifted and talented young people.

One member of North Carolina's delegation observed that "it is easy to achieve educational excellence if one ignores equity" as India illustrates. Conversely, he pointed out, "it is easy to achieve equity if one ignores excellence. The challenge is to achieve both."

If North Carolina is to remain competitive in the global marketplace, that is the challenge: how to insure that all young people are receiving an opportunity for a sound basic education while insuring, at the same time, that the state is enabling its most academically promising students to go as far as they can go? In the words of former North Carolina Governor Aycock, can the state empower its young people "to be all that's within them?"

In the post-Sputnik era, the United States focused on its academically gifted and talented students. In today's high-stakes testing era, the pendulum has swung to investing primarily in preventing failure, in attempting to move the state's most academically challenged students to a higher level of performance.

Seeing the dividends that India is realizing from its investment in its top students, the delegation believes North Carolina should be more strategic and begin reinvesting in its most academically able young people at the same time it continues its efforts to boost the educational performance of its most challenged.

The issue is finding a proper balance between meeting the needs of North Carolina's most at-risk young people while also meeting the needs of our most academically promising. Instead of a focus and funding pendulum-like approach where schools place a priority on gifted and talented students one year only to refocus next year on the needs of those at risk, schools need to focus on both ends of the academic spectrum consistently.



"It is easy to achieve educational excellence if one ignores equity. The challenges is to achieve both."

Another lesson that can be learned from India is the need to balance investments in higher education and in basic K-12 education. India's network of Institutes is rapidly becoming the envy of the world and, as noted earlier, its investment in the Institutes was a policy decision that is now paying huge dividends.

However, India's under-investment in K-12 is contributing to the yawning chasm between those left behind in the old India and those beginning to enjoy the rewards of the new India. Again, the key for North Carolina is finding a balance point that enables the state's colleges and universities to offer world-class advanced educational opportunities while insuring that all young people have access to high-quality K-12 schools that will give them an education they can build upon for a lifetime.

How to Prepare Young People for a Global World?

The third lesson with implications for North Carolina is that India's schools appear to be doing a far better job than American schools in preparing students to work in a global marketplace. In addition to making language instruction a priority for Indian students, the schools the delegation visited incorporated discussions of foreign events into the school day, engaged in exchange programs with other countries and incorporated global understanding into their curriculum.

In North Carolina an unintended consequence of high-stakes accountability and testing has led to a diminishment of emphasis on foreign languages – especially at the elementary and middle-school levels. Further, little emphasis is put on understanding other cultures or countries in the state's standard course of study.

The motivation for the study of schools in India came from the book *The World is Flat*, a book that examines the trends that are making today's world a global marketplace. Since the publication of that book, the trends are accelerating and, as the flow of American business to India illustrates, the world of tomorrow is going to be a world that has little respect for national boundaries.

For North Carolina's young people to survive and thrive in that global world, their education needs to prepare them to take their place in it. As in the case of motivating more young people to pursue education and careers in math and science-related areas, there is no single way to prepare young people for a global world. At a minimum, the state needs to re-establish a priority around foreign language instruction. The North Carolina Standard Course of Study needs to be re-examined to see how it could lead to a deeper and richer understanding of other cultures and countries. The state should support exchange programs both for students and for teachers. And college and university Schools of Education should introduce courses that better prepare tomorrow's teaching force to teach about the world.



The best of the new India cannot hide the faces of poverty and the distance India has to go before it realizes its national dreams.

All That Glitters Is Not Gold

As noted early in this report, the delegation's time and exposure to India and its schools was extremely limited. And what the delegation saw was among the best India has to offer.

India's best is truly impressive. Its top high schools appear to be realizing their goal of "preparing students for a global world." Its Institutes have succeeded in turning out doctors, engineers, scientists and technologists who are among the best in the world.

Its long-term investment in a world-class, educated workforce is obviously reaping economic benefits.

That said, India exists in a stark world of haves and have nots that would not be tolerated in the United States. While the United States has its own pockets of poverty and gaps between rich and poor, the nation has an enormous edge over India when it comes to its infrastructure and basic services.

Rich or poor, urban or rural, a citizen of the United States can drink the water, travel on decent roads, access planes and trains, count on a steady flow of electricity and natural gas, and send their children to public schools. The same cannot be said of a citizen of India – even those who live in high tech meccas like Bangalore or in urban centers like Delhi.

Whether India will emerge as a superpower rests on more than its ability to provide a small fraction of its population a world-class education.

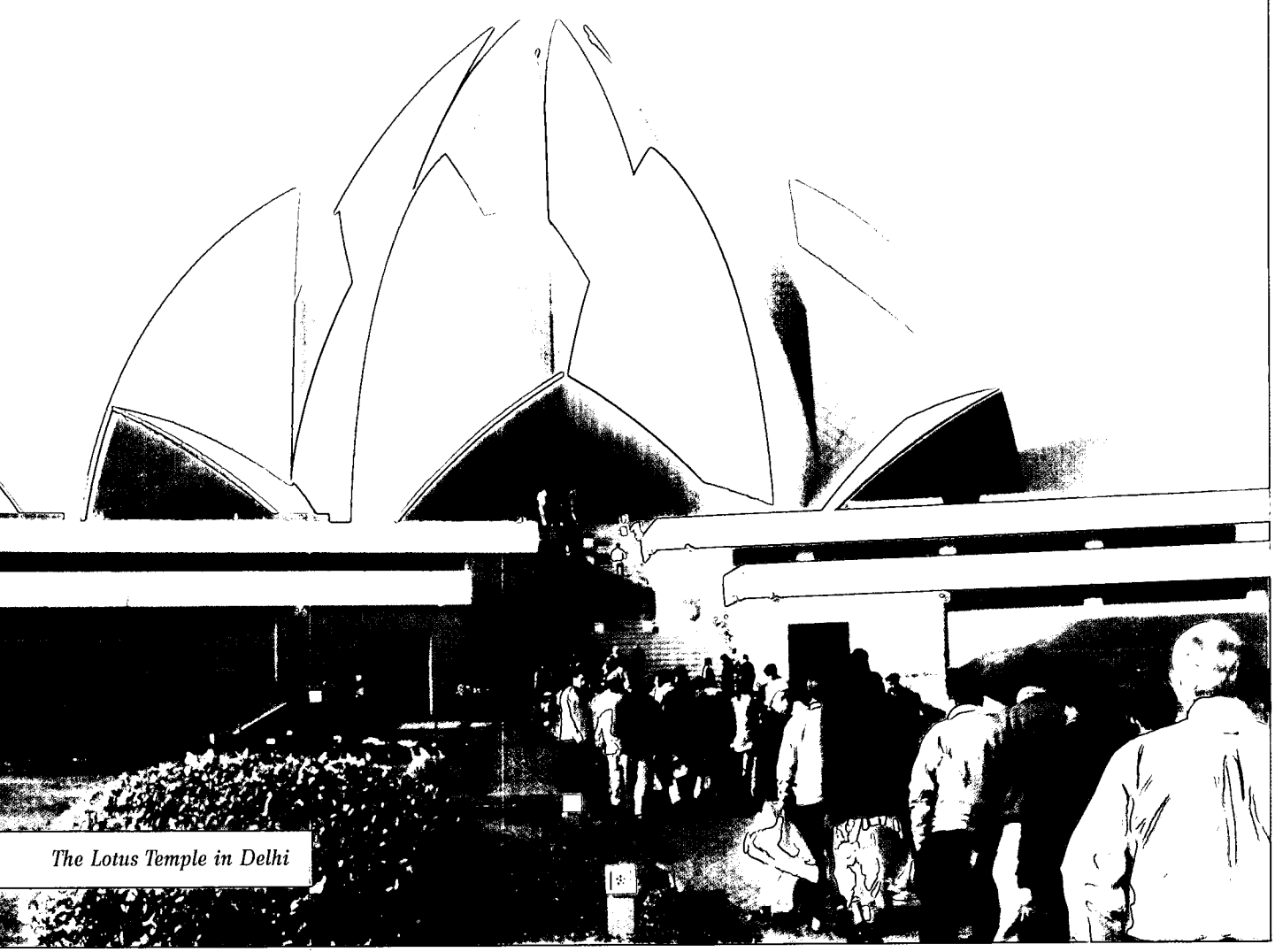
The challenge to build a basic societal infrastructure, the delegation heard from business leaders and from academics, will be the ultimate test of India's government.

Those who will push the hardest for improvements in infrastructure, ironically, are those who are leading the new Indian economy.

Only a week before the North Carolina delegation visited Bangalore, for instance, a group of Bangalore's largest and most influential high tech companies met with local governmental officials and threatened to invest elsewhere if the government didn't make the necessary investment in roads, water and electricity.

For local and national governments to develop the capacity and will to build the kind of infrastructure that is taken for granted in the United States and in most first-world countries, it will require an enormous amount of leadership and investments. That task would be daunting anywhere, but given the size of India and the distance it has to go to provide a national infrastructure, the task is Herculean. It is further complicated by India's fractious government in which seventeen political parties battle for leadership.

All that glitters is not gold. The best of the new Indian economy and educational system are indeed impressive. But the best of the new India cannot hide the faces of poverty and the distance India has to go before it realizes its national dreams.



The Lotus Temple in Delhi

For the U.S. . . .
Dreams or Memories?

While India has miles to go before it joins the ranks of first-world countries, the United States should be careful not to discount the impact India and other emerging countries are likely to have on the U.S. economy and standard of living. India may not have a sophisticated system of interstate highways and reliable water and power services, but in the last six months, thousands of U.S. jobs and investment dollars have flowed to India in an increasingly visible off-shoring of high-skill, high-pay jobs.

For the United States, this exodus of skilled work comes on the heels of the most massive exodus of manufacturing jobs the nation has ever seen. Look no further than North Carolina, which has lost over 200,000 manufacturing jobs in the last decade alone. For the United States, and, more specifically, for North Carolina to continue to thrive in this global economy, the capacity India and other emerging economies have to become leaders in the innovations of tomorrow can not be ignored.

Thomas Friedman, the author of *The World is Flat*, the book that inspired this study of India, divided the world's nations into those that revel in the memories of their former greatness and those that have dreams of a great tomorrow. He points to nations like The Netherlands, Spain and France as nations that largely exist in memories of empire and that have seen other countries far surpass their former greatness. He points to countries like India, Japan and China as those that are driven by dreams of economic and international greatness. Will the United States fall into the dreamer or memory category? If the lessons learned in India prove to be correct, it may well be that the answer to that question will rest on whether North Carolina and the United States have the foresight and will to invest in a highly educated workforce that is second to none. As Dr. Jim Goodnight, the CEO of North Carolina's SAS Institute, contends: "Today's most important asset is creative capital – simply put, an arsenal of creative thinkers whose ideas can be turned into valuable products and services."

In which category will the United States be – a nation of dreamers striving to maintain leadership in innovation; or, a nation with memories of the days when its economic power and its ability to innovate was the envy of the world? Upon returning from India, this is the question the North Carolina delegation urgently believes must be addressed at the state and national level.

Resources

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Dr. K. Rajanikant; *Principal, M. S. Ramaiah Institute of Technology, Bangalore*

Suman Joshi; *Infosys Technologies Ltd, Bangalore*

Anurag Kumar; *Mindtree Consulting Pvt. Ltd. (West Campus), Bangalore*

Capt. S. Girish; *Tata Consultancy Services Ltd, Bangalore*

Nagaraj Ijari; *Tata Consultancy Services Ltd, Bangalore*

N. Joseph Sunil; *Tata Consultancy Services Ltd, Bangalore*

Rahul Pandit; *Chairman, International Relations Cell, Indian Institute of Science, Bangalore*

Dr. Prakash G. Apte; *Director, Indian Institute of Management, Bangalore*

Dr. Shyamal Roy; *Dean, Indian Institute of Management, Bangalore*

Dr. G.D. Sharma; *Consortium for Educational Communication, University Grants Commission, New Delhi*

Jane Schukoske; *Director, US Educational Foundation in India, New Delhi*

Adnan A. Siddiqui; *Cultural Affairs Officer, US Embassy, New Delhi*

Dr. Pawan Agarwal; *Fulbright New Century Scholar & Former Financial Advisor, University Grants Commission, New Delhi*

Dr. Indu Khetarpul; *Principal, Salwan Public School, Gurgaon*

S. Viswanathan; *NIIT Call Center, NIIT SmartServe Ltd., Gurgaon*

Victor Alexander; *INFORAM, Gurgaon*

D. Virmani; *Principal, Kendriya Vidyalaya School, New Delhi*

Jitender Kaur Sambhi; *Principal, Navodaya Vidyalaya School, New Delhi*

Professor Manoj Datta; *Indian Institute of Technology-Delhi*

Professor D. P. Kothari; *Indian Institute of Technology-Delhi*

Faculty, Staff and Students of the following schools and Institutes of Higher Education

Kendriya Vidyalaya School, *New Delhi*

Navodaya Vidyalaya School, *New Delhi*

Salwan Public School, *Gurgaon*

Indian Institute of Management, *Bangalore*

Indian Institute of Science, *Bangalore*

Indian Institute of Technology-Delhi

M. S. Ramaiah Institute of Technology, *Bangalore*

Host Families

Deepa and Sunil Kunte, Rinku and Leeza Alexander, Bharathi and Mahesh Muzumder, Aditi Seth, Nidhe and Chetan Hegde, Kiran Shenoy

Study Coordinators

John Dornan & Jo Ann Norris; *Public School Forum of North Carolina*

Millie Ravenel & Meredith Henderson; *The Center for International Understanding*

Photography

John Dornan, John Tate & Valerie Brown

Author of "Learning From India"

John Dornan



Delegation members with the principal and faculty of Salwan Public School in New Delhi



Delegation members with the SAS in India CEO and Head of Alliances

the FORUM

Public School Forum of North Carolina
Glenwood Place, Cumberland Building
3739 National Drive, Suite 100
Raleigh, North Carolina 27612
Tel 919.781.6833 • Fax 919.781.6527
www.ncforum.org

THE CENTER *for* INTERNATIONAL UNDERSTANDING

Center for International Understanding
The University of North Carolina
412 N. Wilmington St, Raleigh, NC 27601
Tel 919.733.4902 or 888.840.8328
Fax 919.733.8578
ciu.northcarolina.edu

01-06

Attachment #2

Learning From India...

The Seventh in a Series of Studies of Education in Other Countries

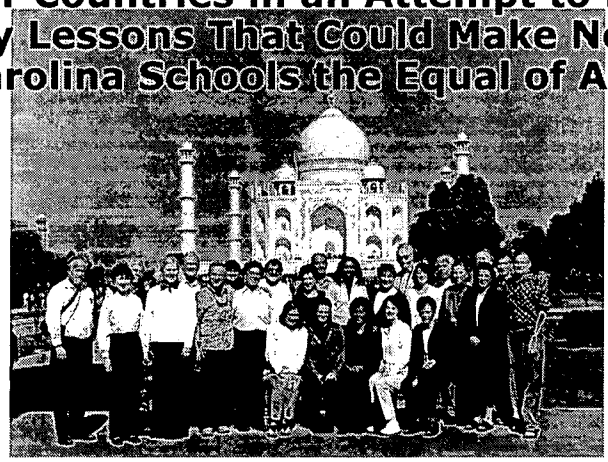


THE CENTER *for* INTERNATIONAL UNDERSTANDING

the FORUM
PUBLIC SCHOOL FORUM OF NORTH CAROLINA

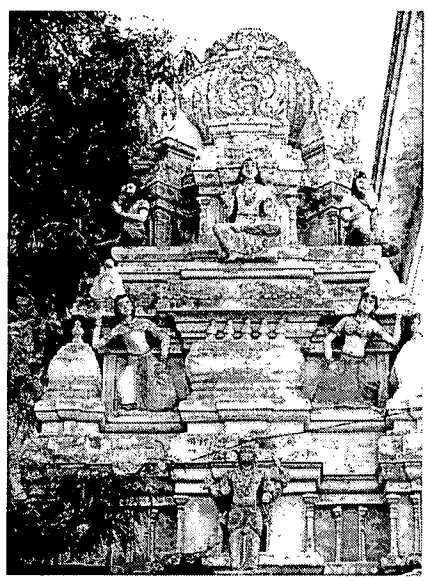
Goal of International Studies Program

Study the Best Educational Practices in Other Countries in an Attempt to Learn Any Lessons That Could Make North Carolina Schools the Equal of Any.



How is Education Contributing to Positioning India to Succeed in the Global Economy?

The Indian Context

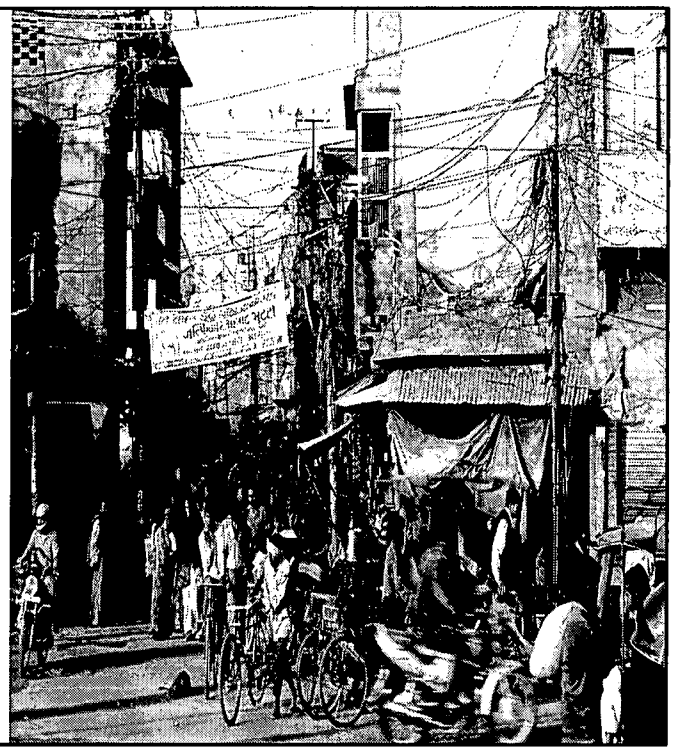


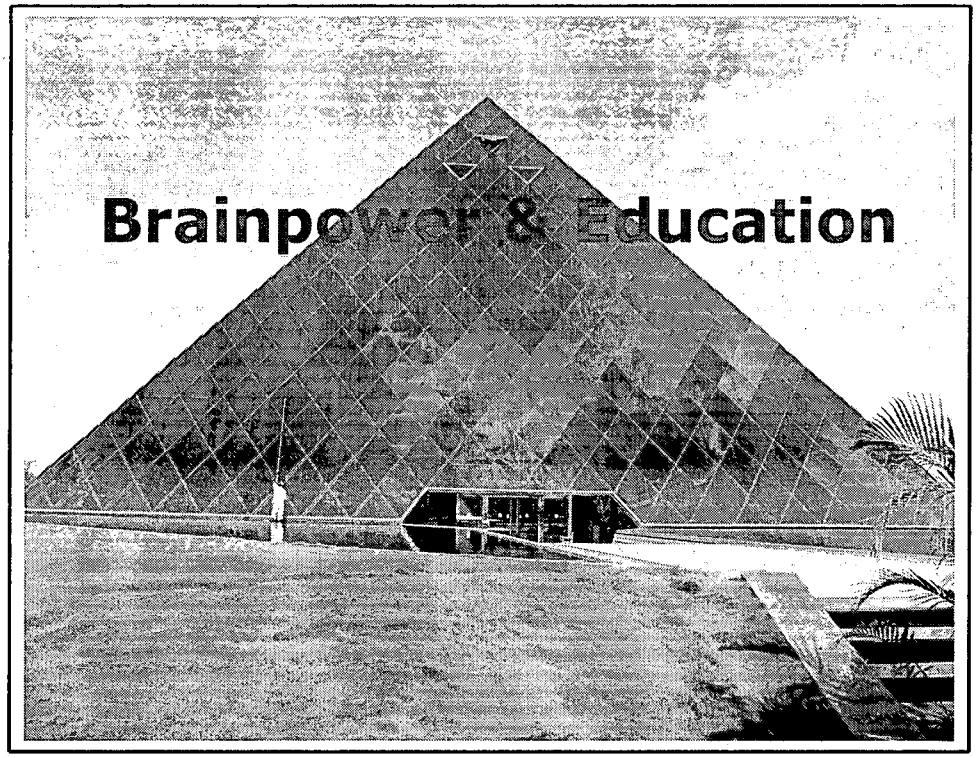
- India is a Young Nation With a Very Long History
- Independence in 1947
- 5,000 Years of History

The Indian Context

- 1.1 Billion People – Will Pass China at Current Rate
- Roughly 300 Million Live in Poverty
- 3rd World Infrastructure
- 17 Official Languages
- Tension Between Hindus & Muslim
- Tension Between Pakistan & India

How Can a Nation With Hundreds of Millions of People Living in Third World Conditions Become a Mecca for High Technology ?





Clear National Educational Goals Linked to Economic Development

Priorities:

- **Math/Sciences**
- **Technology**
- **Languages**

Clear National Educational Goals Linked to Economic Development

Priorities:

- **Elementary Math & Science Specialists**
- **Algebra & Geometry Introduced Early**
- **Focus on Application**

Focus on "Soft Skills"

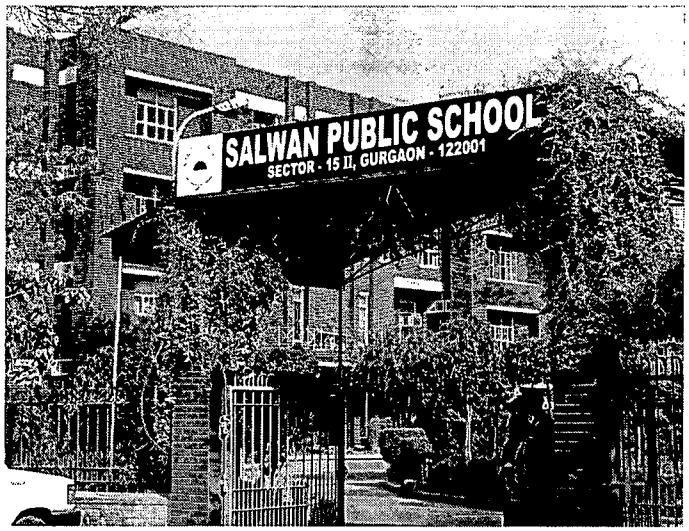
"Our Students Know No Public Fright"



Focus on International Education



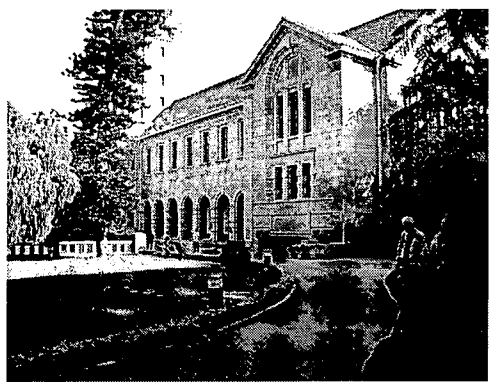
"Our Over-Arching Objective is to Empower Our Children in the Global World"



Longer School Year - 210 Days

A Network of National Institutes for:

- Science
- Mathematics
- Technology
- Business Management



Hugely Competitive System

- Tests Determine Opportunity
- 250,000 Applications for 1,200 Spaces at Bangalore's Institute for Management

Focus on Educational Performance Does Not End With College Admission

- Infosys
- Call Centers

Major Differences

- Clear National Education Goals
- Culture of Learning/Respect
- Focus on Upper 10-15 Percent
- Huge Opportunity Gaps
- Family Involvement/Support
- Gap in Access/Opportunities

Implications for the United States

- We Need to Rekindle Interest in Math/Science
- That Begins With Competent Math/Science Teachers.
- We Need to Refocus on Our Most Academically Gifted
- Our Students Need More International Education

Learning From India...

The Seventh in a Series of Studies of Education in Other Countries



THE CENTER *for* INTERNATIONAL UNDERSTANDING

the FORUM
PUBLIC SCHOOL FORUM OF NORTH CAROLINA

REFERRAL FORM

NORTH CAROLINA HOUSE OF REPRESENTATIVES
ASSIGNMENT OF BILLS TO SUBCOMMITTEE

COMMITTEE: **EDUCATION**

Chair: **Representatives Bell, Lucas, and McLawhorn**

DATE: **May 16, 2006**

Bill Number (Indicate **H** or **S**): H1908

Short Title: Rewrite Special Ed Laws

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

Re-Assigned to Subcommittee on:

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

Short Title:

Assigned to Subcommittee on:

Re-Assigned to Subcommittee on:

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

Short Title:

Assigned to Subcommittee on:

Re-Assigned to Subcommittee on:

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

Short Title:

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

Short Title:

Assigned to Subcommittee on:

Re-Assigned to Subcommittee on:

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

Short Title:

Assigned to Subcommittee on:

Re-Assigned to Subcommittee on:

House Pages

Rm. 643

Name Of Committee: EDUCATION Date: 5-16-06

1. Name: Kat Crosby
   County: Stanly
   Sponsor: David Almond
2. Name: Jessie Ammons
   County: Wake
   Sponsor: Rick Eddins
3. Name: Cameron Johnson
   County: Wake
   Sponsor: Rep. Martin
4. Name: Emily Eng
   County: Alamance
   Sponsor: Rep. Nelson Dollar
5. Name: David Eng
   County: Alamance
   Sponsor: Cary Allred

Sgt-At-Arms

1. Name: MARTHA PARRISH
2. Name: NELL CASPER
3. Name: MARVIN LEE
4. Name: FRANK PREVO
5. Name: —

VISITOR REGISTRATION SHEET

House Education Committee — 11AM - MAY 16, 2006

Name of Committee — **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Jami Fitzgerald	N.C. Family Policy Council
Lorraine C. Collins	ACTE - Career Technical Educ.
Judy Harrington	ACTE - Career Technical Education Alamance - Burlington Schools
Ruby Wheeler	NCACTE - Career - Technical Education Alamance - Burlington School System
[illegible]	Intern [illegible]
Aaron Chang	Intern
Megan Bostic	Project HEART
Ashlie Hardison	Project Heart
Ashlee Keeter	Project Heart
Lauren Montgomery	Project HEART
Taylor Wrenn	Project HEART

VISITOR REGISTRATION SHEET

House Education Committee — 11AM - MAY 16, 2006

Name of Committee — **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Chip Lucas	Cumberland County Schools PO Box 2357 Fayetteville NC 28302
Pam Gibson	Cumberland Co. Schools Career + Technical Ed. POBox 2357 Fayetteville, NC 28302
Daryle Nobles	NCACTE - Association for Career & Technical Education and Cumberland County Schools
David Webbie	North Carolina Association for Career & Technical Education NCACTE PO Box 1336 and Johnston County Schools Smithfield NC 27577
Charis Tucker	Americorps/ECU Project HEART Building 165, E. 3rd St. Greenville, NC 27858
Micky Beaujean	Americorps | ECU Project HEART
Doris Dellinger	Americorps/ECU Project Heart 293 Roberson Rd. Washington NC 27889
Brenda Godley	AMERICORPS/ECU Project HEART Bldg 165, E. 3rd St, Greenville, NC 27858
Amanda Morgan	Americorps/ECU Project HEART (Tutor in Chocowinity, NC)
Crystal Sheppard	Americorps/ECU Project Heart (Tutor in Chocowinity, NC)
Angela Garrow	Americorps/ECU Project Heart Tutor @ Pitt Co. Northwest Elem.

VISITOR REGISTRATION SHEET

House Education Committee — 11AM - MAY 16, 2006

Name of Committee — **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Nicole Kelly	Americorp Project Heart East Carolina Univ.
Irene Bailey	Americorp Project Heart East Carolina University
Vashawn Streeter	Americorp ProjectHEART East Carolina University Greenville, NC 27858
Terrazel Washington	Americorp Project HEART East Carolina University
Bailey Irene Triplett	AmeriCorps Project HEART 103A Maplewood Ct Greenville NC 27858
Marquita Harris	Americorps Project HEART East Carolina University
Kristin J. Hill	americorps Project Heart East Carolina Uni. Greenville, NC 27834
ERNIE DEHNERT	BB&T 200 College St, 18th Fl. Charlotte 28202
Michael Houser	NCAE
Cecil Banks	NCAE
Candy J McKinney	NCAE

VISITOR REGISTRATION SHEET

House Education Committee — 11AM - MAY 16, 2006

Name of Committee — **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Julia Marden	UNC TV
Esther Vajda	UNC-TV
Ellen Greenes	Raleigh PCNC
K Black	UNC-TC
Valaida Fullwood	Charlotte Chamber — Volunteer Legislative Trip
Meredith Henderson	Ctr for Int'l Understanding
Stephanie Carter	Ctr for Int'l Understanding
Gary Wilson	SBE
Rebecca Garland	SBE
Olivia Rozell	Charlotte Chamber — Legislative Trip
Kathy Auger	Charlotte-Mecklenburg Schools / Charlotte Chamber trip
Dressa Morrow	Charlotte Chamber of Commerce trip

VISITOR REGISTRATION SHEET

House Education Committee — 11AM - MAY 16, 2006

Name of Committee — **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Charlene Fancy	N.C. Right to Life
Valerie B. Brown	Topics Education Charlotte Chamber - Volunteer Legislative Trip
Jim Stegall	NC Legislative Services Union County Public Schools
	Beason Gov't Affairs
	Gov. office
Molly Ryan	NCSBA

MINUTES
HOUSE COMMITTEE ON EDUCATION
MAY 23, 2006

The House Committee on Education met at 11:00 a.m. on Tuesday, May 23, 2006 in room 643 of the Legislative Office building. The following Representatives were present: **Chairs**: Bell, Lucas and McLawhorn; **Vice Chairs**: Dickson, England, Glazier, and Sauls; **Members**: Allen, Blackwood, Bordsen, Brown, Carney, Cleveland, Cole, Coleman, Daughtridge, Dockham, Fisher, Folwell, Frye, Goforth, Wade-Goodwin, Harrison, Hollo, Holloway, Jeffus, Johnson, Justice, Langdon, Luebke, Martin, Pate, Rapp, Ray, Stiller, Tolson, Walker, Warren, Wiley, Wilkins, and Yongue.

Research staff persons included: **Attorneys**: Drupti Chauhan and Robin Johnson; **Legislative Analyst**: Dr. Shirley Iorio and Sara Kamprath; **Assistant** Dee Atkinson. **Legislative Committee Assistants**: Susan Burleson, Carolyn Edwards and Thelma Utley.

The Agenda, Committee Meeting Notice, Pages/Sergeant at Arms Sheet, Visitor Registration Sheets, Bill Analysis and Committee Report are attached and incorporated into the minutes.

The meeting was call to order by **Chairman Bell** and all introductions were completed. **Representative Johnson** was recognized to speak and explain all 3 bills from the Education Oversight Committee.

HB 1926 – A BILL TO BE ENTITLED AN ACT TO IMPLEMEMT A RECOMMENDATION OF THE JOINT LEGISLATIVE EDUCATION OVERSIGHT COMMITTTEE TO ENCOURAGE THE CONSTITUENT INSTITUTIONS OF THE UNIVERSITY OF NORTH CAROLINA TO REDESIGN THEIR MATHEMATICS AND SCIENCE TEACHER PREPARATION PROGRAMS, AND TO MAKE AN APPROPRIATION.

Representative Johnson stated that "The Science and Math Teacher Prep Program" would implement a recommendation of the Joint Education Oversight Committee to encourage the University of North Carolina Institutions to redesign their math and science teacher preparation programs; it would also appropriate a fund to the board of governors of $50,000 to implement these recommendations. "I believe these are the steps we have to take in order to compete in our global market."

Representative Tolson made a motion of a favorable report and recommendation that the bill be re-referred to the Committee on Appropriations. Chairman Bell called for a vote and HB 1926 passed.

HB 1928 – A BILL TO BE ENTITLED AN ACT TO PROVIDE STATE CONTRACTUAL SCHOLARSHIP FUND GRANTS AND LEGISLATIVE TUITION GRANTS FOR STUDENTS WHO HAVE BACHELORS DEGREES BUT ARE PURSUING LICENSURE AS NURSES OR TEACHERS.

Representative Johnson explained that HB 1928 would allow lateral entry teachers and nurses returning to college for certification to receive a portion of the legislative tuition grant and the state contractual scholarship grants. This bill is one way to help our colleges and universities provide more teachers and nurses. Representative Johnson further explains that because teachers and nurses have already received a Bachelor Degree, these students are not eligible for state support if they attend an independent college or university. The bill also allow these students to receive support if they are attending school part-time; current law says eligible students must be full-time and this bill would allow for them to receive a prorated portion of the fund. The total cost, including the lateral entry and nurse's certification is $1.5 million.

The bill generated further discussion and Chairman Bell recognized **Representative Tolson** statement "that one of our real needs in the state is to get more teachers with Master Degrees, so our Community Colleges have a selection of teachers to fill the need. A way to increase nurses is to get more qualified people that can teach in our Community College system."

Representative Daughtridge comments and questions "that the state currently has some programs with scholarships for teachers that require them to have a certain amount of residency in North Carolina and if they don't they have to pay the money back. Was there any consideration in the discussion of the bill for the grant monies given if they did not stay in North Carolina 1 or 2 years, that it would turn into a loan and they would pay back this tuition as a loan since they have taken our education and gone out of state with it?"

Staff is asked to speak on the bill; Attorney Drupti Chauhan of The Research Division explains "that in this case there is no pay back provision. These are like the legislative tuition grants that currently exist for North Carolina residents and the state contractual grant scholarships, there are no payback provisions in them; they are in the sum of about $1100 or $1200 each and it's for North Carolina residents that are attending private colleges or universities in North Carolina."

Representative Johnson offers to amend the bill; **Chairman Bell** displaced HB 1928 reasoning that it is going to take time and require changes in multiple statues in order to include a payback provision if the recipients don't teach or practice in the state after the grant has be received.

After careful consideration by Chairman Bell, bill Sponsors and staff, an appeal for a motion is made to request all changes for HB 1928 be completed in the Committee on Appropriations. It was agreed upon and a vote for a favorable report and recommendation that the bill be re-referred to the Committee on Appropriations passed.

HB 1929 – A BILL TO BE ENTITLED AN ACT TO AMEND THE FUTURE TEACHERS OF NORTH CAROLINA SCHOLARSHIP LOAN FUND BY ADDING FIFTY SCHOLARSHIP LOANS FOR STUDENS WHO AGREE TO BECOME CERTIFIED IN MATH OR SCIENCE, TEACH FULL-TIME IN THAT AREA IN A NORTH CAROLINA PUBLIC SCHOOL FOR THREE YEARS WITHIN FIVE YEARS AFTER GRADUATION AND MEET CERTAIN OTHER REQUIREMENTS.

Representative Johnson is joined by Representatives Carney and Yongue to help explain the bill. Johnson states that HB 1929 would implement a recommendation of the Joint Education Legislative Oversight Committee to add an additional 50 scholarship loans to the future teachers of North Carolina scholarship fund. The teachers would agree to become certified in science and math and teach in that subject for 3 years in North Carolina public schools, the act also includes an appropriation to implement the recommendation. Currently there are 100 scholarships. Johnson asks for the support of the committee.

Representative Glazier is recognized and a motion for a favorable report and recommendation that the bill be re-referred to the Committee on Appropriations is moved. HB 1929 passes.

The meeting was adjourned at 11:45 A.M.

Respectfully submitted,

Carolyn A. Edwards

Carolyn A. Edwards, Committee Assistant

Larry M. Bell

Representative Larry M. Bell
Presiding Chair

VISITOR REGISTRATION SHEET

Education — 5-23-16

Name of Committee — Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
[signature]	NCICU
Molly Ryan	NCSBA
Mark Fleming	UNC
Lisa Mackey	NCDPI
Bonnie Curtis	NC DPI
Jim Stegall	NCLS - Union County Public Schools
Adam Pridemore	NCASA
DAVE Simpson	CACC

VISITOR REGISTRATION SHEET

Education — 5-23-06

Name of Committee — Date

VISITORS: PLEASE SIGN BELOW AND RETURN TO COMMITTEE ASSISTANT

NAME	FIRM OR AGENCY
Susan Lamar	AVID
Rita L. Joyner	SBE Intern
Aaron Chang	Intern Rep. Glazier
JAY DAWKINS	JWP Consulting
[illegible]	TNC
Jeff Wolfe	Daily Bulletin
Cameron Contizano	Daily Bulletin

PAGES INFORMATION SHEET

House Committee On Education
May 23, 2006

NAME	COUNTY	REPRESENTATIVE
1. Matt Gavigan	Alamance	Black
2. Rachel Pierce	Rockingham	Cole
3. Anna Sauls	Pasquotank	Black
4. Piotr Zlotowski	Johnston	Black

SERGEANT AT ARMS

1. Will Heath
2. Marvin Lee
3. Martha Parrish
4. Frank Prevo

AGENDA

HOUSE EDUCATION COMMITTEE

May 23, 2006
11:00 A.M.
Room 643 LOB

Representative Larry M. Bell
Presiding Chair

CALL TO ORDER

OPENING REMARKS

BILLS TO BE CONSIDERED:

HB 1926 – SCI / MATH TEACHER PREP. PROGRAMS –
Reps. Yongue, Johnson, Carney, Preston

HB 1928 – TUIT. & CONTRACT. GRANTS FOR TEACHING/NURSING –
Reps. Yongue, Johnson, Carney, Preston

HB 1929 – AMEND FUTURE TEACHERS' SCHOLARSHIP LOAN –
Reps. Yongue, Johnson, Carney, Preston

ADJOURNMENT

Chairs:
Representative L. Bell
Representative M. Lucas
Representative M. McLawhorn

2005 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES

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

By Representative Bell, Lucas, McLawhorn (Chairs) for the Committee on EDUCATION.

☐ Committee Substitute for

HB 1926 A BILL TO BE ENTITLED AN ACT TO IMPLEMENT A RECOMMENDATION OF THE JOINT LEGISLATIVE EDUCATION OVERSIGHT COMMITTEE TO ENCOURAGE THE CONSTITUENT INSTITUTIONS OF THE UNIVERSITY OF NORTH CAROLINA TO REDESIGN THEIR MATHEMATICS AND SCIENCE TEACHER PREPARATION PROGRAMS, AND TO MAKE AN APPROPRIATION.

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

(FOR JOURNAL USE ONLY)

_____ Pursuant to Rule 32(a), the bill/resolution is re-referred to the Committee on _____.

_____ The bill/resolution is re-referred to the Committee on _____.

_____ Pursuant to Rule 32(a), the bill/resolution is re-referred to the Committee on _____.

_____ The bill/resolution is re-referred to the Committee on _____.

H 1

HOUSE BILL 1926

Short Title:	Sci/Math Teacher Prep. Programs.	(Public)
Sponsors:	Representatives Yongue, Johnson, Carney, Preston (Primary Sponsors); Adams, B. Allen, Current, England, Faison, Fisher, Glazier, Insko, Ed Jones, Luebke, Parmon, Pate, Pierce, Rapp, Underhill, Wainwright, Weiss, Wiley, and Womble.	
Referred to:	Education, if favorable, Appropriations.	

May 15, 2006

A BILL TO BE ENTITLED

AN ACT TO IMPLEMENT A RECOMMENDATION OF THE JOINT LEGISLATIVE EDUCATION OVERSIGHT COMMITTEE TO ENCOURAGE THE CONSTITUENT INSTITUTIONS OF THE UNIVERSITY OF NORTH CAROLINA TO REDESIGN THEIR MATHEMATICS AND SCIENCE TEACHER PREPARATION PROGRAMS, AND TO MAKE AN APPROPRIATION.

The General Assembly of North Carolina enacts:

SECTION 1. The purpose of this act is to encourage the constituent institutions of The University of North Carolina to redesign their teacher preparation programs so that they better prepare the individuals who must acquire in-depth content knowledge and well-honed skills to teach mathematics or science, or both, in the public schools, whether in elementary, middle, or high school. In light of the rapidly changing global economy, these redesigned programs must prepare teachers who can challenge North Carolina's students with rigorous content standards so that when these students ultimately enter the workforce, they will have the skills and knowledge required in the future.

SECTION 2.(a) The Board of Governors of The University of North Carolina shall develop and implement a competitive proposal process and criteria for assessing proposals to establish rigorous, innovative, interdisciplinary, and collaborative teacher preparation programs for individuals who will teach mathematics or science, or both, whether in elementary, middle, or high school. To facilitate the development of the programs, program criteria, and the proposal process, the Board of Governors shall convene a task force of mathematicians, scientists, and individuals with teacher preparation expertise to assist it in designing the proposal process and criteria for assessing the proposals. The Task Force shall consult with the State Board of

Education, persons familiar with mathematics and science education in other countries, members of business and industry, and any other persons the Task Force considers appropriate.

SECTION 2.(b) The Task Force shall identify which departments, schools, or other programs within constituent institutions may submit a proposal under this act. The Task Force also shall determine whether proposals to develop a multicampus, regional, distance, or joint program will be eligible for consideration. The Task Force shall develop criteria for assessing the proposals submitted under this act. Submitted proposals shall include the extent to which the proposed programs:

(1) Reflect a vision for preparing teachers who have a strong foundation of the content knowledge and skills needed to teach mathematics or science, or both, whether in elementary, middle, or high school.

(2) Are interdisciplinary in design and involve more than schools of education.

(3) Reflect collaboration with local school administrative units, professional associations, mathematics and science organizations, and business and industry.

(4) Meet content standards proposed by mathematicians or scientists, or both.

(5) Demonstrate a significant commitment and sharing of campus resources.

(6) Employ entrance standards and criteria that will attract outstanding applicants who reflect the racial and economic composition of the State.

(7) Can serve as models for other mathematics and science teacher preparation programs in the State.

(8) Include other elements that the Board of Governors and Task Force consider appropriate and necessary.

SECTION 2.(c) The Board of Governors shall develop a budget for the programs established under this section that reflects the resources necessary to establish and operate redesigned mathematics and science teacher preparation programs.

SECTION 3. The Board of Governors shall report to the Joint Legislative Education Oversight Committee on the budget developed under Section 2(c) of this act and on the design for the programs and the proposal process created under Section 2(b) of this act by December 1, 2006.

SECTION 4. Requests for proposals shall be disseminated to the constituent institutions no later than January 15, 2007. Proposals shall be submitted to the Board of Governors no later than June 1, 2007. The Board of Governors shall then reconvene the Task Force to screen the submitted proposals. After its screening, the Task Force shall make its recommendations to the Board of Governors by September 1, 2007. The Board of Governors shall choose the institutions that shall have the redesigned mathematics and science teacher preparation programs no later than November 1, 2007.

SECTION 5. Institutions chosen to have programs under Section 4 of this act shall plan for the implementation of the programs. Programs shall begin operating no later than September 1, 2008.

SECTION 6. There is appropriated from the General Fund to the Board of Governors of The University of North Carolina the sum of fifty thousand dollars ($50,000) for the 2006-2007 fiscal year to implement Section 2 of this act.

SECTION 7. Section 5 of this act shall not become effective unless sufficient funds are appropriated for this purpose. Nothing in this act shall require the General Assembly to appropriate any funds to implement it.

SECTION 8. This act becomes effective July 1, 2006.

HOUSE BILL 1926:
Sci/Math Teacher Prep. Programs

BILL ANALYSIS

Committee:	House Education	**Date:**	May 23, 2006
Introduced by:	Reps. Yongue, Johnson, Carney, Preston	**Summary by:**	Shirley Iorio, Ph D
Version:	First Edition		Committee Staff

SUMMARY: ***House Bill 1926 would implement a recommendation of the Joint Legislative Education Oversight Committee to encourage the constituent institutions of The University of North Carolina to redesign their mathematics and science teacher preparation programs. The act would also appropriate from the General Fund to the Board of Governors of The University of North Carolina $50,000 to implement this recommendation.***

This act is serially referred to Appropriations.

BILL ANALYSIS: House Bill 1926 would require the Board of Governors (BOG) of The University of North Carolina (UNC) to develop and implement a competitive proposal process and criteria for assessing proposals to establish "rigorous, innovative, interdisciplinary, and collaborative" teacher preparation programs for individuals who will teach mathematics or science, or both, at any grade level. The BOG must convene a task force of mathematicians, scientists, and individuals with teacher preparation expertise to assist in designing the proposal process and developing the criteria for assessing the proposals. This Task Force would be required to consult with the State Board of Education, persons familiar with mathematics and science education in other countries, members of business and industry, and other persons the Task Force would consider appropriate.

The Task Force would also be required to (i) identify which departments, schools, or other programs within constituent institutions may submit a proposal, (ii) determine which proposals will be eligible for consideration, and (iii) develop criteria for assessing the proposals.

The BOG would be required to develop a budget for the programs established under this section, and report to the Joint Legislative education Oversight Committee on the budget and the design and proposal process created by the Task Force.

This act includes a timeline for the dissemination of the requests for proposals, submission of proposals to the BOG, screening of proposals, and selection and notification of the institutions that would have the redesigned mathematics and science teacher preparation programs. Institutions chosen to have these redesigned programs would have to begin operating no later than September 1, 2008.

EFFECTIVE DATE: The act would become effective July 1, 2006. However, institutions chosen to have these redesigned programs would not be required to implement them unless sufficient funds were appropriated for that purpose.

BACKGROUND: There is increasing evidence that teacher preparation programs are not enabling individuals in these programs to acquire the in-depth content knowledge and well-honed skills needed to teach mathematics or science, or both, in the public schools. In light of the rapidly changing global economy, colleges and universities must redesign their programs to prepare teachers who can challenge North Carolina's students with rigorous content standards so that when these students ultimately enter the workforce, they will have the skills and knowledge required in the future.

2005 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES

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

By Representative Bell, Lucas, McLawhorn (Chairs) for the Committee on EDUCATION.

☐ Committee Substitute for

HB 1928 A BILL TO BE ENTITLED AN ACT TO PROVIDE STATE CONTRACTUAL SCHOLARSHIP FUND GRANTS AND LEGISLATIVE TUITION GRANTS FOR STUDENTS WHO HAVE BACHELORS DEGREES BUT ARE PURSUING LICENSURE AS NURSES OR TEACHERS.

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

(FOR JOURNAL USE ONLY)

_____ Pursuant to Rule 32(a), the bill/resolution is re-referred to the Committee on _____.

_____ The bill/resolution is re-referred to the Committee on _____.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2005

H 1

HOUSE BILL 1928*

Short Title:	Tuit. & Contract. Grants for Teaching/Nursing.	(Public)
Sponsors:	Representatives Yongue, Johnson, Carney, Preston (Primary Sponsors); Glazier, Fisher, Wainwright, Adams, B. Allen, Clary, England, Faison, Insko, Ed Jones, Justice, Justus, Parmon, Pierce, Rapp, Wiley, and Womble.	
Referred to:	Education, if favorable, Appropriations.	

May 15, 2006

A BILL TO BE ENTITLED

AN ACT TO PROVIDE STATE CONTRACTUAL SCHOLARSHIP FUND GRANTS AND LEGISLATIVE TUITION GRANTS FOR STUDENTS WHO HAVE BACHELORS DEGREES BUT ARE PURSUING LICENSURE AS NURSES OR TEACHERS.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 116-19 reads as rewritten:

"**§ 116-19. Contracts with private institutions to aid North Carolina ~~students;~~students and licensure students; reporting requirement.**

(a) In order to encourage and assist private institutions to continue to educate North Carolina ~~students,~~students and licensure students, the State Education Assistance Authority may enter into contracts with the institutions under the terms of which an institution receiving any funds that may be appropriated pursuant to this section would agree that, during any fiscal year in which such funds were received, the institution would provide and administer scholarship funds for needy North Carolina students and licensure students in an amount at least equal to the amount paid to the institution, pursuant to this section, during the fiscal year. Under the terms of the contracts the State Education Assistance Authority would agree to pay to the institutions, subject to the availability of funds, a fixed sum of money for each North Carolina student and licensure student enrolled at the institutions for the regular academic year, said sum to be determined by appropriations that might be made from time to time by the General Assembly pursuant to this section. Funds appropriated pursuant to this section shall be paid by the State Education Assistance Authority to an institution on certification of the institution showing the number of North Carolina students and licensure students enrolled at the institution as of October 1 of any year for which funds may be appropriated. For purposes of this subsection, "needy North Carolina ~~students"~~students

and licensure students" are those eligible students and licensure students who have financial need as determined by the institution under the institutional methodology or the federal methodology as defined by the State Education Assistance Authority. For purposes of this subsection, "institutional methodology" means a need-analysis formula, developed by College Scholarship Service, that determines the student's ~~and~~ or licensure student's and his or her family's capacity to pay for postsecondary education each year.

(b) The State Education Assistance Authority shall document the number of full-time equivalent North Carolina undergraduate students and full-time and less than full-time licensure students that are enrolled in off-campus programs and the State funds collected by each institution pursuant to G.S. 116-19 for those students. The State Education Assistance Authority shall also document the number of scholarships and the amount of the scholarships that are awarded under G.S. 116-19 to students and licensure students enrolled in off-campus programs. An "off-campus program" is any program offered for degree credit away from the institution's main permanent campus.

The State Education Assistance Authority shall include in its annual report to the Joint Legislative Education Oversight Committee the information it has compiled and its findings regarding this program."

SECTION 2. G.S. 116-20 reads as rewritten:

"**§ 116-20. Scholarship and contract terms; base period.**

In order to encourage and assist private institutions to educate additional numbers of North Carolinians, the Board of Governors of the University of North Carolina is hereby authorized to enter into contracts within the institutions under the terms of which an institution receiving any funds that may be appropriated pursuant to this section would agree that, during any fiscal year in which such funds were received, the institution would provide and administer scholarship funds for needy North Carolina students and licensure students in an amount at least equal to the amount paid to the institution, pursuant to this section, during the fiscal year. Under the terms of the contracts the Board of Governors of the University of North Carolina would agree to pay to the institutions, subject to the availability of funds, a fixed sum of money for each North Carolina student and licensure student enrolled as of October 1 of any year for which appropriated funds may be available, over and above the number of North Carolina students enrolled in that institution as of October 1, 1997, which shall be the base date for the purpose of this calculation. Funds appropriated pursuant to this section shall be paid by the State Education Assistance Authority to an institution upon recommendation of the Board of Governors of the University of North Carolina and on certification of the institution showing the number of North Carolina students and licensure students enrolled at the institution as of October 1 of any year for which funds may be appropriated over the number enrolled on the base date. In the event funds are appropriated for expenditure pursuant to this section and funds are also appropriated, for the same fiscal year, for expenditure pursuant to G.S. 116-19, students and licensure students who are enrolled at an institution in excess of the number enrolled on the base date may be counted under this section for the purpose of calculating the amount to be paid to the institution, but the same students and licensure students may also be counted

under G.S. 116-19, for the purpose of calculating payment to be made under that section."

SECTION 3. G.S. 116-21.1 reads as rewritten:

"**§ 116-21.1. Financial aid for North Carolina students and licensure students attending private institutions of higher education in North Carolina.**

(a) Funds shall be appropriated each fiscal year in the Current Operations Appropriations Act to the Board of Governors of The University of North Carolina for aid to institutions and shall be disbursed in accordance with the provisions of G.S. 116-19, 116-21, and 116-22.

(b) The funds appropriated in compliance with this section shall be placed in a separate, identifiable account in each eligible institution's budget or chart of accounts. All funds in the account shall be provided as scholarship funds for needy North Carolina students and licensure students during the fiscal year. Each student and licensure student awarded a scholarship from this account shall be notified of the source of the funds and of the amount of the award. Funds not utilized under G.S. 116-19 shall be available for the tuition grant program as defined in G.S. 116-21.2."

SECTION 4. G.S. 116-21.2 reads as rewritten:

"**§ 116-21.2. Legislative tuition grants to aid students and licensure students attending private institutions of higher education.**

(a) In addition to any funds appropriated pursuant to G.S. 116-19 and in addition to all other financial assistance made available to institutions, or to ~~students~~ persons attending these institutions, there is granted to each full-time North Carolina undergraduate student attending an approved institution as defined in G.S. 116-22, a sum, to be determined by the General Assembly for each academic year which shall be distributed to the full-time undergraduate student as provided by this subsection.

(a1) The legislative tuition grant provided by this section shall also be granted to each full-time licensure student who is enrolled in a program intended to result in a license in teaching or nursing at an approved institution. The legislative tuition grant provided by this section shall be awarded on a pro rata basis to any licensure student who is enrolled less than full-time in a program intended to result in a license in teaching or nursing at an approved institution. The legislative tuition grant and prorated legislative tuition grant authorized under this subsection shall be paid for undergraduate courses only.

(b) The tuition 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 not approve any grant until it receives proper certification from an approved institution that the student or licensure student applying for the grant is ~~an eligible student.~~eligible. Upon receipt of the certification, the State Education Assistance Authority shall remit at the times as it prescribes the grant to the approved institution on behalf, and to the credit, of the ~~student.~~student or licensure student.

(c) ~~In~~ Except as provided in subsection (a1) of this section, in the event a student on whose behalf a grant has been paid is not enrolled and carrying a minimum academic load as of the tenth classroom day following the beginning of the school term for which

the grant was paid, the institution shall refund the full amount of the grant to the State Education Assistance Authority. If a licensure student on whose behalf a prorated grant has been paid in accordance with subsection (a1) of this section is not enrolled in the undergraduate class as of the tenth classroom day following the beginning of the school term for which the grant was paid, the institution shall refund the full amount of the grant to the State Education Assistance Authority. Each approved institution shall be subject to examination by the State Auditor for the purpose of determining whether the institution has properly certified eligibility and enrollment of students and licensure students and credited grants paid on behalf of ~~the students.~~them.

(d) In the event there are not sufficient funds to provide each eligible student or licensure student with a full ~~grant:~~grant as provided by subsection (a) of this section or a full or a prorated grant as provided by subsection (a1) of this section:

(1) The Board of Governors of The University of North Carolina, with the approval of the Office of State Budget and Management, may transfer available funds to meet the needs of the programs provided by subsections ~~(a)~~ (a), (a1), and (b) of this section; and

(2) Each eligible student and licensure student shall receive a pro rata share of funds then available for the remainder of the academic year within the fiscal period covered by the current appropriation.

(e) Any remaining funds shall revert to the General Fund."

SECTION 5. G.S. 116-21.3 reads as rewritten:

"**§ 116-21.3. Legislative tuition grant limitations.**

(a) For purposes of this section, an "off-campus program" is any program offered for degree credit away from the institution's main permanent campus.

(b) No legislative tuition grant funds shall be expended for a program at an off-campus site of a private institution, as defined in G.S. 116-22(1), established after May 15, 1987, unless (i) the private institution offering the program has previously notified and secured agreement from other private institutions operating degree programs in the county in which the off-campus program is located or operating in the counties adjacent to that county or (ii) the degree program is neither available nor planned in the county with the off-campus site or in the counties adjacent to that county.

(c) Any member of the armed services, as defined in G.S. 116-143.3(a), abiding in this State incident to active military duty, who does not qualify as a resident for tuition purposes, as defined under G.S. 116-143.1, is eligible for a legislative tuition grant pursuant to this section if the member is enrolled as a full-time ~~student.~~undergraduate student or as a licensure student. The member's legislative tuition grant shall not exceed the cost of tuition less any tuition assistance paid by the member's employer.

(d) A legislative tuition grant authorized under ~~G.S. 116-21.2~~ G.S. 116-21.2(a) 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."

SECTION 6. G.S. 116-21.4(b) reads as rewritten:

"(b) Expenditures made pursuant to G.S. 116-19, 116-20, 116-21.1, or 116-21.2 shall not be used for any student or licensure 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 7. G.S. 116-22 is amended by adding a new subdivision to read:

"(1b) 'Licensure student' shall mean a person who:

a. Has a bachelors degree;

b. Is enrolled either full-time or less than full-time in a program intended to result in licensure in teaching or nursing;

c. Attends an institution located in the State; and

d. 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."

SECTION 8. There is appropriated from the General Fund to the State Education Assistance Authority the sum of one million five hundred thousand dollars ($1,500,000) for the 2006-2007 fiscal year to implement this act.

SECTION 9. This act becomes effective July 1, 2006.

HOUSE BILL 1928:
Tuit. & Contract. Grants for Teaching/Nursing

BILL ANALYSIS

Committee:	House Education	**Date:**	May 18, 2006
Introduced by:	Reps. Yongue, Johnson, Carney, Preston	**Summary by:**	Drupti Chauhan
Version:	First Edition		Committee Counsel

SUMMARY: House bill 1928 is a recommendation of the Joint Legislative Education Oversight Committee. The bill would provide state contractual scholarship fund grants and legislative tuition grants to North Carolina students who already have bachelor's degrees but are returning to a North Carolina private college or university to pursue licensure as teachers or nurses.

This bill is serially referred to Appropriations.

CURRENT LAW: State contractual scholarship fund grants and legislative tuition grants are currently available to North Carolina residents who meet all of the following:

- Do not have a bachelor's degree
- Are full-time undergraduate students
- Enrolled at approved private institutions located in the State

Legislative tuition grants are made to every North Carolina full-time undergraduate student who attends an approved private institution in the State regardless of the student's financial need. For the 2005-2006 fiscal year, the legislative tuition grant was in the amount of $1,800 per student. The General Assembly funded the State contractual scholarship fund grants in the amount of $1,150.00 per student for the fiscal year 2005-2006. Students must show financial need in order to receive the State contractual scholarship fund grants as well as be full-time undergraduate students. The State Education Assistance Authority is responsible for administering both grants.

BILL ANALYSIS: House bill 1928 would expand the number of North Carolina students eligible for legislative tuition grants and state contractual scholarship fund grants. It would allow North Carolina residents who already have a bachelor's degree but are returning to an approved private college or university and are enrolling in undergraduate programs intended to result in licensure in teaching and nursing. These students would be eligible for pro-rated legislative tuition grants and state contractual scholarship fund grants if they are not returning as full-time students. These new group of eligible students would be called licensure students for the purposes of both grants.

The bill would appropriate $1,500,000 for the fiscal year 2006-2007 to implement the act.

EFFECTIVE DATE: The bill would become effective July 1, 2006.

BACKGROUND: The Joint Legislative Education Oversight Committee (Committee) recommended this bill in its 2006 final report. The Committee found that encouraging professionals that already hold undergraduate degrees in other areas to go back to college to pursue licensure in teaching or nursing would be an excellent way to increase the numbers of teachers and nurses in the State and combat the shortage that the State is facing.

H1928e1-SMRQ

2005 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES

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

By Representative Bell, Lucas, McLawhorn (Chairs) for the Committee on EDUCATION.

☐ Committee Substitute for

HB 1929 A BILL TO BE ENTITLED AN ACT TO AMEND THE FUTURE TEACHERS OF NORTH CAROLINA SCHOLARSHIP LOAN FUND BY ADDING FIFTY SCHOLARSHIP LOANS FOR STUDENTS WHO AGREE TO BECOME CERTIFIED IN MATH OR SCIENCE, TEACH FULL-TIME IN THAT AREA IN A NORTH CAROLINA PUBLIC SCHOOL FOR THREE YEARS WITHIN FIVE YEARS AFTER GRADUATION AND MEET CERTAIN OTHER REQUIREMENTS.

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

(FOR JOURNAL USE ONLY)

_____ Pursuant to Rule 32(a), the bill/resolution is re-referred to the Committee on _____.

_____ The bill/resolution is re-referred to the Committee on _____.

HOUSE BILL 1929*

Short Title:	Amend Future Teachers' Scholarship Loan.	(Public)
Sponsors:	Representatives Yongue, Johnson, Carney, Preston (Primary Sponsors); Glazier, Fisher, Wainwright, Adams, B. Allen, Clary, Culp, England, Faison, Farmer-Butterfield, Jones, Luebke, Parmon , Pierce, Weiss, and Wiley.	
Referred to:	Education, if favorable, Appropriations.	

May 15, 2006

A BILL TO BE ENTITLED

AN ACT TO AMEND THE FUTURE TEACHERS OF NORTH CAROLINA SCHOLARSHIP LOAN FUND BY ADDING FIFTY SCHOLARSHIP LOANS FOR STUDENTS WHO AGREE TO BECOME CERTIFIED IN MATH OR SCIENCE, TEACH FULL-TIME IN THAT AREA IN A NORTH CAROLINA PUBLIC SCHOOL FOR THREE YEARS WITHIN FIVE YEARS AFTER GRADUATION AND MEET CERTAIN OTHER REQUIREMENTS.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 116-209.38 reads as rewritten:

"**§ 116-209.38. Future Teachers of North Carolina Scholarship Loan Fund.**

(a) There is established the Future Teachers of North Carolina Scholarship Loan Fund. The purpose of the Fund is to provide a two-year scholarship loan of six thousand five hundred dollars ($6,500) per year for any North Carolina student pursuing a college degree to teach in the public schools of the State. The scholarship loan shall be paid only for the student's junior and senior years. The scholarship loan is available if the student is enrolled in a State institution of higher education or a private institution of higher education located in this State that has an accredited teacher preparation program for students planning to become certified teachers in North Carolina. The State Education Assistance Authority shall administer the Fund and shall award ~~100~~ 150 scholarship loans annually.

(b) The Board of Governors of The University of North Carolina, in consultation with the State Board of Education and the State Board of Community Colleges, shall develop the criteria for awarding the scholarship loans under this section and shall adopt very stringent standards for awarding these scholarship loans to ensure that only the best students receive them. ~~Additional criteria for awarding a scholarship loan under this section shall include all of the following:~~

~~(1) The student is one who either: (i) maintained a "B" or better average in college and is enrolled as a junior or senior in a teacher preparation program at any of the institutions described by subsection (a) of this section; or (ii) completed a college transfer curriculum at a community college in the State's Community Colleges System, maintained a "B" or better average in the community college courses, and is accepted and enrolled in a teacher preparation program at one of the institutions described by subsection (a) of this section.~~

~~(2) The student agrees to become certified in math, science, special education, or English as a Second Language and teach full-time in that subject area in a North Carolina public school for three years within five years after graduation.~~

~~(3) Any additional criteria that the Board of Governors of The University of North Carolina, in consultation with the State Board of Education and the State Board of Community Colleges, considers necessary to administer the Fund effectively.~~

(b1) Additional criteria for awarding the first 100 scholarship loans under this section shall include all of the following:

(1) The student is one who either: (i) maintained a "B" or better average in college and is enrolled as a junior or senior in a teacher preparation program at any of the institutions described by subsection (a) of this section; or (ii) completed a college transfer curriculum at a community college in the State's Community Colleges System, maintained a "B" or better average in the community college courses, and is accepted and enrolled in a teacher preparation program at one of the institutions described by subsection (a) of this section.

(2) The student agrees to become certified in math, science, special education, or English as a Second Language and teach full-time in that subject area in a North Carolina public school for three years within five years after graduation.

(3) Any additional criteria that the Board of Governors of The University of North Carolina, in consultation with the State Board of Education and the State Board of Community Colleges, considers necessary to administer the Fund effectively.

(b2) Additional criteria for awarding the remaining 50 scholarship loans under this section shall include all of the following:

(1) The student is one who either: (i) maintained a "B" or better average in college and is enrolled as a junior or senior in a teacher preparation program at any of the institutions described by subsection (a) of this section; or (ii) completed a college transfer curriculum at a community college in the State's Community Colleges System, maintained a "B" or better average in the community college courses, and is accepted and enrolled in a teacher preparation program at one of the institutions described by subsection (a) of this section.

(2) The student agrees to become certified in math or science and teach full-time in that subject area in a North Carolina public school for three years within five years after graduation.

(3) Any additional criteria that the Board of Governors of The University of North Carolina, in consultation with the State Board of Education and the State Board of Community Colleges, considers necessary to administer the Fund effectively.

(c) If a student who is awarded a scholarship loan under this section fails to comply with the provisions of this section or the terms of the agreement awarding the scholarship loan, then the student shall repay the full amount of the scholarship loan provided to the student and the appropriate amount of interest as determined by the State Education Assistance Authority.

(d) The Board of Governors of The University of North Carolina, the State Board of Education, and the State Board of Community Colleges shall: (i) prepare a clear written explanation of the Future Teachers of North Carolina Scholarship Fund and the information regarding the availability and criteria for awarding the scholarship loans, and (ii) shall provide that information to the appropriate counselors in each local school system and the appropriate institutions of higher education and shall charge those counselors to inform students about the scholarship loans and to encourage them to apply for the scholarship loans.

(e) The Board of Governors of The University of North Carolina shall adopt rules to implement this section.

(f) The Board of Governors of The University of North Carolina shall report to the Joint Legislative Education Oversight Committee by March 1 each year regarding the Fund and scholarship loans awarded from the Fund. (2005-276, s. 9.11(a).)"

SECTION 2. Section 9.11(b) of S.L. 2005-276 reads as rewritten:

"**SECTION 9.11.(b)** Of the funds appropriated in this act to the State Education Assistance Authority the sum of six hundred fifty thousand dollars ($650,000) for the 2005-2006 fiscal year and the sum of ~~one million three hundred thousand dollars ($1,300,000)~~one million six hundred twenty-five thousand dollars ($1,625,000) for the 2006-2007 fiscal year shall be used to implement this act."

SECTION 3. This act becomes effective July 1, 2006.

HOUSE BILL 1929:
Amend Future Teachers' Scholarship Loan

BILL ANALYSIS

Committee:	House Education	**Date:**	May 18, 2006
Introduced by:	Reps. Yongue, Johnson, Carney, Preston	**Summary by:**	Sara Kamprath
Version:	First Edition		Legislative Analyst

SUMMARY: House Bill 1929 would implement a recommendation of the Joint Legislative Education Oversight Committee to add an additional 50 scholarship loans to the Future Teachers of North Carolina Scholarship Loan Fund. Recipients would have to agree to become certified in science or math and then teach in that subject for 3 years in a North Carolina public school. The act also includes an appropriation to implement the recommendation.

The act is serially referred to the House Appropriations Committee.

BACKGROUND: Last year, the General Assembly established the Future Teachers of North Carolina Scholarship Loan Fund to provide 100 scholarship loans for students who are pursing teaching degrees. The student must be enrolled as a junior or senior in an accredited teacher preparation program at a public or private institution of higher education. The student must have maintained a "B" or better average in college or maintained a "B" or better average in a college transfer curriculum at a community college. The student must also agree to become certified in math, science, special education, or English as a Second Language and to teach that subject full-time for three years within five years after graduation. One year of service as a full-time teacher (minimum of 9 calendar months in a fiscal year) cancels one year of funding support received by the student.

The amount of the scholarship loan is $6,500 each year. If a student fails to comply with the terms of the agreement awarding the scholarship loan, then the student shall repay the full amount of the scholarship loan provided to the student and 10% interest within ten years of graduation.

BILL ANALYSIS: House Bill 1929 would add an additional 50 scholarship loans specifically for students who agree to become certified in math or science and meet the other requirements for the scholarship loan. The bill also includes an appropriation of $325,000 for the additional scholarship loans.

EFFECTIVE DATE: The act would become effective July 1, 2006.

H1929e1-SMRJ

HOUSE EDUCATION COMMITTEE MINUTES
Tuesday, May 30, 2006
Room 643 LOB
11:00 a.m.

Rep. Lucas called the meeting to order and welcomed everyone then introduced the Pages and Sergeants-at-Arms (sheets attached).

Rep. McLawhorn made a motion that we consider the PCS rather than the original bill.

Representative Glazier was called to explain the PCS for HB 1908 Rewrite Special Ed Laws. Rep. Farmer-Butterfield and Rep. Wiley and Rep. Preston joined him also. Several members asked questions/made comments. Comments were also made by Ms. Mary Watson, Dept. of Public Instruction. Rep. Glazier moved to amend the bill on page 3, line 35 by adding the following at the end of the line: "Rules as defined in G.S. 150B-2(8a) shall be adopted in accordance with Article 2A of Chapter 140B of the General Statues". The amendment passes.

Rep. Parmon moved to give a favorable report that the technical correction be rolled into the Proposed Committee Substitute. The motion passes.

Rep. Lucas thanked Reps. Wiley, Glazier, Farmer-Butterfield, and all that worked on the report.

Meeting adjourned at 11:40 a.m.

Respectfully submitted,

Marvin W. Lucas

Marvin W. Lucas, Chairing

Thelma T. Utley, Committee Assistant

NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
House Bill 1908

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

H1908-ARQ-22 [v.1]

Date _____,2006

Comm. Sub. [YES]
Amends Title [NO]
H1908-CSSF-40[v.1]

Representative Glazier

moves to amend the bill on page 3, line 35 by adding the following at the end of the line:

"Rules as defined in G.S. 150B-2(8a) shall be adopted in accordance with Article 2A of Chapter 150B of the General Statutes.".

SIGNED _____
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED _____ FAILED _____ TABLED _____

NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
House Bill 1908

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

H1908-ARQ-22 [v.1]

Date _____,2006

Comm. Sub. [YES]
Amends Title [NO]
H1908-CSSF-40[v.1]

Representative Glazier

moves to amend the bill on page 3, line 35 by adding the following at the end of the line:
"Rules as defined in G.S. 150B-2(8a) shall be adopted in accordance with Article 2A of Chapter 150B of the General Statutes.".

SIGNED _____
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED _____ FAILED _____ TABLED _____

AGENDA

HOUSE EDUCATION COMMITTEE MEETING

Tuesday, May 30, 2006
Room 643 LOB
11:00 a.m.

Representative Marvin W. Lucas
Presiding Chair

CALL TO ORDER

REMARKS

BILL TO BE CONSIDERED

HB 1908 Rewrite Special Ed Laws.
Reps. Glazier, Farmer-Butterfield, Preston, Wiley

ADJOURNMENT

AGENDA

HOUSE EDUCATION COMMITTEE MEETING

Tuesday, May 30, 2006
Room 643 LOB
11:00 a.m.

Representative Marvin W. Lucas
Presiding Chair

CALL TO ORDER

REMARKS

BILL TO BE CONSIDERED

HB 1908 Rewrite Special Ed Laws.
Reps. Glazier, Farmer-Butterfield, Preston, Wiley

ADJOURNMENT

NORTH CAROLINA HOUSE OF REPRESENTATIVES
COMMITTEE MEETING NOTICE
AND
BILL SPONSOR NOTIFICATION
2005-2006 SESSION

You are hereby notified that the Committee on EDUCATION will meet as follows:

DAY & DATE: **Tuesday, May 30, 2006**

TIME: **11:00 a.m.**

LOCATION: **643 LOB**

The following bill will be considered (Bill # & Short Title & Bill Sponsors):

HB 1908 REWRITE SPECIAL ED LAWS **Reps. Glazier, Farmer-Butterfield Preston, Wiley**

Respectfully,
Representatives Bell, Lucas, McLawhorn
Chairs

I hereby certify this notice was filed by the committee assistant at the following offices at **11:50** on **May 25, 2006.**

___Principal Clerk
___Reading Clerk - House Chamber

Thelma T. Utley (Committee Assistant)

NORTH CAROLINA HOUSE OF REPRESENTATIVES
COMMITTEE MEETING NOTICE
AND
BILL SPONSOR NOTIFICATION
2005-2006 SESSION

You are hereby notified that the Committee on EDUCATION will meet as follows:

DAY & DATE: **Tuesday, May 30, 2006**

TIME: **11:00 a.m.**

LOCATION: **643 LOB**

The following bill will be considered (Bill # & Short Title & Bill Sponsors):

HB 1908 REWRITE SPECIAL ED LAWS **Reps. Glazier, Farmer-Butterfield Preston, Wiley**

Respectfully,
Representatives Bell, Lucas, McLawhorn
Chairs

I hereby certify this notice was filed by the committee assistant at the following offices at **11:50** on **May 25, 2006.**

___Principal Clerk
___Reading Clerk - House Chamber

Thelma T. Utley (Committee Assistant)

H

HOUSE BILL 1908

Short Title:	Rewrite Special Ed Laws.	(Public)
Sponsors:	Representatives Glazier, Farmer-Butterfield, Preston, Wiley (Primary Sponsors); Adams, Alexander, B. Allen, Carney, Fisher, Harrison, Insko, Luebke, Parmon, Vinson, Wainwright, and Weiss.	
Referred to:	Education, if favorable, Appropriations.	

May 15, 2006

A BILL TO BE ENTITLED

AN ACT TO REWRITE THE LAWS GOVERNING THE EDUCATION OF CHILDREN WITH SPECIAL NEEDS, AND TO MAKE AN APPROPRIATION.

The General Assembly of North Carolina enacts:

SECTION 1. Parts 1-3, 5-6, and 10-14 of Article 9 of Chapter 115C of the General Statutes are repealed.

SECTION 2. Article 9 of Chapter 115C of the General Statutes, as amended by Section 1 of this act, reads as rewritten:

"Article 9.

"~~Special Education.~~ Education of Children with Disabilities.

"Part 1A. General Provisions.

"**§ 115C-106.1. State goal.**

The goal of the State is to provide full educational opportunity to all children with disabilities who reside in the State.

"**§ 115C-106.2. Purposes.**

(a) The purposes of this Article are to (i) ensure that all children with disabilities ages three through 21 have available to them a free appropriate public education that emphasizes special education and related services designed to meet their unique needs and prepares them for further education, employment, and independent living; (ii) ensure that the rights of these children and their parents are protected; and (iii) enable the State Board and local educational agencies to provide for the education of all children with disabilities.

(b) In addition to the purposes listed in subsection (a) of this section, the purpose of this Article is to enable the State Board of Education and local educational agencies to implement IDEA in this State. If this Article is silent or conflicts with IDEA, and if IDEA has specific language that is mandatory, then IDEA controls.

"§ 115C-106.3. Definitions.

The following definitions apply in this Article:

(1) "Child with a disability" means a child with at least one disability who because of that disability requires special education and related services.

(2) "Disability" includes mental retardation; hearing impairment, including deafness; speech or language impairment; visual impairment, including blindness; serious emotional disturbance; orthopedic impairment; autism; traumatic brain injury; other health impairments, specific learning disability, or other disability as may be required to be included under IDEA. For a child ages three through seven, this term also includes developmental delay.

(3) "Dispute" means a disagreement between the parties.

(4) "Free appropriate public education" means special education and related services that:

a. Are provided at public expense, under public supervision and direction, and without charge;

b. Meet the standards of the State Board;

c. Include an appropriate preschool, elementary school, or secondary school education in the State; and

d. Are provided in conformity with an individualized education program.

(5) "Hearing officers" include administrative law judges as defined in G.S. 150B-2(1) and hearing review officers.

(6) "IDEA" means The Individuals with Disabilities Education Improvement Act, 20 U.S.C. § 1400, et seq. (2004), as amended, and federal regulations adopted under this act.

(7) "IEP Team" is as defined in IDEA.

(8) "Individualized education program" or "IEP" means a written statement for each child with a disability that is developed, reviewed, and revised consistent with IDEA.

(9) "Infant or toddler with a disability" is as defined in IDEA.

(10) "Least restrictive environment" means to the maximum extent appropriate, children with disabilities are educated with children who are not disabled, and special classes, separate schooling, or other removal of children with disabilities from the regular educational environment occurs only when the nature of the disability is such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily.

(11) "Local educational agency" includes any of the following that provides special education and related services to children with disabilities:

a. A local school administrative unit.

b. A charter school.

c. The Department of Health and Human Services.

d. The Department of Correction.
e. The Department of Juvenile Justice and Delinquency Prevention.
f. Any other State agency or unit of local government.

(12) "Mediation" means an informal process conducted by a mediator with the objective of helping parties voluntarily settle their dispute.

(13) "Mediator" means a neutral person who acts to encourage and facilitate a resolution of a dispute.

(14) "Parent" means:
a. A natural, adoptive, or foster parent;
b. A guardian, but not the State if the child is a ward of the State;
c. An individual acting in the place of a natural or adoptive parent, including a grandparent, stepparent, or other relative, and with whom the child lives;
d. An individual who is legally responsible for the child's welfare; or
e. A surrogate if one is appointed under G.S. 115C-109.2.

(15) "Parties" means the local educational agency and the parents.

(16) "Petition" means a request for a due process hearing as provided for under IDEA.

(17) "Preschool child with a disability" means a child with one or more disabilities who meets all of the following criteria:
a. Has reached the child's third birthday and whose parents have requested services from the public schools.
b. Is not eligible to enroll in public kindergarten.
c. Because of the disability, needs special education and related services in order to prepare the child to benefit from the educational programs provided by the public schools, beginning with kindergarten.

(18) "Related services" is as defined in IDEA.

(19) "Rules" include rules, policies, and procedures.

(20) "Special education" means specially designed instruction, at no cost to parents, to meet the unique needs of a child with a disability. The term includes instruction in physical education and instruction conducted in a classroom, the home, a hospital or institution, and other settings.

"Part 1B. Provision of Free Appropriate Public Education.

"**§ 115C-107.1. Free appropriate public education; ages.**

(a) A free appropriate public education shall be made available to the following:

(1) All children with disabilities who reside in the State, who are the ages of three through 21, and who require special education and related services.

(2) Any child with a disability who is receiving special education and related services until the end of the school year in which that child reaches the age of 22.

(3) Children with disabilities who require special education and related services and who are suspended or expelled from school.

(b) A free appropriate public education is not required to be provided to infants and toddlers with disabilities. However, early intervention services shall be made available to these children under G.S. 143B-139.61.

(c) If funds are made available, the State Board and the Secretary of Health and Human Services may adopt an agreement to allow the continuation of early intervention services for children with a disability who are at least three years old but before they enter kindergarten or are eligible to enter kindergarten. If an agreement is adopted under this subsection, then a free appropriate public education is not required to be provided to any child with a disability who continues to receive early intervention services in accordance with that agreement.

(d) Nothing in this Article requires a free appropriate public education to be made available to any individual aged 18 through 21 who, in the educational placement immediately before that individual's incarceration in an adult correctional facility, was not actually identified as being a child with a disability and did not have an IEP.

"**§ 115C-107.2. Duties of State Board of Education.**

(a) The State Board of Education shall adopt rules to ensure that:

(1) The requirements of this Article and IDEA are met.

(2) All educational programs under the supervision of any local educational agency for children with disabilities meet all of the following requirements:

a. The programs are under the general supervision of individuals in the State who are responsible for educational programs for children with disabilities.

b. The programs meet the State Board's educational standards.

c. With respect to homeless children, the programs meet the requirements of 20 U.S.C. § 1431, McKinney-Vento Homeless Assistance Act.

(b) The rules adopted under subsection (a) of this section shall include rules that:

(1) Establish standards for the programs of special education to be administered by local educational agencies and by the State Board.

(2) Ensure that children with disabilities are educated in the least restrictive environment.

(3) Ensure that local school administrative units make available special education and related services to all preschool children with disabilities whose parents request these services.

(4) Provide for public hearings, adequate notice of these hearings, and an opportunity for comment from the general public before the adoption of the rules required by this Article.

(5) Are required in order to receive federal funding under IDEA.

(6) Provide that, where a local educational agency finds that appropriate services are available from other public agencies or private

organizations, the local educational agency may contract for those services rather than provide them directly.

(7) Enable local educational agencies to identify, evaluate, place, and make other educational decisions for children with disabilities.

(8) Provide procedural safeguards for children with disabilities and their parents.

(9) Designate a person in the Department of Public Instruction who is charged with receiving and responding to notices or other legal documents under Part 1D of this Article.

(10) Support and facilitate local educational agency and school-level system improvement designed to enable children with disabilities to meet the challenging State student academic achievement standards.

(c) Rules adopted under this section shall be consistent with IDEA and shall comply with G.S. 115C-12(19). Local educational agencies, parents, and other individuals concerned with the education of children with disabilities shall be consulted in the development of rules adopted under this Article.

(d) The State Board shall develop forms for local educational agencies to use in order to comply with this Article. The forms must comply with G.S. 115C-12(19) and may be in an electronic format.

(e) The State Board shall provide technical assistance to local educational agencies at their request.

(f) The State Board shall develop any plans that meet the criteria of IDEA and are required to be submitted to the United States Department of Education.

(g) The State Board shall make available to hearing officers training related to IDEA and its legal interpretations in order to facilitate hearings and reviews under G.S. 115C-109.6.

"**§ 115C-107.3. Child find.**

(a) The Board shall require an annual census of children with disabilities, subdivided for "identified" and "suspected" children with disabilities, to be taken in each school year. Suspected children are those in the formal process of being evaluated or identified as children with disabilities. The census shall be conducted annually and shall be completed by October 15, submitted to the Governor and General Assembly and made available to the public by January 15 annually.

(b) In taking the census, the Board requires the cooperation, participation, and assistance of all local educational agencies. Therefore, each local educational agency shall cooperate and participate with and assist the Board in conducting the census.

(c) The census shall include the number of children identified and suspected with disabilities, their age, the nature of their disability, their county or city of residence, their local school administrative unit residence, whether they are being provided special educational or related services and if so by what local educational agency, the identity of each local educational agency having children with disabilities in its care, custody, management, jurisdiction, control, or programs, the number of children with disabilities being served by each local educational agency, and any other information or data that

the Board requires. The census shall be of children with disabilities between the ages three through 21.

"**§ 115C-107.4. Monitoring and enforcement.**

(a) The State Board shall monitor all local educational agencies to determine compliance with this Article and IDEA. The State Board also shall monitor the effectiveness of IEPs in meeting the educational needs of children with disabilities.

(b) The State Board shall implement an effective and efficient system of incentives and sanctions for local educational agencies in order to improve results for children with disabilities and meet the requirements of this Article and IDEA. The system, which must be based on a continuum of recognition and sanctions, shall:

(1) Identify and recognize local educational agencies that achieve or exceed targets and indicators as determined by the State Board, demonstrate significant improvement over time, and show growth on targets and indicators as determined by each local educational agency.

(2) Provide consequences for local educational agencies that are substantially noncompliant with statutory and regulatory requirements under this Article and IDEA.

(c) The system of incentives developed under subsection (b) of this section may include commendations, public recognition, allocation of grant funds if available, and any other incentives as considered appropriate by the State Board.

(d) The system of sanctions developed under subsection (b) of this section shall include the following:

(1) Level One – Needs Assistance: When the State Board determines (i) a local school educational agency has been in noncompliance for two years and (ii) that agency needs assistance in implementing the requirements of this Article and IDEA, the State Board shall take one or more of the following actions:

a. The Board may direct the local educational agency to allocate additional time and resources for technical assistance and guidance related to areas of noncompliance.

b. The Board may impose special conditions on that agency's application for IDEA funds.

c. The Board may direct how that local educational agency utilizes IDEA funds to address the remaining findings of noncompliance. The local educational agency must track the use of these funds to show how the funds are targeted to address areas of noncompliance.

(2) Level Two – Needs Intervention: If the State Board determines (i) that the local educational agency has been in noncompliance for three years and (ii) that agency needs assistance in implementing this Article and IDEA, the following apply:

a. The Board may take any of the actions described in subdivision (1) of this subsection.

b. The Board shall withhold, in whole or in part, any further payments of IDEA funds to the agency.

c. The Board shall require the agency to enter into a compliance agreement.

(3) Level Three – Needs Substantial Intervention: In addition to the sanctions described in subdivisions (1) and (2) of this subsection, if at any time the State Board determines a local educational agency (i) needs substantial intervention in implementing the requirements of this Article and IDEA, or (ii) has established a substantial failure to comply with this Article and IDEA, the Board shall take one or more of the following actions:

a. The Board shall direct the agency to implement a compliance agreement, billed to that agency.

b. The Board shall recover IDEA funds.

c. The Board shall refer the agency for appropriate enforcement under State or federal law.

(e) In addition to the consequences required under subsections (b) and (d) of this section, the State Board shall develop sanctions for local educational agencies that fail to implement a corrective action or hearing decision.

"**§ 115C-107.5. Annual reports.**

The State Board shall report annually to the Joint Legislative Education Oversight Committee on the implementation of this Article and the educational performance of children with disabilities. Each annual report shall include a copy of the following documents that were submitted, received, or made public during the year: (i) the most recent State performance plan and any amendments to that plan submitted to the Secretary of Education, (ii) compliance and monitoring reports submitted to the Secretary of Education, (iii) the annual report submitted to the Secretary of Education on the performance of the State under its performance plan, and (iv) any other information required under IDEA to be made available to the public. In addition, the annual report shall include an analysis of the educational performance of children with disabilities in the State and a summary of disputes under Part 1D of this Chapter. The report shall be filed no later than October 15 each year and may be filed electronically.

"**§ 115C-107.6. Duties of local educational agencies.**

(a) Each local educational agency, in providing for the education of children with disabilities within its jurisdiction, must comply with IDEA and the rules adopted by the State Board under this Article. In addition, each local educational agency shall have in effect policies, procedures, and programs that are consistent with this Article, IDEA, and rules adopted by the State Board.

(b) No local educational agency shall prohibit a child with a disability from enrolling in a public school or public program of special education or related services to which that child would otherwise be eligible to attend based solely on the fact that the child has a disability. If it appears the child should receive a program of free appropriate public education in a program operated by or under the supervision of the Department of Health and Human Services or the Department of Juvenile Justice and Delinquency

Prevention, the local school administrative unit shall confer with the appropriate Department of Health and Human Services or Department of Juvenile Justice and Delinquency Prevention staff for their participation and determination of the appropriateness of placement in that program and development of the child's individualized education program.

(c) No matriculation or tuition fees or other fees or charges shall be required or asked of children with disabilities or their parents except those fees or charges that are required uniformly of all public school pupils. The provision of a free appropriate public education within the facilities of the Department of Health and Human Services and the Department of Juvenile Justice and Delinquency Prevention shall not prevent that Department from charging for other services or treatment.

(d) Each child with a disability shall be educated in accordance with that child's IEP and in the least restrictive environment for that child.

(e) Each local educational agency shall use the forms developed under G.S. 115C-107.2(d).

"**§ 115C-107.7. Discipline.**

The policies and procedures for the discipline of students with disabilities shall be consistent with federal laws and regulations.

"Part 1C. Interagency Coordination.

"**§ 115C-108.1. State Board lead agency.**

(a) The Board shall cause all local educational agencies to provide special education and related services to children with disabilities in their care, custody, management, jurisdiction, control, or programs. In this regard, all local school administrative units and all other local educational agencies providing special education and related services shall explore available local resources and determine whether the services are currently being offered by an existing public or private agency.

(b) The jurisdiction of the Board with respect to the design and content of special education programs or related services for children with disabilities extends to and over the Department of Health and Human Services, the Department of Juvenile Justice and Delinquency Prevention, and the Department of Correction.

(c) All provisions of this Article that are specifically applicable to local school administrative units also are applicable to the Department of Health and Human Services, the Department of Juvenile Justice and Delinquency Prevention, and the Department of Correction and their divisions and agencies; all duties, responsibilities, rights, and privileges specifically imposed on or granted to local school administrative units by this Article also are imposed on or granted to the Department of Health and Human Services, the Department of Juvenile Justice and Delinquency Prevention, and the Department of Correction and their divisions and agencies. However, with respect to children with disabilities who are residents or patients of any State-operated or State-supported residential treatment facility, including a school for the deaf, school for the blind, mental hospital or center, mental retardation center, or in a facility operated by the Department of Juvenile Justice and Delinquency Prevention, the Department of Correction or any of their divisions and agencies, the Board may contract with the Department of Health and Human Services, the Department of Juvenile Justice and

Delinquency Prevention, and the Department of Correction for the provision of special education and related services and the power to review, revise, and approve any plans for special education and related services to those residents.

(d) The Departments of Health and Human Services, Correction, and Juvenile Justice and Delinquency Prevention shall submit to the Board their plans for the education of children with disabilities in their care, custody, or control. The Board may grant specific exemptions for programs administered by the Department of Health and Human Services, the Department of Juvenile Justice and Delinquency Prevention, or the Department of Correction when compliance by them with the Board's standards would, in the Board's judgment, impose undue hardship on that department and when other procedural due process requirements, substantially equivalent to those required under this Article and IDEA, are assured in programs of special education and related services furnished to children with disabilities served by that department. Further, the Board shall recognize that inpatient and residential special education programs within the Departments of Health and Human Services, Correction, and Juvenile Justice and Delinquency Prevention may require more program resources than those necessary for optimal operation of these programs in local school administrative units.

(e) When a specified special education or related service is being offered by a local public or private resource, a local educational agency shall negotiate for the purchase of that service or shall present full consideration of alternatives and its recommendations to the Board. In this regard, a new or additional program for special education or related services shall be developed with the approval of the Board only when that service is not being provided by existing public or private resources or the service cannot reasonably be purchased from existing providers. Further, the Board shall support and encourage joint and collaborative special education planning and programming at local levels to include local school administrative units and the programs and agencies of the Departments of Health and Human Services, Correction, and Juvenile Justice and Delinquency Prevention.

"**§ 115C-108.2. Interlocal cooperation.**

The Board, any two or more local educational agencies, and any other agency and any State department, agency, or division having responsibility for the education, treatment, or habilitation of children with disabilities may enter into interlocal cooperative undertakings under Part 1 of Article 20 of Chapter 160A of the General Statutes or into undertakings with a State agency such as the Departments of Public Instruction, Health and Human Services, Juvenile Justice and Delinquency Prevention, or Correction, or their divisions, agencies, or units, for the purpose of providing for the special education and related services, treatment, or habilitation of these children within the jurisdiction of the agency or unit, and shall do so when it is unable to provide the appropriate public special education or related services for these children. In entering into such undertakings, the local agency and State department, agency, or division shall also contract to provide the special education or related services that are educationally appropriate to the children with disabilities for whose benefit the undertaking is made, and provide these services by or in the local agency unit or State department, agency, or division located in the place most convenient to these children.

"Part 1D. Procedural Safeguards.

"**§ 115C-109.1. Handbook for parents.**

The State Board of Education shall make available to parents a handbook of procedural safeguards. This handbook for parents shall be made available at least once each school year, except that a copy also shall be given to the parent (i) upon the initial referral or parental request for an evaluation; (ii) upon the first occurrence of the filing of a petition under G.S. 115C-109.6 and IDEA; (iii) upon the parent's request; and (iv) upon any revision to the content of the handbook. This handbook for parents shall include a full explanation of the procedural safeguards under this Article and IDEA, be written in the native language of the parent unless it clearly is not feasible to do so, be written in an easily understood manner, and include information required under IDEA to be included.

The State Board shall place a current copy of the handbook for parents on its Internet Web site.

"**§ 115C-109.2. Adult children with disabilities; surrogate parents.**

(a) When a child with a disability reaches the age of 18, all of the following apply:

(1) Notices required under this Article shall be provided to both the child and the child's parent.

(2) All other rights accorded to parents under this Article and IDEA transfer to the child.

(3) The local educational agency shall notify the child and the child's parent of these transfer rights.

(b) Notwithstanding subsection (a) of this subsection, the State Board shall establish procedures appointing a parent of a child with a disability to represent the educational interests of the child throughout the period of eligibility of the child when the child reaches the age of 18, has not been determined to be incompetent, but has been determined not to have the ability to provide informed consent with respect to the educational program of the child.

(c) A reasonable effort must be made to appoint a surrogate for a child with a disability within 30 days of a determination that one of the following conditions exists and that the child needs a surrogate:

(1) The parents of that child are not known;

(2) The parents, after reasonable efforts, cannot be located; or

(3) The child is a ward of the State.

(d) A person must be eligible under IDEA to be appointed as a child's surrogate.

"**§ 115C-109.3. Access to records; opportunity for parents to participate in meetings.**

(a) Each local educational agency shall provide an opportunity for the parents of a child with a disability to examine all records relating to that child and to participate in meetings with respect to the identification, evaluation, and educational placement of the child, and the provision of a free appropriate public education to that child.

(b) Local educational agencies may release the records of a child with a disability only as permitted under State or federal law. The parents of a child with a disability may

have access to the child's records and may read, inspect, and copy all and any records, data, and information maintained by a local educational agency with respect to that child. Parents, upon their request, are entitled to have those records, data, and information fully explained, interpreted, and analyzed for them by the staff of the agency, unless specifically prohibited by court order. If a request is made under this subsection, the local educational agency shall honor the request within not more than 45 days after it is made or in time for the individual who made the request to prepare for a meeting under subsection (a) of this section, whichever is sooner.

(c) The student and the student's parents may add written explanations or clarifications to the records, data, and information and may request the expunction of incorrect, outdated, misleading, or irrelevant entries. If a local educational agency refuses to expunge incorrect, outdated, misleading, or irrelevant entries after having been asked to do so by the parent, the parent may appeal that decision under G.S. 115C-45(c)(2).

"**§ 115C-109.4. Mediation.**

(a) It is the policy of this State to encourage local educational agencies and parents to seek mediation involving any dispute under this Article, including matters arising before or after filing a petition under G.S. 115C-109.6.

(b) Mediation under this section must meet the following requirements:

(1) The mediation must be voluntary on the part of both parties.

(2) Mediation shall not be used to deny or delay a parent's right to an impartial hearing under G.S. 115C-109.6, or to deny any other rights afforded under this Article or IDEA.

(3) The mediation shall be conducted by a qualified and impartial mediator who is trained in effective mediation techniques.

(c) The State Board may establish procedures to offer to parties that do not choose to use the mediation process an opportunity to meet with a disinterested party, as provided under IDEA, who can encourage the use and explain the benefits of the mediation process to the parties. This meeting must be at a time and location convenient to the parents.

(d) The State Board shall maintain a list of qualified mediators who are knowledgeable in laws and regulations relating to the provision of special education and related services. When mediation is requested, the Exceptional Children Division of the Department of Public Instruction shall assign a mediator from this list of mediators.

(e) The State shall bear the cost of the mediation process, including the costs of meetings described under subsection (b) of this section, unless the parties opt to select a mediator other than the mediator assigned under subsection (c) of this section or if the parties opt to use an alternative method of dispute resolution.

(f) Each session in the mediation process shall be scheduled in a timely manner and shall be held in a location that is convenient to the parties to the dispute.

(g) Evidence of statements made and conduct occurring in a mediation are confidential, are not subject to discovery, and are inadmissible in any proceeding in the action or other actions on the same claim. However, no evidence otherwise discoverable is inadmissible merely because it is presented or discussed in a mediation. Mediators

shall not be compelled in any civil proceeding to testify or produce evidence concerning statements made and conduct occurring in a mediation.

(h) When resolution is reached to resolve the dispute through the mediation process, the parties shall execute a legally binding agreement that:

(1) Sets forth the agreement.

(2) States that all discussions that occurred during the mediation process are confidential and may not be used as evidence in any subsequent impartial hearing under G.S. 115C-109.6 or in any civil proceeding.

(3) Is signed by both the parent and a representative of the local educational agency who has the authority to bind that agency.

(4) Is enforceable in any State administrative forum, any State court of competent jurisdiction, or in a district court of the United States.

(i) In addition to mediation as provided by this section, the parties may participate in a mediated settlement conference as provided by G.S. 150B-23.1. In addition, the parties may agree to use other dispute resolution methods or to use mediation in other circumstances, including after a request for formal administrative review is filed, to the extent permitted under State and federal law.

"**§ 115C-109.5. Prior written notice.**

(a) The local educational agency shall provide prompt written notice to parents whenever that agency proposes to initiate or change, or refuses to initiate or change (i) the identification, evaluation, or educational placement of a child, or (ii) the provision of a free appropriate public education to a child with a disability. The local educational agency shall document that all required notices have been sent to and received by parents.

(b) This prior written notice shall be in the native language of the parents, unless it clearly is not feasible to translate it, and shall contain all of the following information:

(1) A description of the action proposed or refused by the local educational agency.

(2) An explanation of why the local educational agency proposes or refuses to take the action and a description of each evaluation procedure, assessment, record, or report that agency used as a basis for the proposed or refused action.

(3) A statement that the parent of a child with a disability has protection under the procedural safeguards of this Article and IDEA and, if this notice is not the initial referral for evaluation, the means by which a copy of the procedural safeguards can be obtained.

(4) Sources for parents to contact to obtain assistance in understanding this Article and IDEA.

(5) A description of other options considered by the IEP Team and the reason why those options were rejected.

(6) A description of the factors that are relevant to the local educational agency's proposal or refusal.

(7) Any other information required to be included under IDEA.

"**§ 115C-109.6. Impartial due process hearings.**

(a) Any party may file with the Office of Administrative Hearings a petition to request an impartial hearing with respect to any matter relating to the identification, evaluation, or educational placement of a child, or the provision of a free appropriate public education of a child, or a manifestation determination. The party filing the petition must notify the other party and the person designated under G.S. 115C-107.2(b)(9) by simultaneously serving them with a copy of the petition.

(b) Notwithstanding any other law, the party shall file a petition under subsection (a) of this section that includes the information required under IDEA and that sets forth an alleged violation that occurred not more than one year before the party knew or reasonably should have known about the alleged action that forms the basis of the petition. The issues for review under this section are limited to those set forth in subsection (a) of this section. The party requesting the hearing may not raise issues that were not raised in the petition unless the other party agrees otherwise.

(c) The one-year restriction in subsection (b) of this section shall not apply to a parent if the parent was prevented from requesting the hearing due to (i) specific misrepresentations by the local educational agency that it had resolved the problem forming the basis of the petition, or (ii) the local educational agency's withholding of information from the parent that was required under State or federal law to be provided to the parent.

(d) The hearing shall be conducted in the county where the child attends school or is entitled to enroll under G.S. 115C-366, unless the parties mutually agree to a different venue.

(e) The hearing shall be closed to the public unless the parent requests in writing that the hearing be open to the public.

(f) Subject to G.S. 115C-109.7, the decision of the administrative law judge shall be made on substantive grounds based on a determination of whether the child received a free appropriate public education. Following the hearing, the administrative law judge shall issue a written decision regarding the issues set forth in subsection (a) of this section. The decision shall contain findings of fact and conclusions of law. Notwithstanding Chapter 150B of the General Statutes, the decision of the administrative law judge becomes final and is not subject to further review unless appealed to the Review Officer under G.S. 115C-109.9.

(g) A copy of the administrative law judge's decision shall be served upon each party and a copy shall be furnished to the attorneys of record. The written notice shall contain a statement informing the parties of the availability of appeal and the 30-day limitation period for appeal as set forth in G.S. 115C-109.9.

(h) In addition to the petition, the parties shall simultaneously serve a copy of all pleadings, agreements, and motions under this Part with the person designated by the State Board under G.S. 115C-107.2(b)(9). The Office of Administrative Hearings shall simultaneously serve a copy of all orders and decisions under this Part with the person designated by the State Board under G.S. 115C-107.2(b)(9).

(i) Nothing in this section shall be construed to preclude a parent from filing a separate due process petition on an issue separate from a petition already filed.

(j) Notwithstanding Chapter 150B of the General Statutes, the State Board, through the Exceptional Children Division, and the State Office of Administrative Hearings shall develop and enter into a binding memorandum of understanding to ensure compliance with the statutory and regulatory procedures and timelines applicable under IDEA to due process hearings and to hearing officers' decisions, and to ensure the parties' due process rights to a fair and impartial hearing. This memorandum of understanding shall be amended if subsequent changes to IDEA are made. The procedures and timelines shall be made part of the Board's procedural safeguards that are made available to parents and the public under G.S. 115C-109.1 and 115C-109.5.

"**§ 115C-109.7. Resolution session.**

(a) Within 15 days of receiving notice of the parent's petition filed under G.S. 115C-109.6 and before the opportunity for an impartial hearing, the local educational agency shall convene a meeting with the parent and the relevant members of the IEP Team who have specific knowledge of the facts identified in the petition. This meeting shall include a representative of the agency who has decision-making authority on behalf of that agency and may not include an attorney of the local educational agency unless the parent is accompanied by an attorney. If the parent plans to be accompanied by an attorney under this section, the parent must give prior written notice of this fact to the agency. The purposes of the meeting are (i) for the parent to have an opportunity to discuss the petition and the facts that form the basis of the petition and (ii) for the local educational agency to have the opportunity to resolve the dispute.

(b) The parent and the local educational agency jointly may agree in writing to waive the meeting under subsection (a) of this section or to use the mediation process described in G.S. 115C-109.4.

(c) If the local educational agency does not resolve the dispute to the satisfaction of the parents within 30 days of the agency's receipt of the petition, the impartial hearing under G.S. 115C-109.6 may occur and all of the applicable timelines for that hearing shall commence.

(d) If a resolution is reached to resolve the dispute at a meeting under subsection (a) of this section, the parties shall execute a legally binding agreement that is:

(1) Signed by both the parent and a representative of the local educational agency who has the authority to bind the agency;

(2) Enforceable in any State court of competent jurisdiction or in a district court of the United States; and

(3) Filed with the person designated by the State Board to receive notices and with the Office of Administrative Hearings.

(e) If the parties execute an agreement under subsection (d) of this section, either party may void the agreement by providing written notice within three business days of the agreement's execution to the person designated by the State Board to receive notices, the Office of Administrative Hearings, and the other party. Notwithstanding subsection (c) of this section, upon receipt of this notice, the impartial hearing under G.S. 115C-109.6 may occur and all of the applicable timelines for that hearing shall commence.

"§ 115C-109.8. Procedural issues.

(a) In matters alleging a procedural violation, the hearing officer may find that a child did not receive a free appropriate public education only if the procedural inadequacies (i) impeded the child's right to a free appropriate public education; (ii) significantly impeded the parents' opportunity to participate in the decision-making process regarding the provision of a free appropriate public education to the parents' child; or (iii) caused a deprivation of educational benefits.

(b) A hearing officer may order a local educational agency to comply with procedural requirements under this Article and IDEA.

"§ 115C-109.9. Review by review officer; appeals.

(a) Any party aggrieved by the findings and decision of a hearing officer under G.S. 115C-109.6 or 115C-109.8 may appeal the findings and decision within 30 days after receipt of notice of the decision by filing a written notice of appeal with the person designated by the State Board under G.S. 107.2(b)(9) to receive notices. The State Board, through the Exceptional Children Division, shall appoint a Review Officer from a pool of review officers approved by the State Board of Education. The Review Officer shall conduct an impartial review of the findings and decision appealed under this section. The Review Officer conducting this review shall make an independent decision upon completion of the review. The decision of the Review Officer becomes final unless an aggrieved party brings a civil action under subsection (d) of this section. A copy of the decision shall be served upon each party and a copy shall be furnished to the attorneys of record and the Office of Administrative Hearings. The written notice shall contain a statement informing the parties of the right to file a civil action and the 30-day limitation period for filing a civil action under subsection (d) of this section.

(b) A Review Officer shall be an educator or other professional who is knowledgeable about special education and who possesses other qualifications as may be established by the State Board of Education. No person may be appointed as a Review Officer if that person is an employee of the State Board of Education, the Department of Public Instruction, or the local educational agency that has been involved in the education or care of the child whose parents have filed the petition.

(c) The State Board may enforce the final decision of the administrative law judge under G.S. 115C-109.6, if not appealed under this section, or the final decision of the Review Officer, by ordering a local educational agency:

(1) To provide a child with appropriate education;

(2) To place a child in a private school that is approved to provide special education and that can provide the child an appropriate education; or

(3) To reimburse parents for reasonable private school placement costs in accordance with this Article and IDEA when it is determined that the local educational agency did not offer or provide the child with appropriate education and the private school in which the parent placed the child was an approved school and did provide the child an appropriate education.

(d) Any party that does not have the right to appeal under this Part and any party who is aggrieved by the decision of the Review Officer under this section may institute

a civil action in State court within 30 days after receipt of the notice of the decision or in federal court as provided in 20 U.S.C. § 1415.

(e) Except as provided under IDEA, upon the filing of a petition under G.S. 115C-109.6 and during the pendency of any proceedings under this Part, the child must remain in the child's then-current educational placement or, if applying for initial admission to a public school, the child must be placed in the public school. Notwithstanding this subsection, the parties may agree in writing to a different educational placement for the child during the pendency of any proceedings under this Part.

"Part 1E. Special Education and Related Services Personnel.

"**§ 115C-110.1. Teacher qualifications.**

The Board shall adopt rules covering the qualifications of and standards for certification of teachers, teacher assistants, speech clinicians, school psychologists, and others involved in the education and training of children with disabilities.

"**§ 115C-110.2. Interpreters/transliterators.**

Each interpreter or transliterator employed by a local educational agency to provide services to hearing-impaired students must annually complete 15 hours of job-related training that has been approved by the local educational agency.

"**§ 115C-110.3 through 106.5. [Reserved]**

"Part 1F. Budgeting; Funds.

"**§ 115C-111.1. Out-of-state students; eligibility for State funds.**

Notwithstanding any policy or rule adopted by the State Board of Education, if a local school administrative unit provides services to a student under a current IEP from another state while a determination is being made regarding the student's eligibility for services as a child with disabilities in North Carolina, the local school administrative unit is entitled to receive State funding to serve the student while the determination is being made. If the student is later determined not to qualify for services in North Carolina, the local school administrative unit is not be required to repay State funds received while the determination is being made.

"**§ 115C-111.2. Contracts with private service providers.**

Local educational agencies furnishing special education and related services to children with disabilities may contract with private special education facilities or service providers to furnish any of these services that the public providers are unable to furnish. No contract between any public and private service provider is effective until it has received the prior written approval of the Board. The Board shall not withhold its approval of the contract unless the private facilities and providers do not meet the Board's standards established under this Article.

"**§ 115C-111.3. Cost of education of children in group homes, foster homes, etc.**

(a) Notwithstanding any other State law and without regard for the place of domicile of a parent, the cost of a free appropriate public education for a child with disabilities who is placed in or assigned to a group home or foster home, under State and federal law, shall be borne by the local board of education in which the group home or foster home is located. However, the local school administrative unit in which a child is domiciled shall transfer to the local school administrative unit in which the institution

is located an amount equal to the actual local cost in excess of State and federal funding required to educate that child in the local school administrative unit for the fiscal year after all State and federal funding has been exhausted.

(b) The State Board of Education shall use State and federal funds appropriated for children with disabilities to establish a reserve fund to reimburse local boards of education for the education costs of children assigned to group homes or other facilities as provided in subsection (a) of this section. Local school administrative units may submit a Special State Reserve Program application for foster home or group home children whose special education and related services costs exceed the per child group home allocation.

(c) The Department shall review the current cost of children with disabilities served in the local school administrative units with group homes or foster homes to determine the actual cost of services.

"**§ 115C-111.4. Nonreduction.**

Notwithstanding any of the other provisions of this Article, it is the intent of the General Assembly that funds appropriated by it for the operation of programs of special education and related services by local school administrative units not be reduced; rather, that adequate funding be made available to meet the special educational and related services needs of children with disabilities, without regard to which local educational agency has the child in its care, custody, control, or program.

"**§ 115C-111.5. Allocation of federal funds.**

Whenever any federal moneys for the special education and related services for children with disabilities are made available, these funds shall be allocated according to a formula designed by the Board consistent with federal laws and regulations. This formula shall insure equitable distribution of resources based upon the number of children with disabilities served by the respective agencies, and shall be implemented as funds are made available from federal and State appropriations.

"**§ 115C-111.6. Obligation to provide services for preschool children with disabilities.**

State funds appropriated to the public schools to implement preschool services for children with disabilities under this Article and IDEA shall be used to provide special education and related services to preschool children with disabilities. These State funds shall be used to supplement and not supplant existing federal, State, and local funding for the public schools.

Preschool children with disabilities will continue to be served by all other State funds to which they are otherwise entitled.

"Part 1G. Council on Educational Services for Exceptional Children.

"**§ 115C-112.1. Establishment; organization; powers and duties.**

(a) There is hereby established an Advisory Council to the State Board of Education to be called the Council on Educational Services for Exceptional Children.

(b) The Council shall consist of a minimum of 24 members to be appointed as follows: four ex officio members; one individual with a disability and one representative of a private school appointed by the Governor; one member of the Senate and one parent of a child with a disability appointed by the President Pro Tempore; one member

of the House of Representatives and one parent of a child with a disability appointed by the Speaker of the House; and 14 members appointed by the State Board of Education. The State Board shall appoint members who represent individuals with disabilities, teachers, local school administrative units, institutions of higher education that prepare special education and related services personnel, administrators of programs for children with disabilities, charter schools, parents of children with disabilities, a State or local official who carries out activities under the federal McKinney-Vento Homeless Assistance Act, vocational, community, or business organizations concerned with the provision of transition services, and others as required by IDEA. The majority of members on the Council shall be individuals with disabilities or parents of children with disabilities. The Council shall designate a chairperson from among its members. The designation of the chairperson is subject to the approval of the State Board of Education. The Board shall adopt rules to carry out this subsection.

Ex officio members of the Council shall be the following:

(1) The Secretary of Health and Human Services or the Secretary's designee.

(2) The Secretary of Juvenile Justice and Delinquency Prevention or the Secretary's designee.

(3) The Secretary of Correction or the Secretary's designee.

(4) The Superintendent of Public Instruction or the Superintendent's designee.

The term of appointment for all members except those appointed by the State Board of Education is two years. The term for members appointed by the State Board of Education is four years. No person shall serve more than two consecutive four-year terms.

Each Council member shall serve without pay, but shall receive travel allowances and per diem in the same amount provided for members of the North Carolina General Assembly.

(c) The Council shall meet in offices provided by the Department of Public Instruction on a date to be agreed upon by the members of the Council from meeting to meeting. The Council shall meet no less than once every three months. The Department of Public Instruction shall provide the necessary secretarial and clerical staff and supplies to accomplish the objectives of the Council.

(d) The Council shall:

(1) Advise the Board with respect to unmet needs within the State in the education of children with disabilities.

(2) Comment publicly on rules, policies, and procedures proposed by the Board regarding the education of children with disabilities.

(3) Assist the Board in developing evaluations and reporting on data to the Secretary of Education under the federal Individuals with Disabilities Education Act (IDEA), as amended.

(4) Advise the State Board in developing corrective action plans to address findings identified in federal monitoring reports required under

the federal Individuals with Disabilities Education Act (IDEA), as amended.

(5) Advise the State Board in developing and implementing policies relating to the coordination of services for children with disabilities.

(6) Carry out any other responsibility as designated by federal law or the State Board."

SECTION 3.(a) 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;~~children;

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

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

(4) Standards for student performance and promotion based on the mastery of competencies, including standards for graduation, that take into account children with ~~special needs~~ disabilities 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 3.(b) G.S. 115C-105.25(b)(4) reads as rewritten:

"(b) Subject to the following limitations, local boards of education may transfer and may approve transfers of funds between funding allotment categories:

...

(4) Funds allocated for children with ~~special needs,~~ disabilities, for students with limited English proficiency, and for driver's education shall not be transferred.

..."

SECTION 3.(c) G.S. 115C-149 reads as rewritten:

"**§ 115C-149. Policy. Chemically dependent children excluded from provisions of Article 9.**

The General Assembly of North Carolina hereby declares that the policy of the State is to ensure that an appropriate education is provided for drug and alcohol addicted children; however, drug and alcohol addicted children are not "children with ~~special needs"~~ disabilities" within the meaning of ~~G.S. 115C-109~~ G.S. 115C-106.3(1) unless because of some other condition they meet that definition."

SECTION 3.(d) G.S. 115C-233 reads as rewritten:

"**§ 115C-233. Operation of summer schools.**

Each local school administrative unit may establish and maintain summer schools. Such summer schools as may be established shall be administered by local boards of education and shall be conducted in accordance with standards developed by the State Board of Education. The standards so developed shall specify the requirements for approved curriculum, the qualifications of the personnel, the length of the session, and the conditions under which students may be granted credit for courses pursued during a summer school. In determining the eligibility of students for admission to summer schools, boards of education shall be governed by ~~the provisions of G.S. 115C-116,~~ Article 9 of this Chapter, and G.S. 115C-366(b) and 115C-367 to 115C-370. Boards of education of local school administrative units may provide for summer schools from funds made available for that purpose by the State Board of Education, funds appropriated to the local school administrative unit by the tax-levying authority, and from any other revenues available for the purpose."

SECTION 3.(e) G.S. 115C-238.29F(d)(4) reads as rewritten:

"(4) The school shall comply with policies adopted by the State Board of Education for charter schools relating to the education of children with ~~special needs.~~disabilities."

SECTION 3.(f) G.S. 115C-238.29H(a) reads as rewritten:

"**§ 115C-238.29H. State and local funds for a charter school.**

(a) The State Board of Education shall allocate to each charter school:

(1) An amount equal to the average per pupil allocation for average daily membership from the local school administrative unit allotments in which the charter school is located for each child attending the charter school except for the allocation for children with ~~special needs~~ disabilities and for the allocation for children with limited English proficiency;

(2) An additional amount for each child attending the charter school who is a child with ~~special needs;~~ disabilities; and

(3) An additional amount for children with limited English proficiency attending the charter school, based on a formula adopted by the State Board.

In accordance with G.S. 115C-238.29D(d), the State Board shall allow for annual adjustments to the amount allocated to a charter school based on its enrollment growth in school years subsequent to the initial year of operation.

In the event a child with ~~special needs~~ disabilities leaves the charter school and enrolls in a public school during the first 60 school days in the school year, the charter school shall return a pro rata amount of funds allocated for that child to the State Board, and the State Board shall reallocate those funds to the local school administrative unit in which the public school is located. In the event a child with ~~special needs~~ disabilities enrolls in a charter school during the first 60 school days in the school year, the State Board shall allocate to the charter school the pro rata amount of additional funds for children with ~~special needs.~~disabilities."

SECTION 3.(g) G.S. 115C-242 reads as rewritten:

"**§ 115C-242. Use and operation of school buses.**

Public school buses may be used for the following purposes only, and it shall be the duty of the superintendent of the school of each local school administrative unit to supervise the use of all school buses operated by such local school administrative unit so as to assure and require compliance with this section:

(1) A school bus may be used for the transportation of pupils enrolled in and employees in the operation of the school to which such bus is assigned by the superintendent of the local school administrative unit. Except as otherwise herein provided, such transportation shall be limited to transportation to and from such school for the regularly organized school day, and from and to the points designated by the principal of the school to which such bus is assigned, for the receiving and discharging of passengers. No pupil or employee shall be so transported upon any bus other than the bus to which such pupil or employee has been assigned pursuant to the provisions of this Article: Provided, that children enrolled in a Headstart program which is housed in a building owned and operated by a local school administrative unit where school is being conducted may be transported on public school buses, so long as the contractual arrangements made cause no extra expense to the State: Provided further, that children with ~~special needs~~ disabilities may be transported to and from the nearest appropriate private school having a special education program approved by the State Board of Education if the children to be transported are or have been placed in that program by a local school administrative unit as a result of the State or the unit's duty to provide such children with a free appropriate public education.

...

(5) Local boards of education, under rules ~~and regulations~~ adopted by the State Board of Education, may permit the use and operation of school buses for the transportation of pupils and instructional personnel as the board deems necessary to serve the instructional programs of the schools. Included in the use permitted by this section is the transportation of children with ~~special needs, such as mentally retarded children and children with physical defects,~~ disabilities, and children enrolled in programs that require transportation from the school

grounds during the school day, such as special vocational or occupational programs. On any such trip, a city or county-owned school bus shall not be taken out of the State.

If State funds are inadequate to pay for the transportation approved by the local board of education, local funds may be used for these purposes. Local boards of education shall determine that funds are available to such boards for the transportation of children to and from the school to which they are assigned for the entire school year before authorizing the use and operation of school buses for other services deemed necessary to serve the instructional program of the schools.

Children with ~~special needs~~ disabilities may be transported to and from the nearest appropriate private school having a special education program approved by the State Board of Education if the children to be transported have been placed in that program by a local school administrative unit as a result of the State or the unit's duty to provide ~~such~~ those children with a free appropriate public education.

..."

SECTION 3.(h) G.S. 115C-250 reads as rewritten:

"**§ 115C-250. Authority to expend funds for transportation of children with ~~special needs.~~disabilities.**

(a) The State Board of Education and local boards of education may expend public funds for transportation of ~~handicapped~~ children with ~~special needs~~ disabilities who are unable because of their ~~handicap~~ disability to ride the regular school buses and who have been placed in programs by a local school board as a part of its duty to provide ~~such~~ these children with a free appropriate ~~education, including its duty under G.S. 115C-115.~~ education under Article 9 of this Chapter. At the option of the local board of education with the concurrence of the State Board of Education, funds appropriated to the State Board of Education for contract transportation of ~~exceptional~~ children with disabilities may be used to purchase buses and minibuses as well as for the purposes authorized in the budget. The State Board of Education shall adopt rules ~~and regulations~~ concerning the construction and equipment of these buses and minibuses.

The Departments of Health and Human Services, Juvenile Justice and Delinquency Prevention, and Correction may also expend public funds for transportation of ~~handicapped~~ children with ~~special needs~~ disabilities who are unable because of their ~~handicap~~ disability to ride the regular school buses and who have been placed in programs by one of these agencies as a part of that agency's duty to provide ~~such~~ these children with a free appropriate public ~~education.~~education under Article 9 of this Chapter.

If a local area mental health center places a child with ~~special needs~~ a disability in an educational program, the local area mental health center shall pay for the transportation of the ~~child, if handicapped and unable because of the handicap~~ child who is unable due to the disability, to ride the regular school ~~buses,~~ buses to the program.

(b) Funds appropriated for the transportation of children with ~~special needs~~ disabilities may be used to pay transportation safety assistants employed in accordance with ~~the provisions of~~ G.S. 115C-245(e) for buses to which children with ~~special needs~~ disabilities are assigned."

SECTION 3.(i) G.S. 115C-366.2 reads as rewritten:

"**§ 115C-366.2. Applicability to certain persons.**

For the purposes of G.S. 115C-366 and 115C-366.1 for any person who is a resident of a place which is not the person's place of domicile, because: (i) of the residence of a parent, guardian, or legal custodian who is a student, employee or faculty member, of a college or university, or a visiting scholar at the National Humanities Center; or (ii) the child is placed in or assigned to a group home, foster home, or other similar facility or institution, other than a child covered by ~~G.S. 115C-140.1(a);~~ G.S. 115C-111.3(a); or (iii) the child resides with a legal custodian who is not the child's parent or guardian, or (iv) the child resides in a pre-adoptive home following placement by a county department of social services or a licensed child-placing agency, those sections shall be applied by substituting the word "residing" for the word "domiciled," by substituting the word "residence" for the word "domicile," and by substituting the word "residents" for the word "domiciliaries." For purposes of this section, "legal custodian" means the person or agency that has been awarded legal custody of the child by a court.

This section shall not be construed to affect the ability of any person to acquire a new domicile."

SECTION 3.(j) G.S. 115C-367 reads as rewritten:

"**§ 115C-367. Assignment on certain bases prohibited.**

No person shall be refused admission to or be excluded from any public school in this State on account of race, creed, color or national origin. No school attendance district or zone shall be drawn for the purpose of segregating persons of various races, creeds, colors or national origins from the community.

Where local school administrative units have divided the geographic area into attendance districts or zones, pupils shall be assigned to schools within such attendance districts: Provided, however, that the board of education of a local school administrative unit may assign any pupil to a school outside of such attendance district or zone in order that such pupil may attend a school of a specialized kind including but not limited to a vocational school or school operated for, or operating programs for, pupils mentally or physically handicapped, or for any other reason which the board of education in its sole discretion deems sufficient.

The provisions of ~~G.S. 115C-366(b), 115C-367 to 115C-370 and 115C-116~~ Part 1D of Article 9 of this Chapter, G.S. 115C-366(b), and G.S. 115C-367 to G.S. 115C-370 shall not apply to a temporary assignment due to the unsuitability of a school for its intended purpose nor to any assignment or transfer necessitated by overcrowded conditions or other circumstances which, in the sole discretion of the school board, require assignment or reassignment.

The provisions of ~~G.S. 115C-366(b), 115C-367 to 115C-370 and 115C-116~~ Part 1D of Article 9 of this Chapter, G.S. 115C-366(b), and G.S. 115C-367 to G.S. 115C-370 shall not apply to an application for the assignment or reassignment by the parent,

guardian or person standing in loco parentis of any pupil or to any assignment made pursuant to a choice made by any pupil who is eligible to make such choice pursuant to the provisions of a freedom of choice plan voluntarily adopted by the board of education of a local school administrative unit."

SECTION 3.(k) G.S. 115C-371 reads as rewritten:

"**§ 115C-371. Assignment to special education programs.**

Assignment of students to special education programs is subject to ~~the provisions of G.S. 115C-116.~~Article 9 of this Chapter."

SECTION 3.(l) G.S. 115C-391 reads as rewritten:

"**§ 115C-391. Corporal punishment, suspension, or expulsion of pupils.**

...

(d1) A local board of education or superintendent shall suspend for 365 calendar days any student who:

(1) Brings onto educational property or to a school-sponsored curricular or extracurricular activity off educational property, or

(2) Possesses on educational property or at a school-sponsored curricular or extracurricular activity off educational property,

a weapon, as defined in G.S. 14-269.2(b), 14-269.2(b1), 14-269.2(g), and 14-269.2(h). The local board of education upon recommendation by the superintendent may modify this suspension requirement on a case-by-case basis that includes, but is not limited to, the procedures established under Article 9 of this Chapter for the discipline of students with disabilities and may also provide, or contract for the provision of, educational services to any student suspended pursuant to this subsection in an alternative school setting or in another setting that provides educational and other services.

...

(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 under Article 9 of this Chapter for the discipline of students with disabilities and may also provide, or contract for the provision of, educational services to any student suspended under this subsection in an alternative school setting or in another setting that provides educational and other services. For purposes of this subsection and subsection (d1) of this section, the term "educational property" has the same definition as in G.S. 14-269.2(a)(1).

...

(g) Notwithstanding the provisions of this section, the policies and procedures for the discipline of students with disabilities shall be consistent with Article 9 of this Chapter and with federal laws and regulations.

..."

SECTION 3.(m) G.S. 115C-397.1 reads as rewritten:

"**§ 115C-397.1. Management and placement of disruptive students.**

If, after a teacher has requested assistance from the principal two or more times due to a student's disruptive behavior, the teacher finds that the student's disruptive behavior continues to interfere with the academic achievement of that student or other students in the class, then the teacher may refer the matter to a school-based committee. The teacher may request that additional classroom teachers participate in the committee's proceedings. For the purposes of this section, the committee shall notify the student's parent, guardian, or legal custodian and shall encourage that person's participation in the proceedings of the committee concerning the student. ~~A student is not required to be screened, evaluated, or identified as a child with special needs under this section.~~ Nothing in this section requires a student to be screened, evaluated, or identified as a child with a disability under Article 9 of this Chapter. The committee shall review the matter and shall take one or more of the following actions: (i) advise the teacher on managing the student's behavior more effectively, (ii) recommend to the principal the transfer of the student to another class within the school, (iii) recommend to the principal a multidisciplinary ~~diagnosis and~~ evaluation of the student, (iv) recommend to the principal that the student be assigned to an alternative learning program, or (v) recommend to the principal that the student receive any additional services that the school or the school unit has the resources to provide for the student. If the principal does not follow the recommendation of the committee, the principal shall provide a written explanation to the committee, the teacher who referred the matter to the committee, and the superintendent, of any actions taken to resolve the matter and of the reason the principal did not follow the recommendation of the committee.

This section shall be in addition to the supplemental to disciplinary action taken in accordance with any other law. The recommendation of the committee is final and shall not be appealed under G.S. 115C-45(c). Nothing in this section shall authorize a student to refer a disciplinary matter to this committee or to have the matter of the student's behavior referred to this committee before any discipline is imposed on the student."

SECTION 3.(n) G.S. 122C-3(13c) reads as rewritten:

"(13c) "Eligible infants and toddlers" means children with or at risk for developmental delays or atypical development until:

a. They have reached their third birthday;

b. Their parents have requested to have them receive services in the preschool program for ~~handicapped~~ children with disabilities established ~~pursuant to Part 14 of Article IX~~ under Article 9 of Chapter 115C of the General Statutes; and

c. They have been placed in the program by the local educational agency.

In no event shall a child be considered an eligible toddler after the beginning of the school year immediately following the child's third ~~birthday.~~birthday, unless the Secretary and the State Board enter into an agreement under G.S. 115C-106.4(c)."

SECTION 3.(o) The caption to Part 13A of Chapter 143B of the General Statutes reads as rewritten:

"Part 13A. Interagency Coordinating Council for ~~Handicapped~~ Children with Disabilities from Birth to Five Years of Age."

SECTION 3.(p) The caption to G.S. 143B-179.6 reads as rewritten:

"**§ 143B-179.6. Interagency Coordinating Council for ~~Handicapped~~ Children with Disabilities from Birth to Five Years of Age; agency cooperation.**"

SECTION 3.(q) G.S. 143B-216.40 reads as rewritten:

"**§ 143B-216.40. Establishment; operations.**

There are established, and there shall be maintained, the following schools for the deaf: the Eastern North Carolina School for the Deaf at Wilson (K-12) and the North Carolina School for the Deaf at Morganton (K-12). The Department of Health and Human Services shall be responsible for the operation and maintenance of the schools.

The Board of Directors of the North Carolina Schools for the Deaf shall advise the Department and shall adopt rules ~~and regulations~~ concerning the schools as provided in ~~G.S. 115C-124 and 143B-173.~~G.S. 143B-173 and G.S. 143B-216.40."

SECTION 4.(a) Article 25A of Chapter 115C of the General Statutes is amended by adding the following new section to read:

"**§ 115C-375.5. Education for Pregnant and Parenting Students.**

(a) Pregnant and parenting students shall receive the same educational instruction or its equivalent as other students. A local school administrative unit may provide programs to meet the special scheduling and curriculum needs of pregnant and parenting students. However, student participation in these programs shall be voluntary and the instruction and curriculum must be comparable to that provided other students.

(b) Local boards of education shall adopt a policy to ensure that pregnant and parenting students are not discriminated against or excluded from school or any program, class, or extracurricular activity because they are pregnant or parenting students. The policy shall include, at a minimum, all of the following:

(1) Local school administrative units shall use, as needed, supplemental funds from the At-Risk Student Services allotment to support programs for pregnant and parenting students.

(2) Notwithstanding Part 1 of Article 26 of this Chapter, pregnant and parenting students shall be given excused absences from school for pregnancy and related conditions for the length of time the student's physician finds medically necessary. This includes absences due to the illness or medical appointment during school hours of a child of whom the student is the custodial parent.

(3) Homework and make-up work shall be made available to pregnant and parenting students to ensure that they have the opportunity to keep

current with assignments and avoid losing course credit because of their absence from school."

SECTION 4.(b) This section applies beginning with the 2006-2007 school year.

SECTION 5. Article 3 of Chapter 150B of the General Statutes is amended by adding the following new section to read:

"**§ 150B-22.1. Special education petitions.**

(a) Notwithstanding any other provision of this Chapter, timelines and other procedural safeguards required to be provided under IDEA and Article 9 of Chapter 115C of the General Statutes must be followed in an impartial due process hearing initiated when a petition is filed under G.S. 115C-109.6 with the Office of Administrative Hearings.

(b) The administrative law judge who conducts a hearing under G.S. 115C-109.6 shall not be a person who has a personal or professional interest that conflicts with the judge's objectivity in the hearing. Furthermore, the judge must possess knowledge of, and the ability to understand, IDEA and legal interpretations of IDEA by federal and state courts. The judges are encouraged to participate in training developed and provided by the State Board of Education under G.S. 115C-107.2(h).

(c) For the purpose of this section, the term "IDEA" means The Individuals with Disabilities Education Improvement Act, 20 U.S.C. § 1400, et seq. (2004), as amended, and its regulations."

SECTION 6.(a) The State Board of Education, through the Division of Exceptional Children, and the Office of Administrative Hearings shall develop its memorandum of understanding as required under G.S. 115C-109.6(j), as created in Section 2 of this act, by October 31, 2006. The memorandum of understanding shall establish procedures and timelines that are efficient and meet the criteria of IDEA so that impartial hearings are expeditiously handled. At the same time, the procedures and timelines should recognize there are some complicated issues that may require additional time to resolve. In particular, this memorandum should address at least the following:

(1) The reasons, number of days, and means for providing notice to parties.

(2) When a petition is initiated for the purpose of determining when a decision shall be reached. Specifically, this shall address when mediation is begun before and after a petition is filed and when no mediation is begun.

(3) Whether mediated conferences subject to Chapter 150B of the General Statutes are appropriate under IDEA and, if so, when they should occur and how will they affect the timelines.

(4) The number of extensions to be allowed and the basis on which an extension may be granted.

(5) The standard of review for cases going to review officers.

(6) Any other procedural or tolling issue that the State Board of Education or the Office of Administrative Hearings considers necessary to address.

SECTION 6.(b) The State Board and the Office of Administrative Hearings shall report jointly to the House Select Committee on the Education of Students with Disabilities by November 15, 2006, on the memorandum of understanding. This report shall make any recommendations as to funding issues that must be resolved or statutory changes that are needed, or both, in order to implement the memorandum of understanding.

SECTION 7. The State Board of Education shall ensure that the Allotment Policy Manual includes, in fiscal year 2006-2007 and thereafter, the following language related to local education agencies' use of funds allotted for textbooks:

"Local Education Agencies (LEAs) shall use their State textbook funds to provide, to the same extent as is provided to nondisabled students, textbooks for students with disabilities. LEAs also shall, at a minimum, provide teachers of children with disabilities with the same teachers' editions provided to teachers of nondisabled students."

SECTION 8. There is appropriated from the General Fund to the State Board of Education for children with disabilities the sum of ten million nine hundred eighty-one thousand seven hundred seventy-six dollars ($10,981,776) for the 2006-2007 fiscal year in order to increase the per child with disabilities allocation.

SECTION 9. Sections 7 and 8 of this act become effective July 1, 2006. The remainder of this act is effective when it becomes law.

HOUSE BILL 1908: Rewrite Special Ed Laws

BILL ANALYSIS

Committee:	House Assigned To Education Subcommittee on Pre-School, Elementary and Secondary Education	**Date:**	May 30, 2006
Introduced by:	Reps. Glazier, Farmer-Butterfield, Preston, Wiley	**Summary by:**	Drupti Chauhan Committee Counsel
Version:	PCS to First Edition H1908-CSSF-40[v.1]		

SUMMARY: ***This bill is recommended by the House Select Committee on the Education of Students with Disabilities ("Committee"). It would make numerous changes to the laws governing the special education of children with disabilities. Some of these changes are required to comply with federal law; other changes reorganize the law to make it clear, up-to-date, and consistent with federal law. The PCS makes several technical changes and the following:***

- ***. Removes the appropriation;***
- ***Adds G.S. 115C-106.2(c) to allow the State Board of Education to set standards that are higher than those required by the IDEA;***
- ***Adds language to subdivision 8 of G.S. 115C-106.3 to define an individualized education program as a written statement that is also implemented consistent with State law;***
- ***Adds language in G.S. 115C-107.1(a)(1) and (a)(2) to clarify that free appropriate education is to be provided to children with disabilities in the specified age groups only until the children graduate from high school;***
- ***Clarifies that the child find census does not have to include children with disabilities that have graduated from high school (G.S. 115C-107.3(c));***
- ***Clarifies language in G.S. 115C-107.6 to be consistent with current law;***
- ***Removes the requirement in G.S.115c-108.1(a) that provided that all local school administrative units and local educational agencies explore available local resources and determine whether the services are being offered by existing public or private agencies;***
- ***Deletes language that requires an LEA to negotiate for the purchase of special education or related services offered by local public or private resources ore present full consideration of alternatives and its recommendations to the State Board. It further deletes the requirement that a new or additional program for special education services must be developed with the approval of the State Board only when that service is not being providing by existing public or private resources or the service cannot be bought from existing providers;***
- ***Adds that when resolutions are reached, the parties must execute a legally binding agreement that is enforceable in any State administrative forum provided for in IDEA (G.S. 115C-109.4(h)(4) and G.S. 115C-109.7(d)(2);***

- ***Deletes language in G.S. 115C-111.2 that required prior written approval of the State Board for contracts between public and private service providers;***
- ***Modifies the language in G.S. 115C-111.5 to provide that the formula must ensure that equitable distribution of resources must be made and implemented as funds are available from federal and State appropriations;***
- ***Adds language in G.S. 115C-375.5(b)(3) to assign homebound teachers to pregnant and parenting students as necessary.***

BILL ANALYSIS:

Section 1 would repeal all the parts of Article 9 of Chapter 115C of the General Statutes ("Article 9"). (The parts that appear to be missing were repealed in previous years.)

Section 2 would rewrite Article 9. Much of the language comes from current law, but is rearranged so that it is in a more logical order and is condensed by removing duplicative or outdated language. The new language that has been added is primarily from the federal Individuals with Disabilities Education Improvement Act ("IDEA").

This rewrite of Article 9 in Section 2 would make the following changes, as recommended by the Committee:

- Conforms State terminology to federal terminology where there is no dispute.
- Resolves contradictory provisions to clarify that children with disabilities who reside in the State are eligible for special education and related services.
- Clarifies the maximum statutory age for services as through the age of 21, and for the remainder of the school year if the child has his or her 22nd birthday during the school year. Also clarifies that services do not have to be provided once the child graduates from high school even if the age limit has not yet been reached.
- Deletes the State's broader purpose clause and substitutes the federal purpose.
- Allows the State Board of Education to set standards that are higher than those required by IDEA.
- Adds a definitions section.
- Redefines the categories of disabilities to conform to IDEA and authorizes additional disabilities if added subsequently under IDEA.
- Removes pregnancy from the list of disabilities.
- Adds children ages 3 through 7 with developmental delays as a category of children entitled to special education and related services.
- Adds charter schools as a local educational agency.
- Removes temporary disabilities.
- Allows the State Board of Education ("State Board") and the Department of Health and Human Services to enter into an agreement to exempt some preschool children with disabilities from the requirement they be provided special education.

- Includes language to strengthen the State Board's monitoring and enforcement of the State's provision of special education and related services.
- Retains a two-tiered system with initial due process complaints going to the Office of Administrative Hearings ("OAH"), but will require copies going to the State Board and the opposing party. Makes the following changes to the due process procedures:
    - Requires State Board and OAH to create a binding memorandum of understanding ("MOU") to address statutory and regulatory procedures and timelines applicable under IDEA to due process hearings and to hearing officers' decisions, and to ensure parties' due process rights to a fair and impartial hearing.
    - Removes references to procedural statutes governing mediators for mediated settlement conferences (G.S. 7A-38.1, G.S. 7A-38-2) in the Mediation statute.
    - Clarifies that mediation may be requested before or after a petition for a hearing is filed.
    - Authorizes the Exceptional Children's Division in the Department of Public Instruction to assign an impartial mediator from a list of trained mediators.
    - Provides the State will bear the cost of the mediation process, unless the parties opt to use a mediator that is not on the list or if the parties use an alternative method of dispute resolution.
    - Authorizes that when resolutions are reached, the parties must execute legally binding agreements that are enforceable in any State administrative forum provided for in IDEA.
    - Establishes one year as the statute of limitations for filing a petition.
    - Removes references to G.S. 150B-23 regarding time periods tolled as related to the filing of a petition for a hearing and a request for mediation.
    - Adds federal language requiring a resolution session and its timelines.
- Requires records to be made available to parents, upon their request, earlier than 45 days if needed to prepare for IEP meetings. There is an exception to this requirement if it would be specifically prohibited by court order.
- Removes conflicting language in the section providing for access to records.
- Deletes language from current law that requires prior written approval of the State Board for contracts between public and private service providers.
- Adds a required member on the Council on Educational Services for Exceptional Children, and authorizes the State Board to add members as may be required under IDEA.
- Requires the State Board to file annual reports with the Joint Legislative Education Oversight Committee.

Section 3 would make conforming changes to numerous statutes.

Section 4 would create a new G.S.115C-375.5, applicable beginning with the 2006-07 school year, by specifying that pregnant and parenting students must receive the same educational instruction or its equivalent as other students. This new section would require local boards of education to adopt policies to ensure these students are not discriminated against or excluded from school or any program, class, or extracurricular activity because they are pregnant or parenting students. Specifically, these students must be given excused absences for pregnancy and related conditions if medically necessary. Also, homework and make-up work must be made available to them. A homebound teach must be assigned to the extent necessary.

Section 5 would create a new G.S. 150B-22.1 to specify that the timelines and other procedural safeguards required under IDEA and Article 9 must be followed in impartial due process hearings that are initiated by a petition filed with OAH. This new section also requires administrative law judges to possess federally required knowledge of IDEA, and encourages these judges to participate in training developed and provided by the State Board.

Section 6 would direct the State Board and OAH to enter into the MOU to address specific procedures and timelines for due process hearings. The MOU must be developed by October 31, 2006, and reported to the Committee by November 15, 2006. The report must include any recommended statutory changes that may be necessary.

Section 7 would direct the State Board to revise its Allotment Policy Manual to require school systems to (i) use their State textbook funds to provide, to the same extent as provided to nondisabled students, textbooks for children with disabilities, and (ii) provide teachers of students with disabilities the same teachers' editions provided to teachers of nondisabled students.

EFFECTIVE DATE: *Section 8* provides that Section 7 of the bill would become effective July 1, 2006. The remainder of the act would take effect when it becomes law.

H1908e1-SMRQ-CSSF-40[v.1]

H 1

HOUSE BILL 1908

Short Title:	Rewrite Special Ed Laws.	(Public)
Sponsors:	Representatives Glazier, Farmer-Butterfield, Preston, Wiley (Primary Sponsors); Adams, Alexander, B. Allen, Carney, Fisher, Harrison, Insko, Luebke, Parmon, Vinson, Wainwright, and Weiss.	
Referred to:	Education, if favorable, Appropriations.	

May 15, 2006

A BILL TO BE ENTITLED

AN ACT TO REWRITE THE LAWS GOVERNING THE EDUCATION OF CHILDREN WITH SPECIAL NEEDS, AND TO MAKE AN APPROPRIATION.

The General Assembly of North Carolina enacts:

SECTION 1. Parts 1-3, 5-6, and 10-14 of Article 9 of Chapter 115C of the General Statutes are repealed.

SECTION 2. Article 9 of Chapter 115C of the General Statutes, as amended by Section 1 of this act, reads as rewritten:

"Article 9.

"~~Special Education.~~ Education of Children with Disabilities.

"Part 1A. General Provisions.

"**§ 115C-106.1. State goal.**

The goal of the State is to provide full educational opportunity to all children with disabilities who reside in the State.

"**§ 115C-106.2. Purposes.**

(a) The purposes of this Article are to (i) ensure that all children with disabilities ages three through 21 have available to them a free appropriate public education that emphasizes special education and related services designed to meet their unique needs and prepares them for further education, employment, and independent living; (ii) ensure that the rights of these children and their parents are protected; and (iii) enable the State Board and local educational agencies to provide for the education of all children with disabilities.

(b) In addition to the purposes listed in subsection (a) of this section, the purpose of this Article is to enable the State Board of Education and local educational agencies to implement IDEA in this State. If this Article is silent or conflicts with IDEA, and if IDEA has specific language that is mandatory, then IDEA controls.

"§ 115C-106.3. Definitions.

The following definitions apply in this Article:

(1) "Child with a disability" means a child with at least one disability who because of that disability requires special education and related services.

(2) "Disability" includes mental retardation; hearing impairment, including deafness; speech or language impairment; visual impairment, including blindness; serious emotional disturbance; orthopedic impairment; autism; traumatic brain injury; other health impairments, specific learning disability, or other disability as may be required to be included under IDEA. For a child ages three through seven, this term also includes developmental delay.

(3) "Dispute" means a disagreement between the parties.

(4) "Free appropriate public education" means special education and related services that:

a. Are provided at public expense, under public supervision and direction, and without charge;

b. Meet the standards of the State Board;

c. Include an appropriate preschool, elementary school, or secondary school education in the State; and

d. Are provided in conformity with an individualized education program.

(5) "Hearing officers" include administrative law judges as defined in G.S. 150B-2(1) and hearing review officers.

(6) "IDEA" means The Individuals with Disabilities Education Improvement Act, 20 U.S.C. § 1400, et seq. (2004), as amended, and federal regulations adopted under this act.

(7) "IEP Team" is as defined in IDEA.

(8) "Individualized education program" or "IEP" means a written statement for each child with a disability that is developed, reviewed, and revised consistent with IDEA.

(9) "Infant or toddler with a disability" is as defined in IDEA.

(10) "Least restrictive environment" means to the maximum extent appropriate, children with disabilities are educated with children who are not disabled, and special classes, separate schooling, or other removal of children with disabilities from the regular educational environment occurs only when the nature of the disability is such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily.

(11) "Local educational agency" includes any of the following that provides special education and related services to children with disabilities:

a. A local school administrative unit.

b. A charter school.

c. The Department of Health and Human Services.

d. The Department of Correction.
e. The Department of Juvenile Justice and Delinquency Prevention.
f. Any other State agency or unit of local government.

(12) "Mediation" means an informal process conducted by a mediator with the objective of helping parties voluntarily settle their dispute.

(13) "Mediator" means a neutral person who acts to encourage and facilitate a resolution of a dispute.

(14) "Parent" means:
a. A natural, adoptive, or foster parent;
b. A guardian, but not the State if the child is a ward of the State;
c. An individual acting in the place of a natural or adoptive parent, including a grandparent, stepparent, or other relative, and with whom the child lives;
d. An individual who is legally responsible for the child's welfare; or
e. A surrogate if one is appointed under G.S. 115C-109.2.

(15) "Parties" means the local educational agency and the parents.

(16) "Petition" means a request for a due process hearing as provided for under IDEA.

(17) "Preschool child with a disability" means a child with one or more disabilities who meets all of the following criteria:
a. Has reached the child's third birthday and whose parents have requested services from the public schools.
b. Is not eligible to enroll in public kindergarten.
c. Because of the disability, needs special education and related services in order to prepare the child to benefit from the educational programs provided by the public schools, beginning with kindergarten.

(18) "Related services" is as defined in IDEA.

(19) "Rules" include rules, policies, and procedures.

(20) "Special education" means specially designed instruction, at no cost to parents, to meet the unique needs of a child with a disability. The term includes instruction in physical education and instruction conducted in a classroom, the home, a hospital or institution, and other settings.

"Part 1B. Provision of Free Appropriate Public Education.

"**§ 115C-107.1. Free appropriate public education; ages.**

(a) A free appropriate public education shall be made available to the following:

(1) All children with disabilities who reside in the State, who are the ages of three through 21, and who require special education and related services.

(2) Any child with a disability who is receiving special education and related services until the end of the school year in which that child reaches the age of 22.

(3) Children with disabilities who require special education and related services and who are suspended or expelled from school.

(b) A free appropriate public education is not required to be provided to infants and toddlers with disabilities. However, early intervention services shall be made available to these children under G.S. 143B-139.61.

(c) If funds are made available, the State Board and the Secretary of Health and Human Services may adopt an agreement to allow the continuation of early intervention services for children with a disability who are at least three years old but before they enter kindergarten or are eligible to enter kindergarten. If an agreement is adopted under this subsection, then a free appropriate public education is not required to be provided to any child with a disability who continues to receive early intervention services in accordance with that agreement.

(d) Nothing in this Article requires a free appropriate public education to be made available to any individual aged 18 through 21 who, in the educational placement immediately before that individual's incarceration in an adult correctional facility, was not actually identified as being a child with a disability and did not have an IEP.

"**§ 115C-107.2. Duties of State Board of Education.**

(a) The State Board of Education shall adopt rules to ensure that:

(1) The requirements of this Article and IDEA are met.

(2) All educational programs under the supervision of any local educational agency for children with disabilities meet all of the following requirements:

a. The programs are under the general supervision of individuals in the State who are responsible for educational programs for children with disabilities.

b. The programs meet the State Board's educational standards.

c. With respect to homeless children, the programs meet the requirements of 20 U.S.C. § 1431, McKinney-Vento Homeless Assistance Act.

(b) The rules adopted under subsection (a) of this section shall include rules that:

(1) Establish standards for the programs of special education to be administered by local educational agencies and by the State Board.

(2) Ensure that children with disabilities are educated in the least restrictive environment.

(3) Ensure that local school administrative units make available special education and related services to all preschool children with disabilities whose parents request these services.

(4) Provide for public hearings, adequate notice of these hearings, and an opportunity for comment from the general public before the adoption of the rules required by this Article.

(5) Are required in order to receive federal funding under IDEA.

(6) Provide that, where a local educational agency finds that appropriate services are available from other public agencies or private

organizations, the local educational agency may contract for those services rather than provide them directly.

(7) Enable local educational agencies to identify, evaluate, place, and make other educational decisions for children with disabilities.

(8) Provide procedural safeguards for children with disabilities and their parents.

(9) Designate a person in the Department of Public Instruction who is charged with receiving and responding to notices or other legal documents under Part 1D of this Article.

(10) Support and facilitate local educational agency and school-level system improvement designed to enable children with disabilities to meet the challenging State student academic achievement standards.

(c) Rules adopted under this section shall be consistent with IDEA and shall comply with G.S. 115C-12(19). Local educational agencies, parents, and other individuals concerned with the education of children with disabilities shall be consulted in the development of rules adopted under this Article.

(d) The State Board shall develop forms for local educational agencies to use in order to comply with this Article. The forms must comply with G.S. 115C-12(19) and may be in an electronic format.

(e) The State Board shall provide technical assistance to local educational agencies at their request.

(f) The State Board shall develop any plans that meet the criteria of IDEA and are required to be submitted to the United States Department of Education.

(g) The State Board shall make available to hearing officers training related to IDEA and its legal interpretations in order to facilitate hearings and reviews under G.S. 115C-109.6.

"**§ 115C-107.3. Child find.**

(a) The Board shall require an annual census of children with disabilities, subdivided for "identified" and "suspected" children with disabilities, to be taken in each school year. Suspected children are those in the formal process of being evaluated or identified as children with disabilities. The census shall be conducted annually and shall be completed by October 15, submitted to the Governor and General Assembly and made available to the public by January 15 annually.

(b) In taking the census, the Board requires the cooperation, participation, and assistance of all local educational agencies. Therefore, each local educational agency shall cooperate and participate with and assist the Board in conducting the census.

(c) The census shall include the number of children identified and suspected with disabilities, their age, the nature of their disability, their county or city of residence, their local school administrative unit residence, whether they are being provided special educational or related services and if so by what local educational agency, the identity of each local educational agency having children with disabilities in its care, custody, management, jurisdiction, control, or programs, the number of children with disabilities being served by each local educational agency, and any other information or data that

the Board requires. The census shall be of children with disabilities between the ages three through 21.

"**§ 115C-107.4. Monitoring and enforcement.**

(a) The State Board shall monitor all local educational agencies to determine compliance with this Article and IDEA. The State Board also shall monitor the effectiveness of IEPs in meeting the educational needs of children with disabilities.

(b) The State Board shall implement an effective and efficient system of incentives and sanctions for local educational agencies in order to improve results for children with disabilities and meet the requirements of this Article and IDEA. The system, which must be based on a continuum of recognition and sanctions, shall:

(1) Identify and recognize local educational agencies that achieve or exceed targets and indicators as determined by the State Board, demonstrate significant improvement over time, and show growth on targets and indicators as determined by each local educational agency.

(2) Provide consequences for local educational agencies that are substantially noncompliant with statutory and regulatory requirements under this Article and IDEA.

(c) The system of incentives developed under subsection (b) of this section may include commendations, public recognition, allocation of grant funds if available, and any other incentives as considered appropriate by the State Board.

(d) The system of sanctions developed under subsection (b) of this section shall include the following:

(1) Level One – Needs Assistance: When the State Board determines (i) a local school educational agency has been in noncompliance for two years and (ii) that agency needs assistance in implementing the requirements of this Article and IDEA, the State Board shall take one or more of the following actions:

a. The Board may direct the local educational agency to allocate additional time and resources for technical assistance and guidance related to areas of noncompliance.

b. The Board may impose special conditions on that agency's application for IDEA funds.

c. The Board may direct how that local educational agency utilizes IDEA funds to address the remaining findings of noncompliance. The local educational agency must track the use of these funds to show how the funds are targeted to address areas of noncompliance.

(2) Level Two – Needs Intervention: If the State Board determines (i) that the local educational agency has been in noncompliance for three years and (ii) that agency needs assistance in implementing this Article and IDEA, the following apply:

a. The Board may take any of the actions described in subdivision (1) of this subsection.

b. The Board shall withhold, in whole or in part, any further payments of IDEA funds to the agency.

c. The Board shall require the agency to enter into a compliance agreement.

(3) Level Three – Needs Substantial Intervention: In addition to the sanctions described in subdivisions (1) and (2) of this subsection, if at any time the State Board determines a local educational agency (i) needs substantial intervention in implementing the requirements of this Article and IDEA, or (ii) has established a substantial failure to comply with this Article and IDEA, the Board shall take one or more of the following actions:

a. The Board shall direct the agency to implement a compliance agreement, billed to that agency.

b. The Board shall recover IDEA funds.

c. The Board shall refer the agency for appropriate enforcement under State or federal law.

(e) In addition to the consequences required under subsections (b) and (d) of this section, the State Board shall develop sanctions for local educational agencies that fail to implement a corrective action or hearing decision.

"**§ 115C-107.5. Annual reports.**

The State Board shall report annually to the Joint Legislative Education Oversight Committee on the implementation of this Article and the educational performance of children with disabilities. Each annual report shall include a copy of the following documents that were submitted, received, or made public during the year: (i) the most recent State performance plan and any amendments to that plan submitted to the Secretary of Education, (ii) compliance and monitoring reports submitted to the Secretary of Education, (iii) the annual report submitted to the Secretary of Education on the performance of the State under its performance plan, and (iv) any other information required under IDEA to be made available to the public. In addition, the annual report shall include an analysis of the educational performance of children with disabilities in the State and a summary of disputes under Part 1D of this Chapter. The report shall be filed no later than October 15 each year and may be filed electronically.

"**§ 115C-107.6. Duties of local educational agencies.**

(a) Each local educational agency, in providing for the education of children with disabilities within its jurisdiction, must comply with IDEA and the rules adopted by the State Board under this Article. In addition, each local educational agency shall have in effect policies, procedures, and programs that are consistent with this Article, IDEA, and rules adopted by the State Board.

(b) No local educational agency shall prohibit a child with a disability from enrolling in a public school or public program of special education or related services to which that child would otherwise be eligible to attend based solely on the fact that the child has a disability. If it appears the child should receive a program of free appropriate public education in a program operated by or under the supervision of the Department of Health and Human Services or the Department of Juvenile Justice and Delinquency

Prevention, the local school administrative unit shall confer with the appropriate Department of Health and Human Services or Department of Juvenile Justice and Delinquency Prevention staff for their participation and determination of the appropriateness of placement in that program and development of the child's individualized education program.

(c) No matriculation or tuition fees or other fees or charges shall be required or asked of children with disabilities or their parents except those fees or charges that are required uniformly of all public school pupils. The provision of a free appropriate public education within the facilities of the Department of Health and Human Services and the Department of Juvenile Justice and Delinquency Prevention shall not prevent that Department from charging for other services or treatment.

(d) Each child with a disability shall be educated in accordance with that child's IEP and in the least restrictive environment for that child.

(e) Each local educational agency shall use the forms developed under G.S. 115C-107.2(d).

"**§ 115C-107.7. Discipline.**

The policies and procedures for the discipline of students with disabilities shall be consistent with federal laws and regulations.

"Part 1C. Interagency Coordination.

"**§ 115C-108.1. State Board lead agency.**

(a) The Board shall cause all local educational agencies to provide special education and related services to children with disabilities in their care, custody, management, jurisdiction, control, or programs. In this regard, all local school administrative units and all other local educational agencies providing special education and related services shall explore available local resources and determine whether the services are currently being offered by an existing public or private agency.

(b) The jurisdiction of the Board with respect to the design and content of special education programs or related services for children with disabilities extends to and over the Department of Health and Human Services, the Department of Juvenile Justice and Delinquency Prevention, and the Department of Correction.

(c) All provisions of this Article that are specifically applicable to local school administrative units also are applicable to the Department of Health and Human Services, the Department of Juvenile Justice and Delinquency Prevention, and the Department of Correction and their divisions and agencies; all duties, responsibilities, rights, and privileges specifically imposed on or granted to local school administrative units by this Article also are imposed on or granted to the Department of Health and Human Services, the Department of Juvenile Justice and Delinquency Prevention, and the Department of Correction and their divisions and agencies. However, with respect to children with disabilities who are residents or patients of any State-operated or State-supported residential treatment facility, including a school for the deaf, school for the blind, mental hospital or center, mental retardation center, or in a facility operated by the Department of Juvenile Justice and Delinquency Prevention, the Department of Correction or any of their divisions and agencies, the Board may contract with the Department of Health and Human Services, the Department of Juvenile Justice and

Delinquency Prevention, and the Department of Correction for the provision of special education and related services and the power to review, revise, and approve any plans for special education and related services to those residents.

(d) The Departments of Health and Human Services, Correction, and Juvenile Justice and Delinquency Prevention shall submit to the Board their plans for the education of children with disabilities in their care, custody, or control. The Board may grant specific exemptions for programs administered by the Department of Health and Human Services, the Department of Juvenile Justice and Delinquency Prevention, or the Department of Correction when compliance by them with the Board's standards would, in the Board's judgment, impose undue hardship on that department and when other procedural due process requirements, substantially equivalent to those required under this Article and IDEA, are assured in programs of special education and related services furnished to children with disabilities served by that department. Further, the Board shall recognize that inpatient and residential special education programs within the Departments of Health and Human Services, Correction, and Juvenile Justice and Delinquency Prevention may require more program resources than those necessary for optimal operation of these programs in local school administrative units.

(e) When a specified special education or related service is being offered by a local public or private resource, a local educational agency shall negotiate for the purchase of that service or shall present full consideration of alternatives and its recommendations to the Board. In this regard, a new or additional program for special education or related services shall be developed with the approval of the Board only when that service is not being provided by existing public or private resources or the service cannot reasonably be purchased from existing providers. Further, the Board shall support and encourage joint and collaborative special education planning and programming at local levels to include local school administrative units and the programs and agencies of the Departments of Health and Human Services, Correction, and Juvenile Justice and Delinquency Prevention.

"**§ 115C-108.2. Interlocal cooperation.**

The Board, any two or more local educational agencies, and any other agency and any State department, agency, or division having responsibility for the education, treatment, or habilitation of children with disabilities may enter into interlocal cooperative undertakings under Part 1 of Article 20 of Chapter 160A of the General Statutes or into undertakings with a State agency such as the Departments of Public Instruction, Health and Human Services, Juvenile Justice and Delinquency Prevention, or Correction, or their divisions, agencies, or units, for the purpose of providing for the special education and related services, treatment, or habilitation of these children within the jurisdiction of the agency or unit, and shall do so when it is unable to provide the appropriate public special education or related services for these children. In entering into such undertakings, the local agency and State department, agency, or division shall also contract to provide the special education or related services that are educationally appropriate to the children with disabilities for whose benefit the undertaking is made, and provide these services by or in the local agency unit or State department, agency, or division located in the place most convenient to these children.

"Part 1D. Procedural Safeguards.

"**§ 115C-109.1. Handbook for parents.**

The State Board of Education shall make available to parents a handbook of procedural safeguards. This handbook for parents shall be made available at least once each school year, except that a copy also shall be given to the parent (i) upon the initial referral or parental request for an evaluation; (ii) upon the first occurrence of the filing of a petition under G.S. 115C-109.6 and IDEA; (iii) upon the parent's request; and (iv) upon any revision to the content of the handbook. This handbook for parents shall include a full explanation of the procedural safeguards under this Article and IDEA, be written in the native language of the parent unless it clearly is not feasible to do so, be written in an easily understood manner, and include information required under IDEA to be included.

The State Board shall place a current copy of the handbook for parents on its Internet Web site.

"**§ 115C-109.2. Adult children with disabilities; surrogate parents.**

(a) When a child with a disability reaches the age of 18, all of the following apply:

(1) Notices required under this Article shall be provided to both the child and the child's parent.

(2) All other rights accorded to parents under this Article and IDEA transfer to the child.

(3) The local educational agency shall notify the child and the child's parent of these transfer rights.

(b) Notwithstanding subsection (a) of this subsection, the State Board shall establish procedures appointing a parent of a child with a disability to represent the educational interests of the child throughout the period of eligibility of the child when the child reaches the age of 18, has not been determined to be incompetent, but has been determined not to have the ability to provide informed consent with respect to the educational program of the child.

(c) A reasonable effort must be made to appoint a surrogate for a child with a disability within 30 days of a determination that one of the following conditions exists and that the child needs a surrogate:

(1) The parents of that child are not known;

(2) The parents, after reasonable efforts, cannot be located; or

(3) The child is a ward of the State.

(d) A person must be eligible under IDEA to be appointed as a child's surrogate.

"**§ 115C-109.3. Access to records; opportunity for parents to participate in meetings.**

(a) Each local educational agency shall provide an opportunity for the parents of a child with a disability to examine all records relating to that child and to participate in meetings with respect to the identification, evaluation, and educational placement of the child, and the provision of a free appropriate public education to that child.

(b) Local educational agencies may release the records of a child with a disability only as permitted under State or federal law. The parents of a child with a disability may

have access to the child's records and may read, inspect, and copy all and any records, data, and information maintained by a local educational agency with respect to that child. Parents, upon their request, are entitled to have those records, data, and information fully explained, interpreted, and analyzed for them by the staff of the agency, unless specifically prohibited by court order. If a request is made under this subsection, the local educational agency shall honor the request within not more than 45 days after it is made or in time for the individual who made the request to prepare for a meeting under subsection (a) of this section, whichever is sooner.

(c) The student and the student's parents may add written explanations or clarifications to the records, data, and information and may request the expunction of incorrect, outdated, misleading, or irrelevant entries. If a local educational agency refuses to expunge incorrect, outdated, misleading, or irrelevant entries after having been asked to do so by the parent, the parent may appeal that decision under G.S. 115C-45(c)(2).

"**§ 115C-109.4. Mediation.**

(a) It is the policy of this State to encourage local educational agencies and parents to seek mediation involving any dispute under this Article, including matters arising before or after filing a petition under G.S. 115C-109.6.

(b) Mediation under this section must meet the following requirements:

(1) The mediation must be voluntary on the part of both parties.

(2) Mediation shall not be used to deny or delay a parent's right to an impartial hearing under G.S. 115C-109.6, or to deny any other rights afforded under this Article or IDEA.

(3) The mediation shall be conducted by a qualified and impartial mediator who is trained in effective mediation techniques.

(c) The State Board may establish procedures to offer to parties that do not choose to use the mediation process an opportunity to meet with a disinterested party, as provided under IDEA, who can encourage the use and explain the benefits of the mediation process to the parties. This meeting must be at a time and location convenient to the parents.

(d) The State Board shall maintain a list of qualified mediators who are knowledgeable in laws and regulations relating to the provision of special education and related services. When mediation is requested, the Exceptional Children Division of the Department of Public Instruction shall assign a mediator from this list of mediators.

(e) The State shall bear the cost of the mediation process, including the costs of meetings described under subsection (b) of this section, unless the parties opt to select a mediator other than the mediator assigned under subsection (c) of this section or if the parties opt to use an alternative method of dispute resolution.

(f) Each session in the mediation process shall be scheduled in a timely manner and shall be held in a location that is convenient to the parties to the dispute.

(g) Evidence of statements made and conduct occurring in a mediation are confidential, are not subject to discovery, and are inadmissible in any proceeding in the action or other actions on the same claim. However, no evidence otherwise discoverable is inadmissible merely because it is presented or discussed in a mediation. Mediators

shall not be compelled in any civil proceeding to testify or produce evidence concerning statements made and conduct occurring in a mediation.

(h) When resolution is reached to resolve the dispute through the mediation process, the parties shall execute a legally binding agreement that:

(1) Sets forth the agreement.

(2) States that all discussions that occurred during the mediation process are confidential and may not be used as evidence in any subsequent impartial hearing under G.S. 115C-109.6 or in any civil proceeding.

(3) Is signed by both the parent and a representative of the local educational agency who has the authority to bind that agency.

(4) Is enforceable in any State administrative forum, any State court of competent jurisdiction, or in a district court of the United States.

(i) In addition to mediation as provided by this section, the parties may participate in a mediated settlement conference as provided by G.S. 150B-23.1. In addition, the parties may agree to use other dispute resolution methods or to use mediation in other circumstances, including after a request for formal administrative review is filed, to the extent permitted under State and federal law.

"**§ 115C-109.5. Prior written notice.**

(a) The local educational agency shall provide prompt written notice to parents whenever that agency proposes to initiate or change, or refuses to initiate or change (i) the identification, evaluation, or educational placement of a child, or (ii) the provision of a free appropriate public education to a child with a disability. The local educational agency shall document that all required notices have been sent to and received by parents.

(b) This prior written notice shall be in the native language of the parents, unless it clearly is not feasible to translate it, and shall contain all of the following information:

(1) A description of the action proposed or refused by the local educational agency.

(2) An explanation of why the local educational agency proposes or refuses to take the action and a description of each evaluation procedure, assessment, record, or report that agency used as a basis for the proposed or refused action.

(3) A statement that the parent of a child with a disability has protection under the procedural safeguards of this Article and IDEA and, if this notice is not the initial referral for evaluation, the means by which a copy of the procedural safeguards can be obtained.

(4) Sources for parents to contact to obtain assistance in understanding this Article and IDEA.

(5) A description of other options considered by the IEP Team and the reason why those options were rejected.

(6) A description of the factors that are relevant to the local educational agency's proposal or refusal.

(7) Any other information required to be included under IDEA.

"**§ 115C-109.6. Impartial due process hearings.**

(a) Any party may file with the Office of Administrative Hearings a petition to request an impartial hearing with respect to any matter relating to the identification, evaluation, or educational placement of a child, or the provision of a free appropriate public education of a child, or a manifestation determination. The party filing the petition must notify the other party and the person designated under G.S. 115C-107.2(b)(9) by simultaneously serving them with a copy of the petition.

(b) Notwithstanding any other law, the party shall file a petition under subsection (a) of this section that includes the information required under IDEA and that sets forth an alleged violation that occurred not more than one year before the party knew or reasonably should have known about the alleged action that forms the basis of the petition. The issues for review under this section are limited to those set forth in subsection (a) of this section. The party requesting the hearing may not raise issues that were not raised in the petition unless the other party agrees otherwise.

(c) The one-year restriction in subsection (b) of this section shall not apply to a parent if the parent was prevented from requesting the hearing due to (i) specific misrepresentations by the local educational agency that it had resolved the problem forming the basis of the petition, or (ii) the local educational agency's withholding of information from the parent that was required under State or federal law to be provided to the parent.

(d) The hearing shall be conducted in the county where the child attends school or is entitled to enroll under G.S. 115C-366, unless the parties mutually agree to a different venue.

(e) The hearing shall be closed to the public unless the parent requests in writing that the hearing be open to the public.

(f) Subject to G.S. 115C-109.7, the decision of the administrative law judge shall be made on substantive grounds based on a determination of whether the child received a free appropriate public education. Following the hearing, the administrative law judge shall issue a written decision regarding the issues set forth in subsection (a) of this section. The decision shall contain findings of fact and conclusions of law. Notwithstanding Chapter 150B of the General Statutes, the decision of the administrative law judge becomes final and is not subject to further review unless appealed to the Review Officer under G.S. 115C-109.9.

(g) A copy of the administrative law judge's decision shall be served upon each party and a copy shall be furnished to the attorneys of record. The written notice shall contain a statement informing the parties of the availability of appeal and the 30-day limitation period for appeal as set forth in G.S. 115C-109.9.

(h) In addition to the petition, the parties shall simultaneously serve a copy of all pleadings, agreements, and motions under this Part with the person designated by the State Board under G.S. 115C-107.2(b)(9). The Office of Administrative Hearings shall simultaneously serve a copy of all orders and decisions under this Part with the person designated by the State Board under G.S. 115C-107.2(b)(9).

(i) Nothing in this section shall be construed to preclude a parent from filing a separate due process petition on an issue separate from a petition already filed.

(j) Notwithstanding Chapter 150B of the General Statutes, the State Board, through the Exceptional Children Division, and the State Office of Administrative Hearings shall develop and enter into a binding memorandum of understanding to ensure compliance with the statutory and regulatory procedures and timelines applicable under IDEA to due process hearings and to hearing officers' decisions, and to ensure the parties' due process rights to a fair and impartial hearing. This memorandum of understanding shall be amended if subsequent changes to IDEA are made. The procedures and timelines shall be made part of the Board's procedural safeguards that are made available to parents and the public under G.S. 115C-109.1 and 115C-109.5.

"**§ 115C-109.7. Resolution session.**

(a) Within 15 days of receiving notice of the parent's petition filed under G.S. 115C-109.6 and before the opportunity for an impartial hearing, the local educational agency shall convene a meeting with the parent and the relevant members of the IEP Team who have specific knowledge of the facts identified in the petition. This meeting shall include a representative of the agency who has decision-making authority on behalf of that agency and may not include an attorney of the local educational agency unless the parent is accompanied by an attorney. If the parent plans to be accompanied by an attorney under this section, the parent must give prior written notice of this fact to the agency. The purposes of the meeting are (i) for the parent to have an opportunity to discuss the petition and the facts that form the basis of the petition and (ii) for the local educational agency to have the opportunity to resolve the dispute.

(b) The parent and the local educational agency jointly may agree in writing to waive the meeting under subsection (a) of this section or to use the mediation process described in G.S. 115C-109.4.

(c) If the local educational agency does not resolve the dispute to the satisfaction of the parents within 30 days of the agency's receipt of the petition, the impartial hearing under G.S. 115C-109.6 may occur and all of the applicable timelines for that hearing shall commence.

(d) If a resolution is reached to resolve the dispute at a meeting under subsection (a) of this section, the parties shall execute a legally binding agreement that is:

(1) Signed by both the parent and a representative of the local educational agency who has the authority to bind the agency;

(2) Enforceable in any State court of competent jurisdiction or in a district court of the United States; and

(3) Filed with the person designated by the State Board to receive notices and with the Office of Administrative Hearings.

(e) If the parties execute an agreement under subsection (d) of this section, either party may void the agreement by providing written notice within three business days of the agreement's execution to the person designated by the State Board to receive notices, the Office of Administrative Hearings, and the other party. Notwithstanding subsection (c) of this section, upon receipt of this notice, the impartial hearing under G.S. 115C-109.6 may occur and all of the applicable timelines for that hearing shall commence.

"**§ 115C-109.8. Procedural issues.**

(a) In matters alleging a procedural violation, the hearing officer may find that a child did not receive a free appropriate public education only if the procedural inadequacies (i) impeded the child's right to a free appropriate public education; (ii) significantly impeded the parents' opportunity to participate in the decision-making process regarding the provision of a free appropriate public education to the parents' child; or (iii) caused a deprivation of educational benefits.

(b) A hearing officer may order a local educational agency to comply with procedural requirements under this Article and IDEA.

"**§ 115C-109.9. Review by review officer; appeals.**

(a) Any party aggrieved by the findings and decision of a hearing officer under G.S. 115C-109.6 or 115C-109.8 may appeal the findings and decision within 30 days after receipt of notice of the decision by filing a written notice of appeal with the person designated by the State Board under G.S. 107.2(b)(9) to receive notices. The State Board, through the Exceptional Children Division, shall appoint a Review Officer from a pool of review officers approved by the State Board of Education. The Review Officer shall conduct an impartial review of the findings and decision appealed under this section. The Review Officer conducting this review shall make an independent decision upon completion of the review. The decision of the Review Officer becomes final unless an aggrieved party brings a civil action under subsection (d) of this section. A copy of the decision shall be served upon each party and a copy shall be furnished to the attorneys of record and the Office of Administrative Hearings. The written notice shall contain a statement informing the parties of the right to file a civil action and the 30-day limitation period for filing a civil action under subsection (d) of this section.

(b) A Review Officer shall be an educator or other professional who is knowledgeable about special education and who possesses other qualifications as may be established by the State Board of Education. No person may be appointed as a Review Officer if that person is an employee of the State Board of Education, the Department of Public Instruction, or the local educational agency that has been involved in the education or care of the child whose parents have filed the petition.

(c) The State Board may enforce the final decision of the administrative law judge under G.S. 115C-109.6, if not appealed under this section, or the final decision of the Review Officer, by ordering a local educational agency:

(1) To provide a child with appropriate education;

(2) To place a child in a private school that is approved to provide special education and that can provide the child an appropriate education; or

(3) To reimburse parents for reasonable private school placement costs in accordance with this Article and IDEA when it is determined that the local educational agency did not offer or provide the child with appropriate education and the private school in which the parent placed the child was an approved school and did provide the child an appropriate education.

(d) Any party that does not have the right to appeal under this Part and any party who is aggrieved by the decision of the Review Officer under this section may institute

a civil action in State court within 30 days after receipt of the notice of the decision or in federal court as provided in 20 U.S.C. § 1415.

(e) Except as provided under IDEA, upon the filing of a petition under G.S. 115C-109.6 and during the pendency of any proceedings under this Part, the child must remain in the child's then-current educational placement or, if applying for initial admission to a public school, the child must be placed in the public school. Notwithstanding this subsection, the parties may agree in writing to a different educational placement for the child during the pendency of any proceedings under this Part.

"Part 1E. Special Education and Related Services Personnel.

"**§ 115C-110.1. Teacher qualifications.**

The Board shall adopt rules covering the qualifications of and standards for certification of teachers, teacher assistants, speech clinicians, school psychologists, and others involved in the education and training of children with disabilities.

"**§ 115C-110.2. Interpreters/transliterators.**

Each interpreter or transliterator employed by a local educational agency to provide services to hearing-impaired students must annually complete 15 hours of job-related training that has been approved by the local educational agency.

"**§ 115C-110.3 through 106.5. [Reserved]**

"Part 1F. Budgeting; Funds.

"**§ 115C-111.1. Out-of-state students; eligibility for State funds.**

Notwithstanding any policy or rule adopted by the State Board of Education, if a local school administrative unit provides services to a student under a current IEP from another state while a determination is being made regarding the student's eligibility for services as a child with disabilities in North Carolina, the local school administrative unit is entitled to receive State funding to serve the student while the determination is being made. If the student is later determined not to qualify for services in North Carolina, the local school administrative unit is not be required to repay State funds received while the determination is being made.

"**§ 115C-111.2. Contracts with private service providers.**

Local educational agencies furnishing special education and related services to children with disabilities may contract with private special education facilities or service providers to furnish any of these services that the public providers are unable to furnish. No contract between any public and private service provider is effective until it has received the prior written approval of the Board. The Board shall not withhold its approval of the contract unless the private facilities and providers do not meet the Board's standards established under this Article.

"**§ 115C-111.3. Cost of education of children in group homes, foster homes, etc.**

(a) Notwithstanding any other State law and without regard for the place of domicile of a parent, the cost of a free appropriate public education for a child with disabilities who is placed in or assigned to a group home or foster home, under State and federal law, shall be borne by the local board of education in which the group home or foster home is located. However, the local school administrative unit in which a child is domiciled shall transfer to the local school administrative unit in which the institution

is located an amount equal to the actual local cost in excess of State and federal funding required to educate that child in the local school administrative unit for the fiscal year after all State and federal funding has been exhausted.

(b) The State Board of Education shall use State and federal funds appropriated for children with disabilities to establish a reserve fund to reimburse local boards of education for the education costs of children assigned to group homes or other facilities as provided in subsection (a) of this section. Local school administrative units may submit a Special State Reserve Program application for foster home or group home children whose special education and related services costs exceed the per child group home allocation.

(c) The Department shall review the current cost of children with disabilities served in the local school administrative units with group homes or foster homes to determine the actual cost of services.

"**§ 115C-111.4. Nonreduction.**

Notwithstanding any of the other provisions of this Article, it is the intent of the General Assembly that funds appropriated by it for the operation of programs of special education and related services by local school administrative units not be reduced; rather, that adequate funding be made available to meet the special educational and related services needs of children with disabilities, without regard to which local educational agency has the child in its care, custody, control, or program.

"**§ 115C-111.5. Allocation of federal funds.**

Whenever any federal moneys for the special education and related services for children with disabilities are made available, these funds shall be allocated according to a formula designed by the Board consistent with federal laws and regulations. This formula shall insure equitable distribution of resources based upon the number of children with disabilities served by the respective agencies, and shall be implemented as funds are made available from federal and State appropriations.

"**§ 115C-111.6. Obligation to provide services for preschool children with disabilities.**

State funds appropriated to the public schools to implement preschool services for children with disabilities under this Article and IDEA shall be used to provide special education and related services to preschool children with disabilities. These State funds shall be used to supplement and not supplant existing federal, State, and local funding for the public schools.

Preschool children with disabilities will continue to be served by all other State funds to which they are otherwise entitled.

"Part 1G. Council on Educational Services for Exceptional Children.

"**§ 115C-112.1. Establishment; organization; powers and duties.**

(a) There is hereby established an Advisory Council to the State Board of Education to be called the Council on Educational Services for Exceptional Children.

(b) The Council shall consist of a minimum of 24 members to be appointed as follows: four ex officio members; one individual with a disability and one representative of a private school appointed by the Governor; one member of the Senate and one parent of a child with a disability appointed by the President Pro Tempore; one member

of the House of Representatives and one parent of a child with a disability appointed by the Speaker of the House; and 14 members appointed by the State Board of Education. The State Board shall appoint members who represent individuals with disabilities, teachers, local school administrative units, institutions of higher education that prepare special education and related services personnel, administrators of programs for children with disabilities, charter schools, parents of children with disabilities, a State or local official who carries out activities under the federal McKinney-Vento Homeless Assistance Act, vocational, community, or business organizations concerned with the provision of transition services, and others as required by IDEA. The majority of members on the Council shall be individuals with disabilities or parents of children with disabilities. The Council shall designate a chairperson from among its members. The designation of the chairperson is subject to the approval of the State Board of Education. The Board shall adopt rules to carry out this subsection.

Ex officio members of the Council shall be the following:

(1) The Secretary of Health and Human Services or the Secretary's designee.

(2) The Secretary of Juvenile Justice and Delinquency Prevention or the Secretary's designee.

(3) The Secretary of Correction or the Secretary's designee.

(4) The Superintendent of Public Instruction or the Superintendent's designee.

The term of appointment for all members except those appointed by the State Board of Education is two years. The term for members appointed by the State Board of Education is four years. No person shall serve more than two consecutive four-year terms.

Each Council member shall serve without pay, but shall receive travel allowances and per diem in the same amount provided for members of the North Carolina General Assembly.

(c) The Council shall meet in offices provided by the Department of Public Instruction on a date to be agreed upon by the members of the Council from meeting to meeting. The Council shall meet no less than once every three months. The Department of Public Instruction shall provide the necessary secretarial and clerical staff and supplies to accomplish the objectives of the Council.

(d) The Council shall:

(1) Advise the Board with respect to unmet needs within the State in the education of children with disabilities.

(2) Comment publicly on rules, policies, and procedures proposed by the Board regarding the education of children with disabilities.

(3) Assist the Board in developing evaluations and reporting on data to the Secretary of Education under the federal Individuals with Disabilities Education Act (IDEA), as amended.

(4) Advise the State Board in developing corrective action plans to address findings identified in federal monitoring reports required under

the federal Individuals with Disabilities Education Act (IDEA), as amended.

(5) Advise the State Board in developing and implementing policies relating to the coordination of services for children with disabilities.

(6) Carry out any other responsibility as designated by federal law or the State Board."

SECTION 3.(a) 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;~~children;

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

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

(4) Standards for student performance and promotion based on the mastery of competencies, including standards for graduation, that take into account children with ~~special needs~~ disabilities 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 3.(b) G.S. 115C-105.25(b)(4) reads as rewritten:

"(b) Subject to the following limitations, local boards of education may transfer and may approve transfers of funds between funding allotment categories:

...

(4) Funds allocated for children with ~~special needs,~~ disabilities, for students with limited English proficiency, and for driver's education shall not be transferred.

..."

SECTION 3.(c) G.S. 115C-149 reads as rewritten:

"**§ 115C-149. Policy. Chemically dependent children excluded from provisions of Article 9.**

The General Assembly of North Carolina hereby declares that the policy of the State is to ensure that an appropriate education is provided for drug and alcohol addicted children; however, drug and alcohol addicted children are not "children with ~~special needs"~~ disabilities" within the meaning of ~~G.S. 115C-109~~ G.S. 115C-106.3(1) unless because of some other condition they meet that definition."

SECTION 3.(d) G.S. 115C-233 reads as rewritten:

"**§ 115C-233. Operation of summer schools.**

Each local school administrative unit may establish and maintain summer schools. Such summer schools as may be established shall be administered by local boards of education and shall be conducted in accordance with standards developed by the State Board of Education. The standards so developed shall specify the requirements for approved curriculum, the qualifications of the personnel, the length of the session, and the conditions under which students may be granted credit for courses pursued during a summer school. In determining the eligibility of students for admission to summer schools, boards of education shall be governed by ~~the provisions of G.S. 115C-116,~~ Article 9 of this Chapter, and G.S. 115C-366(b) and 115C-367 to 115C-370. Boards of education of local school administrative units may provide for summer schools from funds made available for that purpose by the State Board of Education, funds appropriated to the local school administrative unit by the tax-levying authority, and from any other revenues available for the purpose."

SECTION 3.(e) G.S. 115C-238.29F(d)(4) reads as rewritten:

"(4) The school shall comply with policies adopted by the State Board of Education for charter schools relating to the education of children with ~~special needs.~~disabilities."

SECTION 3.(f) G.S. 115C-238.29H(a) reads as rewritten:

"**§ 115C-238.29H. State and local funds for a charter school.**

(a) The State Board of Education shall allocate to each charter school:

(1) An amount equal to the average per pupil allocation for average daily membership from the local school administrative unit allotments in which the charter school is located for each child attending the charter school except for the allocation for children with ~~special needs~~ disabilities and for the allocation for children with limited English proficiency;

(2) An additional amount for each child attending the charter school who is a child with ~~special needs;~~ disabilities; and

(3) An additional amount for children with limited English proficiency attending the charter school, based on a formula adopted by the State Board.

In accordance with G.S. 115C-238.29D(d), the State Board shall allow for annual adjustments to the amount allocated to a charter school based on its enrollment growth in school years subsequent to the initial year of operation.

In the event a child with ~~special needs~~ disabilities leaves the charter school and enrolls in a public school during the first 60 school days in the school year, the charter school shall return a pro rata amount of funds allocated for that child to the State Board, and the State Board shall reallocate those funds to the local school administrative unit in which the public school is located. In the event a child with ~~special needs~~ disabilities enrolls in a charter school during the first 60 school days in the school year, the State Board shall allocate to the charter school the pro rata amount of additional funds for children with ~~special needs.~~disabilities."

SECTION 3.(g) G.S. 115C-242 reads as rewritten:

"**§ 115C-242. Use and operation of school buses.**

Public school buses may be used for the following purposes only, and it shall be the duty of the superintendent of the school of each local school administrative unit to supervise the use of all school buses operated by such local school administrative unit so as to assure and require compliance with this section:

(1) A school bus may be used for the transportation of pupils enrolled in and employees in the operation of the school to which such bus is assigned by the superintendent of the local school administrative unit. Except as otherwise herein provided, such transportation shall be limited to transportation to and from such school for the regularly organized school day, and from and to the points designated by the principal of the school to which such bus is assigned, for the receiving and discharging of passengers. No pupil or employee shall be so transported upon any bus other than the bus to which such pupil or employee has been assigned pursuant to the provisions of this Article: Provided, that children enrolled in a Headstart program which is housed in a building owned and operated by a local school administrative unit where school is being conducted may be transported on public school buses, so long as the contractual arrangements made cause no extra expense to the State: Provided further, that children with ~~special needs~~ disabilities may be transported to and from the nearest appropriate private school having a special education program approved by the State Board of Education if the children to be transported are or have been placed in that program by a local school administrative unit as a result of the State or the unit's duty to provide such children with a free appropriate public education.

...

(5) Local boards of education, under rules ~~and regulations~~ adopted by the State Board of Education, may permit the use and operation of school buses for the transportation of pupils and instructional personnel as the board deems necessary to serve the instructional programs of the schools. Included in the use permitted by this section is the transportation of children with ~~special needs, such as mentally retarded children and children with physical defects,~~ disabilities, and children enrolled in programs that require transportation from the school

grounds during the school day, such as special vocational or occupational programs. On any such trip, a city or county-owned school bus shall not be taken out of the State.

If State funds are inadequate to pay for the transportation approved by the local board of education, local funds may be used for these purposes. Local boards of education shall determine that funds are available to such boards for the transportation of children to and from the school to which they are assigned for the entire school year before authorizing the use and operation of school buses for other services deemed necessary to serve the instructional program of the schools.

Children with ~~special needs~~ disabilities may be transported to and from the nearest appropriate private school having a special education program approved by the State Board of Education if the children to be transported have been placed in that program by a local school administrative unit as a result of the State or the unit's duty to provide ~~such~~ those children with a free appropriate public education.

..."

SECTION 3.(h) G.S. 115C-250 reads as rewritten:

"**§ 115C-250. Authority to expend funds for transportation of children with ~~special needs.~~disabilities.**

(a) The State Board of Education and local boards of education may expend public funds for transportation of ~~handicapped~~ children with ~~special needs~~ disabilities who are unable because of their ~~handicap~~ disability to ride the regular school buses and who have been placed in programs by a local school board as a part of its duty to provide ~~such~~ these children with a free appropriate ~~education, including its duty under G.S. 115C-115.~~ education under Article 9 of this Chapter. At the option of the local board of education with the concurrence of the State Board of Education, funds appropriated to the State Board of Education for contract transportation of ~~exceptional~~ children with disabilities may be used to purchase buses and minibuses as well as for the purposes authorized in the budget. The State Board of Education shall adopt rules ~~and regulations~~ concerning the construction and equipment of these buses and minibuses.

The Departments of Health and Human Services, Juvenile Justice and Delinquency Prevention, and Correction may also expend public funds for transportation of ~~handicapped~~ children with ~~special needs~~ disabilities who are unable because of their ~~handicap~~ disability to ride the regular school buses and who have been placed in programs by one of these agencies as a part of that agency's duty to provide ~~such~~ these children with a free appropriate public ~~education.~~education under Article 9 of this Chapter.

If a local area mental health center places a child with ~~special needs~~ a disability in an educational program, the local area mental health center shall pay for the transportation of the ~~child, if handicapped and unable because of the handicap~~ child who is unable due to the disability, to ride the regular school ~~buses,~~ buses to the program.

(b) Funds appropriated for the transportation of children with ~~special needs~~ disabilities may be used to pay transportation safety assistants employed in accordance with ~~the provisions of~~ G.S. 115C-245(e) for buses to which children with ~~special needs~~ disabilities are assigned."

SECTION 3.(i) G.S. 115C-366.2 reads as rewritten:

"**§ 115C-366.2. Applicability to certain persons.**

For the purposes of G.S. 115C-366 and 115C-366.1 for any person who is a resident of a place which is not the person's place of domicile, because: (i) of the residence of a parent, guardian, or legal custodian who is a student, employee or faculty member, of a college or university, or a visiting scholar at the National Humanities Center; or (ii) the child is placed in or assigned to a group home, foster home, or other similar facility or institution, other than a child covered by ~~G.S. 115C-140.1(a);~~ G.S. 115C-111.3(a); or (iii) the child resides with a legal custodian who is not the child's parent or guardian, or (iv) the child resides in a pre-adoptive home following placement by a county department of social services or a licensed child-placing agency, those sections shall be applied by substituting the word "residing" for the word "domiciled," by substituting the word "residence" for the word "domicile," and by substituting the word "residents" for the word "domiciliaries." For purposes of this section, "legal custodian" means the person or agency that has been awarded legal custody of the child by a court.

This section shall not be construed to affect the ability of any person to acquire a new domicile."

SECTION 3.(j) G.S. 115C-367 reads as rewritten:

"**§ 115C-367. Assignment on certain bases prohibited.**

No person shall be refused admission to or be excluded from any public school in this State on account of race, creed, color or national origin. No school attendance district or zone shall be drawn for the purpose of segregating persons of various races, creeds, colors or national origins from the community.

Where local school administrative units have divided the geographic area into attendance districts or zones, pupils shall be assigned to schools within such attendance districts: Provided, however, that the board of education of a local school administrative unit may assign any pupil to a school outside of such attendance district or zone in order that such pupil may attend a school of a specialized kind including but not limited to a vocational school or school operated for, or operating programs for, pupils mentally or physically handicapped, or for any other reason which the board of education in its sole discretion deems sufficient.

The provisions of ~~G.S. 115C-366(b), 115C-367 to 115C-370 and 115C-116~~ Part 1D of Article 9 of this Chapter, G.S. 115C-366(b), and G.S. 115C-367 to G.S. 115C-370 shall not apply to a temporary assignment due to the unsuitability of a school for its intended purpose nor to any assignment or transfer necessitated by overcrowded conditions or other circumstances which, in the sole discretion of the school board, require assignment or reassignment.

The provisions of ~~G.S. 115C-366(b), 115C-367 to 115C-370 and 115C-116~~ Part 1D of Article 9 of this Chapter, G.S. 115C-366(b), and G.S. 115C-367 to G.S. 115C-370 shall not apply to an application for the assignment or reassignment by the parent,

guardian or person standing in loco parentis of any pupil or to any assignment made pursuant to a choice made by any pupil who is eligible to make such choice pursuant to the provisions of a freedom of choice plan voluntarily adopted by the board of education of a local school administrative unit."

SECTION 3.(k) G.S. 115C-371 reads as rewritten:

"**§ 115C-371. Assignment to special education programs.**

Assignment of students to special education programs is subject to ~~the provisions of G.S. 115C-116.~~Article 9 of this Chapter."

SECTION 3.(l) G.S. 115C-391 reads as rewritten:

"**§ 115C-391. Corporal punishment, suspension, or expulsion of pupils.**

...

(d1) A local board of education or superintendent shall suspend for 365 calendar days any student who:

(1) Brings onto educational property or to a school-sponsored curricular or extracurricular activity off educational property, or

(2) Possesses on educational property or at a school-sponsored curricular or extracurricular activity off educational property,

a weapon, as defined in G.S. 14-269.2(b), 14-269.2(b1), 14-269.2(g), and 14-269.2(h). The local board of education upon recommendation by the superintendent may modify this suspension requirement on a case-by-case basis that includes, but is not limited to, the procedures established under Article 9 of this Chapter for the discipline of students with disabilities and may also provide, or contract for the provision of, educational services to any student suspended pursuant to this subsection in an alternative school setting or in another setting that provides educational and other services.

...

(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 under Article 9 of this Chapter for the discipline of students with disabilities and may also provide, or contract for the provision of, educational services to any student suspended under this subsection in an alternative school setting or in another setting that provides educational and other services. For purposes of this subsection and subsection (d1) of this section, the term "educational property" has the same definition as in G.S. 14-269.2(a)(1).

...

(g) Notwithstanding the provisions of this section, the policies and procedures for the discipline of students with disabilities shall be consistent with Article 9 of this Chapter and with federal laws and regulations.

..."

SECTION 3.(m) G.S. 115C-397.1 reads as rewritten:

"**§ 115C-397.1. Management and placement of disruptive students.**

If, after a teacher has requested assistance from the principal two or more times due to a student's disruptive behavior, the teacher finds that the student's disruptive behavior continues to interfere with the academic achievement of that student or other students in the class, then the teacher may refer the matter to a school-based committee. The teacher may request that additional classroom teachers participate in the committee's proceedings. For the purposes of this section, the committee shall notify the student's parent, guardian, or legal custodian and shall encourage that person's participation in the proceedings of the committee concerning the student. ~~A student is not required to be screened, evaluated, or identified as a child with special needs under this section.~~ Nothing in this section requires a student to be screened, evaluated, or identified as a child with a disability under Article 9 of this Chapter. The committee shall review the matter and shall take one or more of the following actions: (i) advise the teacher on managing the student's behavior more effectively, (ii) recommend to the principal the transfer of the student to another class within the school, (iii) recommend to the principal a multidisciplinary ~~diagnosis and~~ evaluation of the student, (iv) recommend to the principal that the student be assigned to an alternative learning program, or (v) recommend to the principal that the student receive any additional services that the school or the school unit has the resources to provide for the student. If the principal does not follow the recommendation of the committee, the principal shall provide a written explanation to the committee, the teacher who referred the matter to the committee, and the superintendent, of any actions taken to resolve the matter and of the reason the principal did not follow the recommendation of the committee.

This section shall be in addition to the supplemental to disciplinary action taken in accordance with any other law. The recommendation of the committee is final and shall not be appealed under G.S. 115C-45(c). Nothing in this section shall authorize a student to refer a disciplinary matter to this committee or to have the matter of the student's behavior referred to this committee before any discipline is imposed on the student."

SECTION 3.(n) G.S. 122C-3(13c) reads as rewritten:

"(13c) "Eligible infants and toddlers" means children with or at risk for developmental delays or atypical development until:

a. They have reached their third birthday;

b. Their parents have requested to have them receive services in the preschool program for ~~handicapped~~ children with disabilities established ~~pursuant to Part 14 of Article IX~~ under Article 9 of Chapter 115C of the General Statutes; and

c. They have been placed in the program by the local educational agency.

In no event shall a child be considered an eligible toddler after the beginning of the school year immediately following the child's third ~~birthday.~~birthday, unless the Secretary and the State Board enter into an agreement under G.S. 115C-106.4(c)."

SECTION 3.(o) The caption to Part 13A of Chapter 143B of the General Statutes reads as rewritten:

"Part 13A. Interagency Coordinating Council for ~~Handicapped~~ Children with Disabilities from Birth to Five Years of Age."

SECTION 3.(p) The caption to G.S. 143B-179.6 reads as rewritten:

"**§ 143B-179.6. Interagency Coordinating Council for ~~Handicapped~~ Children with Disabilities from Birth to Five Years of Age; agency cooperation.**"

SECTION 3.(q) G.S. 143B-216.40 reads as rewritten:

"**§ 143B-216.40. Establishment; operations.**

There are established, and there shall be maintained, the following schools for the deaf: the Eastern North Carolina School for the Deaf at Wilson (K-12) and the North Carolina School for the Deaf at Morganton (K-12). The Department of Health and Human Services shall be responsible for the operation and maintenance of the schools.

The Board of Directors of the North Carolina Schools for the Deaf shall advise the Department and shall adopt rules ~~and regulations~~ concerning the schools as provided in ~~G.S. 115C-124 and 143B-173.~~G.S. 143B-173 and G.S. 143B-216.40."

SECTION 4.(a) Article 25A of Chapter 115C of the General Statutes is amended by adding the following new section to read:

"**§ 115C-375.5. Education for Pregnant and Parenting Students.**

(a) Pregnant and parenting students shall receive the same educational instruction or its equivalent as other students. A local school administrative unit may provide programs to meet the special scheduling and curriculum needs of pregnant and parenting students. However, student participation in these programs shall be voluntary and the instruction and curriculum must be comparable to that provided other students.

(b) Local boards of education shall adopt a policy to ensure that pregnant and parenting students are not discriminated against or excluded from school or any program, class, or extracurricular activity because they are pregnant or parenting students. The policy shall include, at a minimum, all of the following:

(1) Local school administrative units shall use, as needed, supplemental funds from the At-Risk Student Services allotment to support programs for pregnant and parenting students.

(2) Notwithstanding Part 1 of Article 26 of this Chapter, pregnant and parenting students shall be given excused absences from school for pregnancy and related conditions for the length of time the student's physician finds medically necessary. This includes absences due to the illness or medical appointment during school hours of a child of whom the student is the custodial parent.

(3) Homework and make-up work shall be made available to pregnant and parenting students to ensure that they have the opportunity to keep

current with assignments and avoid losing course credit because of their absence from school."

SECTION 4.(b) This section applies beginning with the 2006-2007 school year.

SECTION 5. Article 3 of Chapter 150B of the General Statutes is amended by adding the following new section to read:

"**§ 150B-22.1. Special education petitions.**

(a) Notwithstanding any other provision of this Chapter, timelines and other procedural safeguards required to be provided under IDEA and Article 9 of Chapter 115C of the General Statutes must be followed in an impartial due process hearing initiated when a petition is filed under G.S. 115C-109.6 with the Office of Administrative Hearings.

(b) The administrative law judge who conducts a hearing under G.S. 115C-109.6 shall not be a person who has a personal or professional interest that conflicts with the judge's objectivity in the hearing. Furthermore, the judge must possess knowledge of, and the ability to understand, IDEA and legal interpretations of IDEA by federal and state courts. The judges are encouraged to participate in training developed and provided by the State Board of Education under G.S. 115C-107.2(h).

(c) For the purpose of this section, the term "IDEA" means The Individuals with Disabilities Education Improvement Act, 20 U.S.C. § 1400, et seq. (2004), as amended, and its regulations."

SECTION 6.(a) The State Board of Education, through the Division of Exceptional Children, and the Office of Administrative Hearings shall develop its memorandum of understanding as required under G.S. 115C-109.6(j), as created in Section 2 of this act, by October 31, 2006. The memorandum of understanding shall establish procedures and timelines that are efficient and meet the criteria of IDEA so that impartial hearings are expeditiously handled. At the same time, the procedures and timelines should recognize there are some complicated issues that may require additional time to resolve. In particular, this memorandum should address at least the following:

(1) The reasons, number of days, and means for providing notice to parties.

(2) When a petition is initiated for the purpose of determining when a decision shall be reached. Specifically, this shall address when mediation is begun before and after a petition is filed and when no mediation is begun.

(3) Whether mediated conferences subject to Chapter 150B of the General Statutes are appropriate under IDEA and, if so, when they should occur and how will they affect the timelines.

(4) The number of extensions to be allowed and the basis on which an extension may be granted.

(5) The standard of review for cases going to review officers.

(6) Any other procedural or tolling issue that the State Board of Education or the Office of Administrative Hearings considers necessary to address.

SECTION 6.(b) The State Board and the Office of Administrative Hearings shall report jointly to the House Select Committee on the Education of Students with Disabilities by November 15, 2006, on the memorandum of understanding. This report shall make any recommendations as to funding issues that must be resolved or statutory changes that are needed, or both, in order to implement the memorandum of understanding.

SECTION 7. The State Board of Education shall ensure that the Allotment Policy Manual includes, in fiscal year 2006-2007 and thereafter, the following language related to local education agencies' use of funds allotted for textbooks:

"Local Education Agencies (LEAs) shall use their State textbook funds to provide, to the same extent as is provided to nondisabled students, textbooks for students with disabilities. LEAs also shall, at a minimum; provide teachers of children with disabilities with the same teachers' editions provided to teachers of nondisabled students."

SECTION 8. There is appropriated from the General Fund to the State Board of Education for children with disabilities the sum of ten million nine hundred eighty-one thousand seven hundred seventy-six dollars ($10,981,776) for the 2006-2007 fiscal year in order to increase the per child with disabilities allocation.

SECTION 9. Sections 7 and 8 of this act become effective July 1, 2006. The remainder of this act is effective when it becomes law.

HOUSE BILL 1908:
Rewrite Special Ed Laws

BILL ANALYSIS

Committee:	House Assigned To Education Subcommittee on Pre-School, Elementary and Secondary Education	**Date:**	May 30, 2006
Introduced by:	Reps. Glazier, Farmer-Butterfield, Preston, Wiley	**Summary by:**	Drupti Chauhan Committee Counsel
Version:	PCS to First Edition H1908-CSSF-40[v.1]		

SUMMARY: ***This bill is recommended by the House Select Committee on the Education of Students with Disabilities ("Committee"). It would make numerous changes to the laws governing the special education of children with disabilities. Some of these changes are required to comply with federal law; other changes reorganize the law to make it clear, up-to-date, and consistent with federal law. The PCS makes several technical changes and the following:***

- ***. Removes the appropriation;***
- ***Adds G.S. 115C-106.2(c) to allow the State Board of Education to set standards that are higher than those required by the IDEA;***
- ***Adds language to subdivision 8 of G.S. 115C-106.3 to define an individualized education program as a written statement that is also implemented consistent with State law;***
- ***Adds language in G.S. 115C-107.1(a)(1) and (a)(2) to clarify that free appropriate education is to be provided to children with disabilities in the specified age groups only until the children graduate from high school;***
- ***Clarifies that the child find census does not have to include children with disabilities that have graduated from high school (G.S. 115C-107.3(c));***
- ***Clarifies language in G.S. 115C-107.6 to be consistent with current law;***
- ***Removes the requirement in G.S.115c-108.1(a) that provided that all local school administrative units and local educational agencies explore available local resources and determine whether the services are being offered by existing public or private agencies;***
- ***Deletes language that requires an LEA to negotiate for the purchase of special education or related services offered by local public or private resources ore present full consideration of alternatives and its recommendations to the State Board. It further deletes the requirement that a new or additional program for special education services must be developed with the approval of the State Board only when that service is not being providing by existing public or private resources or the service cannot be bought from existing providers;***
- ***Adds that when resolutions are reached, the parties must execute a legally binding agreement that is enforceable in any State administrative forum provided for in IDEA (G.S. 115C-109.4(h)(4) and G.S. 115C-109.7(d)(2);***

- ***Deletes language in G.S. 115C-111.2 that required prior written approval of the State Board for contracts between public and private service providers;***
- ***Modifies the language in G.S. 115C-111.5 to provide that the formula must ensure that equitable distribution of resources must be made and implemented as funds are available from federal and State appropriations;***
- ***Adds language in G.S. 115C-375.5(b)(3) to assign homebound teachers to pregnant and parenting students as necessary.***

BILL ANALYSIS:

Section 1 would repeal all the parts of Article 9 of Chapter 115C of the General Statutes ("Article 9"). (The parts that appear to be missing were repealed in previous years.)

Section 2 would rewrite Article 9. Much of the language comes from current law, but is rearranged so that it is in a more logical order and is condensed by removing duplicative or outdated language. The new language that has been added is primarily from the federal Individuals with Disabilities Education Improvement Act ("IDEA").

This rewrite of Article 9 in Section 2 would make the following changes, as recommended by the Committee:

- Conforms State terminology to federal terminology where there is no dispute.
- Resolves contradictory provisions to clarify that children with disabilities who reside in the State are eligible for special education and related services.
- Clarifies the maximum statutory age for services as through the age of 21, and for the remainder of the school year if the child has his or her 22nd birthday during the school year. Also clarifies that services do not have to be provided once the child graduates from high school even if the age limit has not yet been reached.
- Deletes the State's broader purpose clause and substitutes the federal purpose.
- Allows the State Board of Education to set standards that are higher than those required by IDEA.
- Adds a definitions section.
- Redefines the categories of disabilities to conform to IDEA and authorizes additional disabilities if added subsequently under IDEA.
- Removes pregnancy from the list of disabilities.
- Adds children ages 3 through 7 with developmental delays as a category of children entitled to special education and related services.
- Adds charter schools as a local educational agency.
- Removes temporary disabilities.
- Allows the State Board of Education ("State Board") and the Department of Health and Human Services to enter into an agreement to exempt some preschool children with disabilities from the requirement they be provided special education.

- Includes language to strengthen the State Board's monitoring and enforcement of the State's provision of special education and related services.
- Retains a two-tiered system with initial due process complaints going to the Office of Administrative Hearings ("OAH"), but will require copies going to the State Board and the opposing party. Makes the following changes to the due process procedures:
    - Requires State Board and OAH to create a binding memorandum of understanding ("MOU") to address statutory and regulatory procedures and timelines applicable under IDEA to due process hearings and to hearing officers' decisions, and to ensure parties' due process rights to a fair and impartial hearing.
    - Removes references to procedural statutes governing mediators for mediated settlement conferences (G.S. 7A-38.1, G.S. 7A-38-2) in the Mediation statute.
    - Clarifies that mediation may be requested before or after a petition for a hearing is filed.
    - Authorizes the Exceptional Children's Division in the Department of Public Instruction to assign an impartial mediator from a list of trained mediators.
    - Provides the State will bear the cost of the mediation process, unless the parties opt to use a mediator that is not on the list or if the parties use an alternative method of dispute resolution.
    - Authorizes that when resolutions are reached, the parties must execute legally binding agreements that are enforceable in any State administrative forum provided for in IDEA.
    - Establishes one year as the statute of limitations for filing a petition.
    - Removes references to G.S. 150B-23 regarding time periods tolled as related to the filing of a petition for a hearing and a request for mediation.
    - Adds federal language requiring a resolution session and its timelines.
- Requires records to be made available to parents, upon their request, earlier than 45 days if needed to prepare for IEP meetings. There is an exception to this requirement if it would be specifically prohibited by court order.
- Removes conflicting language in the section providing for access to records.
- Deletes language from current law that requires prior written approval of the State Board for contracts between public and private service providers.
- Adds a required member on the Council on Educational Services for Exceptional Children, and authorizes the State Board to add members as may be required under IDEA.
- Requires the State Board to file annual reports with the Joint Legislative Education Oversight Committee.

Section 3 would make conforming changes to numerous statutes.

Section 4 would create a new G.S.115C-375.5, applicable beginning with the 2006-07 school year, by specifying that pregnant and parenting students must receive the same educational instruction or its equivalent as other students. This new section would require local boards of education to adopt policies to ensure these students are not discriminated against or excluded from school or any program, class, or extracurricular activity because they are pregnant or parenting students. Specifically, these students must be given excused absences for pregnancy and related conditions if medically necessary. Also, homework and make-up work must be made available to them. A homebound teach must be assigned to the extent necessary.

Section 5 would create a new G.S. 150B-22.1 to specify that the timelines and other procedural safeguards required under IDEA and Article 9 must be followed in impartial due process hearings that are initiated by a petition filed with OAH. This new section also requires administrative law judges to possess federally required knowledge of IDEA, and encourages these judges to participate in training developed and provided by the State Board.

Section 6 would direct the State Board and OAH to enter into the MOU to address specific procedures and timelines for due process hearings. The MOU must be developed by October 31, 2006, and reported to the Committee by November 15, 2006. The report must include any recommended statutory changes that may be necessary.

Section 7 would direct the State Board to revise its Allotment Policy Manual to require school systems to (i) use their State textbook funds to provide, to the same extent as provided to nondisabled students, textbooks for children with disabilities, and (ii) provide teachers of students with disabilities the same teachers' editions provided to teachers of nondisabled students.

EFFECTIVE DATE: *Section 8* provides that Section 7 of the bill would become effective July 1, 2006. The remainder of the act would take effect when it becomes law.

H1908e1-SMRQ-CSSF-40[v.1]

Session 2005

FEDERAL REQUIREMENT CERTIFICATION

Authorized by G.S. 120-36.8

House Bill 1908

Rewrite Special Ed Laws

Bill Primary Sponsor(s):	Reps. Glazier, Farmer-Butterfield, Preston, Wiley	H1908-CSSF-40[v.1]
Relevant Federal Law:	*The Individuals with Disabilities Act, 20 U.S.C. §1400, et seq*	
☒ Required by or Necessary for Compliance with Federal Law		☒ Exceeds Federal Law
☒ Federal Funds Conditioned upon Passage of Law		☒ Implements Federal Law

SUMMARY OF BILL PROVISIONS ALLEGEDLY REQUIRED BY FEDERAL LEGISLATION

The Individuals with Disabilities Act, 20 U.S.C. § 1400, et seq. (IDEA), is the federal law governing educational programs for children with disabilities. In order to receive federal funds for these programs, a state must comply with IDEA and its regulations.

IDEA requires a state that receives these federal funds to provide a free appropriate public education to all children with disabilities residing in the state between the ages of 3 and 21, inclusive, including children who have been suspended or expelled from school. However, this obligation does not apply with respect to children aged three through five and 18 through 21 to the extent its application would be inconsistent with state law or practice, nor does it apply to certain children 18 through 21 who are incarcerated. Eligible children are entitled to special education and related services.

Article 9 of Chapter 115C of the General Statutes (Article 9) is the principal State law governing these programs. The State Board of Education requested changes to Article 9 (and other statutes) in order to make the State law consistent and compliant with the federal law. The PCS to House bill 1908 makes the following changes pursuant to the changes recommended by the House Select Committee on the Education of Students with Disabilities:

- Conforms State terminology to federal terminology where there is no dispute.
- Resolves contradictory provisions to clarify that children with disabilities who reside in the State are eligible for special education and related services.
- Clarifies the maximum statutory age for services as through the age of 21, and for the remainder of the school year if the child has his or her 22nd birthday during the school year. Also clarifies that services do not have to be provided once the child graduates from high school even if the age limit has not yet been reached.
- Deletes the State's broader purpose clause and substitutes the federal purpose.
- Allows the State Board of Education to set standards that are higher than those required by IDEA.

PRELIMINARY

- Adds a definitions section.
- Redefines the categories of disabilities to conform to IDEA and authorizes additional disabilities if added subsequently under IDEA.
- Removes pregnancy from the list of disabilities.
- Adds children ages 3 through 7 with developmental delays as a category of children entitled to special education and related services.
- Adds charter schools as a local educational agency.
- Removes temporary disabilities.
- Allows the State Board of Education (State Board) and the Department of Health and Human Services to enter into an agreement to exempt some preschool children with disabilities from the requirement they be provided special education.
- Includes language to strengthen the State Board's monitoring and enforcement of the State's provision of special education and related services.
- Retains a two-tiered system with initial due process complaints going to the Office of Administrative Hearings (OAH), but will require copies going to the State Board and the opposing party. Makes the following changes to the due process procedures:
    - Requires State Board and OAH to create a binding memorandum of understanding ("MOU") to address statutory and regulatory procedures and timelines applicable under IDEA to due process hearings and to hearing officers' decisions, and to ensure parties' due process rights to a fair and impartial hearing.
    - Removes references to procedural statutes governing mediators for mediated settlement conferences (G.S. 7A-38.1, G.S. 7A-38-2) in the Mediation statute.
    - Clarifies that mediation may be requested before or after a petition for a hearing is filed.
    - Authorizes the Exceptional Children's Division in the Department of Public Instruction to assign an impartial mediator from a list of trained mediators.
    - Provides the State will bear the cost of the mediation process, unless the parties opt to use a mediator that is not on the list or if the parties use an alternative method of dispute resolution.
    - Authorizes that when resolutions are reached, the parties must execute legally binding agreements that are enforceable in any State administrative forum provided for in IDEA.
    - Establishes one year as the statute of limitations for filing a petition.
    - Removes references to G.S. 150B-23 regarding time periods tolled as related to the filing of a petition for a hearing and a request for mediation.
    - Adds federal language requiring a resolution session and its timelines.

- Requires records to be made available to parents, upon their request, earlier than 45 days if needed to prepare for IEP meetings. There is an exception to this requirement if it would be specifically prohibited by court order.
- Removes conflicting language in the section providing for access to records.
- Deletes language from current law that requires prior written approval of the State Board for contracts between public and private service providers.
- Adds a required member on the Council on Educational Services for Exceptional Children, and authorizes the State Board to add members as may be required under IDEA.
- Requires the State Board to file annual reports with the Joint Legislative Education Oversight Committee.
- Specifies that pregnant and parenting students must receive the same educational instruction or its equivalent as other students.
- Establishes that procedural safeguards required under IDEA and Article 9 must be followed in impartial due process hearings that are initiated by petitions filed with OAH and requires administrative law judges to possess federally required knowledge of IDEA.
- Directs the State Board and OAH to enter into a memorandum of understanding to address specific procedures and timelines for due process hearings.
- Directs the State Board to require school systems to use State textbook funds to provide textbooks and teachers' editions of textbooks to disabled children and teachers of disabled children to the same extent that they provide textbooks to nondisabled children and their teachers.

COMPLIANCE CONSIDERATIONS

The PCS to House Bill 1908 makes numerous changes to the laws governing the special education of children with disabilities. Some of the changes are required to comply with federal law; other changes reorganize the law for clarification purposes, update the terminology and make it consistent with federal law. In a February 2006 letter to the North Carolina Department of Instruction, the United States Department of Education stated that North Carolina's long standing noncompliance with federal law with regard to the due process rights of children with disabilities designated the state as a "high risk" grantee. This "high risk" status places the federal funds that the State receives for the education of children with disabilities in jeopardy as compliance with federal law is required for the federal funds.

TECHNICAL OR MECHANICAL CONSIDERATIONS

There are provisions in the PCS to House Bill 1908 that may go further than what is required under federal law:

- Purpose. – The bill allows the State Board to set standards for the education of children with disabilities that are higher than those required by IDEA.
- Eligible disabilities. –The State Board appears to have included certain optional disabilities within its definition of children with disabilities. One example is that states have discretion to include children aged 3 through 9 who are experiencing developmental delays (as defined by the state) and who need special education and related services because of that disability.
- Eligible age.- The bill allows a child with a disability who is receiving special education and related services to receive the special education and related services until the end of the school year in which that child reaches age 22. The federal law only requires the special education and related services to be provided through the age of 21.

REVIEW AND APPROVAL

Prepared By: _____ **Date:** _____

Drupti Chauhan
Staff Attorney

Approved By: _____ **Date:** _____

Terrence D. Sullivan
Director of Research

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2005

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HOUSE BILL 1908
PROPOSED COMMITTEE SUBSTITUTE H1908-CSSF-40 [v.1]

5/26/2006 2:32:48 PM

Short Title: Rewrite Special Ed Laws. (Public)

Sponsors:

Referred to:

May 15, 2006

A BILL TO BE ENTITLED

AN ACT TO REWRITE THE LAWS GOVERNING THE EDUCATION OF CHILDREN WITH SPECIAL NEEDS.

The General Assembly of North Carolina enacts:

SECTION 1. Parts 1-3, 5-6, and 10-14 of Article 9 of Chapter 115C of the General Statutes are repealed.

SECTION 2. Article 9 of Chapter 115C of the General Statutes, as amended by Section 1 of this act, reads as rewritten:

"Article 9.

"~~Special Education.~~Education of Children with Disabilities.

"Part 1A. General Provisions.

"**§ 115C-106.1. State goal.**

The goal of the State is to provide full educational opportunity to all children with disabilities who reside in the State.

"**§ 115C-106.2. Purposes.**

(a) The purposes of this Article are to (i) ensure that all children with disabilities ages three through 21 have available to them a free appropriate public education that emphasizes special education and related services designed to meet their unique needs and prepares them for further education, employment, and independent living; (ii) ensure that the rights of these children and their parents are protected; and (iii) enable the State Board and local educational agencies to provide for the education of all children with disabilities.

(b) In addition to the purposes listed in subsection (a) of this section, the purpose of this Article is to enable the State Board of Education and local educational agencies to implement IDEA in this State. If this Article is silent or conflicts with IDEA, and if IDEA has specific language that is mandatory, then IDEA controls.

(c) Notwithstanding any other section of this Article, the State Board of Education may set standards for the education of children with disabilities that are higher than those required by IDEA.

"**§ 115C-106.3. Definitions.**

The following definitions apply in this Article:

(1) "Child with a disability" means a child with at least one disability who because of that disability requires special education and related services.

(2) "Disability" includes mental retardation; hearing impairment, including deafness; speech or language impairment; visual impairment, including blindness; serious emotional disturbance; orthopedic impairment; autism; traumatic brain injury; other health impairments, specific learning disability, or other disability as may be required to be included under IDEA. For a child ages three through seven, this term also includes developmental delay.

(3) "Dispute" means a disagreement between the parties.

(4) "Free appropriate public education" means special education and related services that:

a. Are provided at public expense, under public supervision and direction, and without charge;

b. Meet the standards of the State Board;

c. Include an appropriate preschool, elementary school, or secondary school education in the State; and

d. Are provided in conformity with an individualized education program.

(5) "Hearing officers" include administrative law judges as defined in G.S. 150B-2(1) and hearing review officers.

(6) "IDEA" means The Individuals with Disabilities Education Improvement Act, 20 U.S.C. § 1400, et seq., (2004), as amended, and federal regulations adopted under this act.

(7) "IEP Team" is as defined in IDEA.

(8) "Individualized education program" or "IEP" means a written statement for each child with a disability that is developed, reviewed, implemented, and revised consistent with IDEA and State law.

(9) "Infant or toddler with a disability" is as defined in IDEA.

(10) "Least restrictive environment" means to the maximum extent appropriate, children with disabilities are educated with children who are not disabled, and special classes, separate schooling, or other removal of children with disabilities from the regular educational environment occurs only when the nature of the disability is such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily.

(11) "Local educational agency" includes any of the following that provides special education and related services to children with disabilities:

a. A local school administrative unit.
b. A charter school.
c. The Department of Health and Human Services.
d. The Department of Correction.
e. The Department of Juvenile Justice and Delinquency Prevention.
f. Any other State agency or unit of local government.

(12) "Mediation" means an informal process conducted by a mediator with the objective of helping parties voluntarily settle their dispute.

(13) "Mediator" means a neutral person who acts to encourage and facilitate a resolution of a dispute.

(14) "Parent" means:
a. A natural, adoptive, or foster parent;
b. A guardian, but not the State if the child is a ward of the State;
c. An individual acting in the place of a natural or adoptive parent, including a grandparent, stepparent, or other relative, and with whom the child lives;
d. An individual who is legally responsible for the child's welfare; or
e. A surrogate if one is appointed under G.S. 115C-109.2.

(15) "Party" or "Parties" means the local educational agency or the parents, or both.

(16) "Petition" means a request for a due process hearing as provided for under IDEA.

(17) "Preschool child with a disability" means a child with one or more disabilities who meets all of the following criteria:
a. Has reached his or her third birthday and whose parents have requested services from the public schools.
b. Is not eligible to enroll in public kindergarten.
c. Because of the disability, needs special education and related services in order to prepare the child to benefit from the educational programs provided by the public schools, beginning with kindergarten.

(18) "Related services" is as defined in IDEA.

(19) "Rules" includes rules, policies, and procedures.

(20) "Special education" means specially designed instruction, at no cost to parents, to meet the unique needs of a child with a disability. The term includes instruction in physical education and instruction conducted in a classroom, the home, a hospital or institution, and other settings.

"Part 1B. Provision of Free Appropriate Public Education.

"**§ 115C-107.1. Free appropriate public education; ages.**

(a) A free appropriate public education shall be made available to the following:

(1) All children with disabilities who reside in the State, who are the ages of three through 21, who have not graduated from high school, and who require special education and related services.

(2) Any child with a disability who is receiving special education and related services and who has not graduated from high school until the end of the school year in which that child reaches the age of 22.

(3) Children with disabilities who require special education and related services and who are suspended or expelled from school and entitled to continuing education services as provided in IDEA.

(b) A free appropriate public education is not required to be provided to infants and toddlers with disabilities. However, early intervention services shall be made available to these children under G.S. 143B-139.6A.

(c) If funds are made available, the State Board and the Secretary of Health and Human Services may adopt an agreement to allow the continuation of early intervention services for children with a disability who are at least three years old but before they enter kindergarten or are eligible to enter kindergarten. If an agreement is adopted under this subsection, then a free appropriate public education is not required to be provided to any child with a disability who continues to receive early intervention services in accordance with that agreement.

(d) Nothing in this Article requires a free appropriate public education to be made available to any individual aged 18 through 21 who, in the educational placement immediately before that individual's incarceration in an adult correctional facility, was not actually identified as being a child with a disability and did not have an IEP.

"**§ 115C-107.2. Duties of State Board of Education.**

(a) The State Board of Education shall adopt rules to ensure that:

(1) The requirements of this Article and IDEA are met.

(2) All educational programs under the supervision of any local educational agency for children with disabilities meet all of the following requirements:

a. The programs are under the general supervision of individuals in the State who are responsible for educational programs for children with disabilities.

b. The programs meet the State Board's educational standards.

c. With respect to homeless children, the programs meet the requirements of 20 U.S.C. § 1431, McKinney-Vento Homeless Assistance Act.

(b) The rules adopted under subsection (a) of this section shall include rules that:

(1) Establish standards for the programs of special education to be administered by local educational agencies and by the State Board.

(2) Ensure that children with disabilities are educated in the least restrictive environment.

(3) Ensure that local school administrative units make available special education and related services to all preschool children with disabilities whose parents request these services.

(4) Provide for public hearings, adequate notice of these hearings, and an opportunity for comment from the general public before the adoption of the rules required by this Article.
(5) Are required in order to receive federal funding under IDEA.
(6) Provide that, where a local educational agency finds that appropriate services are available from other public agencies or private organizations, the local educational agency may contract for those services rather than provide them directly.
(7) Enable local educational agencies to identify, evaluate, place, and make other educational decisions for children with disabilities.
(8) Provide procedural safeguards for children with disabilities and their parents.
(9) Designate a person in the Department of Public Instruction who is charged with receiving and responding to notices or other legal documents under Part 1D of this Article.
(10) Support and facilitate local educational agency and school-level system improvement designed to enable children with disabilities to meet the challenging State student academic achievement standards.

(c) Rules adopted under this section shall be consistent with IDEA and shall comply with G.S. 115C-12(19). Local educational agencies, parents, and other individuals concerned with the education of children with disabilities shall be consulted in the development of rules adopted under this Article.

(d) The State Board shall develop forms for local educational agencies to use in order to comply with this Article. The forms must comply with G.S. 115C-12(19) and may be in an electronic format.

(e) The State Board shall provide technical assistance to local educational agencies at their request.

(f) The State Board shall develop any plans that meet the criteria of IDEA and are required to be submitted to the United States Department of Education.

(g) The State Board shall make available to hearing officers training related to IDEA and its legal interpretations in order to facilitate hearings and reviews under G.S. 115C-109.6.

"**§ 115C-107.3. Child find.**

(a) The Board shall require an annual census of children with disabilities, subdivided for "identified" and "suspected" children with disabilities, to be taken in each school year. Suspected children are those in the formal process of being evaluated or identified as children with disabilities. The census shall be conducted annually and shall be completed by October 15, submitted to the Governor and General Assembly and made available to the public by January 15 annually.

(b) In taking the census, the Board requires the cooperation, participation, and assistance of all local educational agencies. Therefore, each local educational agency shall cooperate and participate with and assist the Board in conducting the census.

(c) The census shall include the number of children identified and suspected with disabilities, their age, the nature of their disability, their county or city of residence,

their local school administrative unit residence, whether they are being provided special educational or related services and if so by what local educational agency, the identity of each local educational agency having children with disabilities in its care, custody, management, jurisdiction, control, or programs, the number of children with disabilities being served by each local educational agency, and any other information or data that the Board requires. The census shall be of children with disabilities between the ages three through 21 but is not required to include children with disabilities that have graduated from high school.

"**§ 115C-107.4. Monitoring and enforcement.**

(a) The State Board shall monitor all local educational agencies to determine compliance with this Article and IDEA. The State Board also shall monitor the effectiveness of IEPs in meeting the educational needs of children with disabilities.

(b) The State Board shall implement an effective and efficient system of incentives and sanctions for local educational agencies in order to improve results for children with disabilities and meet the requirements of this Article and IDEA. The system, which must be based on a continuum of recognition and sanctions, shall:

(1) Identify and recognize local educational agencies that achieve or exceed targets and indicators as determined by the State Board, demonstrate significant improvement over time, and show growth on targets and indicators as determined by each local educational agency.

(2) Provide consequences for local educational agencies that are substantially noncompliant with statutory and regulatory requirements under this Article and IDEA.

(c) The system of incentives developed under subsection (b) of this section may include commendations, public recognition, allocation of grant funds if available, and any other incentives as considered appropriate by the State Board.

(d) The system of sanctions developed under subsection (b) of this section shall include the following:

(1) Level One – Needs Assistance: When the State Board determines (i) a local school educational agency has been in noncompliance for two years and (ii) that agency needs assistance in implementing the requirements of this Article and IDEA, the State Board shall take one or more of the following actions:

a. The Board may direct the local educational agency to allocate additional time and resources for technical assistance and guidance related to areas of noncompliance.

b. The Board may impose special conditions on that agency's application for IDEA funds and receipt of State funds.

c. The Board may direct how that local educational agency utilizes IDEA and State funds to address the remaining findings of noncompliance. The local educational agency must track the use of these funds to show how the funds are targeted to address areas of noncompliance.

(2) Level Two – Needs Intervention: If the State Board determines (i) that the local educational agency has been in noncompliance for three years and (ii) that agency needs assistance in implementing this Article and IDEA, the following apply:

a. The Board may take any of the actions described in subdivision (1) of this subsection.

b. The Board shall withhold, in whole or in part, any further payments of IDEA and State funds to the agency.

c. The Board shall require the agency to enter into a compliance agreement.

(3) Level Three – Needs Substantial Intervention: In addition to the sanctions described in subdivisions (1) and (2) of this subsection, if at any time the State Board determines a local educational agency (i) needs substantial intervention in implementing the requirements of this Article and IDEA, or (ii) has established a substantial failure to comply with this Article and IDEA, the Board shall take one or more of the following actions:

a. The Board shall direct the agency to implement a compliance agreement, billed to that agency.

b. The Board shall recover IDEA and State funds.

c. The Board shall refer the agency for appropriate enforcement under State or federal law.

(e) In addition to the consequences required under subsections (b) and (d) of this section, the State Board shall develop sanctions for local educational agencies that fail to implement a corrective action or hearing decision.

"**§ 115C-107.5. Annual reports.**

The State Board shall report annually to the Joint Legislative Education Oversight Committee on the implementation of this Article and the educational performance of children with disabilities. Each annual report shall include a copy of the following documents that were submitted, received, or made public during the year: (i) the most recent State performance plan and any amendments to that plan submitted to the Secretary of Education, (ii) compliance and monitoring reports submitted to the Secretary of Education, (iii) the annual report submitted to the Secretary of Education on the performance of the State under its performance plan, and (iv) any other information required under IDEA to be made available to the public. In addition, the annual report shall include an analysis of the educational performance of children with disabilities in the State and a summary of disputes under Part 1D of this Chapter. The report shall be filed no later than October 15 each year and may be filed electronically.

"**§ 115C-107.6. Duties of local educational agencies.**

(a) Each local educational agency, in providing for the education of children with disabilities within its jurisdiction, must comply with IDEA and the rules adopted by the State Board under this Article. In addition, each local educational agency shall have in effect policies, procedures, and programs that are consistent with this Article, IDEA, and rules adopted by the State Board.

(b) No child with disabilities shall be prevented from attending the public schools of the local educational agency in which the child's parents or legal guardian resides or from which the child receives services or from attending any other public program of free appropriate public education based solely on the fact that the child has a disability. If it appears the child should receive a program of free appropriate public education in a program operated by or under the supervision of the Department of Health and Human Services or the Department of Juvenile Justice and Delinquency Prevention, the local school administrative unit shall confer with the appropriate Department of Health and Human Services or Department of Juvenile Justice and Delinquency Prevention staff for their participation and determination of the appropriateness of placement in that program and development of the child's individualized education program.

(c) No matriculation or tuition fees or other fees or charges shall be required or asked of children with disabilities or their parents except those fees or charges that are required uniformly of all public school pupils. The provision of a free appropriate public education within the facilities of the Department of Health and Human Services and the Department of Juvenile Justice and Delinquency Prevention shall not prevent that Department from charging for other services or treatment.

(d) Each child with a disability shall be educated in accordance with that child's IEP and in the least restrictive environment for that child.

(e) Each local educational agency shall use the forms developed under G.S. 115C-107.2(d).

"**§ 115C-107.7. Discipline.**

The policies and procedures for the discipline of students with disabilities shall be consistent with federal laws and regulations.

"Part 1C. Interagency Coordination.

"**§ 115C-108.1. State Board lead agency.**

(a) The Board shall cause all local educational agencies to provide special education and related services to children with disabilities in their care, custody, management, jurisdiction, control, or programs.

(b) The jurisdiction of the Board with respect to the design and content of special education programs or related services for children with disabilities extends to and over the Department of Health and Human Services, the Department of Juvenile Justice and Delinquency Prevention, and the Department of Correction.

(c) All provisions of this Article that are specifically applicable to local school administrative units also are applicable to the Department of Health and Human Services, the Department of Juvenile Justice and Delinquency Prevention, and the Department of Correction, and their divisions and agencies; all duties, responsibilities, rights, and privileges specifically imposed on or granted to local school administrative units by this Article also are imposed on or granted to the Department of Health and Human Services, the Department of Juvenile Justice and Delinquency Prevention, and the Department of Correction, and their divisions and agencies. However, with respect to children with disabilities who are residents or patients of any State-operated or State-supported residential treatment facility, including a school for the deaf, school for the blind, mental hospital or center, mental retardation center, or in a facility operated

by the Department of Juvenile Justice and Delinquency Prevention, the Department of Correction, or any of their divisions and agencies, the Board may contract with the Department of Health and Human Services, the Department of Juvenile Justice and Delinquency Prevention, and the Department of Correction for the provision of special education and related services and the power to review, revise, and approve any plans for special education and related services to those residents.

(d) The Departments of Health and Human Services, Correction, and Juvenile Justice and Delinquency Prevention shall submit to the Board their plans for the education of children with disabilities in their care, custody, or control. The Board may grant specific exemptions for programs administered by the Department of Health and Human Services, the Department of Juvenile Justice and Delinquency Prevention, or the Department of Correction when compliance by them with the Board's standards would, in the Board's judgment, impose undue hardship on that department and when other procedural due process requirements, substantially equivalent to those required under this Article and IDEA, are assured in programs of special education and related services furnished to children with disabilities served by that department. Further, the Board shall recognize that inpatient and residential special education programs within the Departments of Health and Human Services, Correction, and Juvenile Justice and Delinquency Prevention may require more program resources than those necessary for optimal operation of these programs in local school administrative units.

(e) The Board shall support and encourage joint and collaborative special education planning and programming at local levels to include local school administrative units and the programs and agencies of the Departments of Health and Human Services, Correction, and Juvenile Justice and Delinquency Prevention.

"**§ 115C-108.2. Interlocal cooperation.**

The Board, any two or more local educational agencies, and any other agency and any State department, agency, or division having responsibility for the education, treatment, or habilitation of children with disabilities may enter into interlocal cooperative undertakings under Part 1 of Article 20 of Chapter 160A of the General Statutes or into undertakings with a State agency such as the Departments of Public Instruction, Health and Human Services, Juvenile Justice and Delinquency Prevention, or Correction, or their divisions, agencies, or units, for the purpose of providing for the special education and related services, treatment, or habilitation of these children within the jurisdiction of the agency or unit, and shall do so when it is unable to provide the appropriate public special education or related services for these children. In entering into such undertakings, the local agency and State department, agency, or division shall also contract to provide the special education or related services that are educationally appropriate to the children with disabilities for whose benefit the undertaking is made and provide these services by or in the local agency unit or State department, agency, or division located in the place most convenient to these children.

"Part 1D. Procedural Safeguards.

"**§ 115C-109.1. Handbook for parents.**

The State Board of Education shall make available to parents a handbook of procedural safeguards. This handbook for parents shall be made available at least once

each school year, except that a copy also shall be given to the parent (i) upon the initial referral or parental request for an evaluation; (ii) upon the first occurrence of the filing of a petition under G.S. 115C-109.6 and IDEA; (iii) upon the parent's request; and (iv) upon any revision to the content of the handbook. This handbook for parents shall include a full explanation of the procedural safeguards under this Article and IDEA, be written in the native language of the parent unless it clearly is not feasible to do so, be written in an easily understood manner, and include information required under IDEA to be included.

The State Board shall place a current copy of the handbook for parents on its Internet Web site.

"**§ 115C-109.2. Adult children with disabilities; surrogate parents.**

(a) When a child with a disability reaches the age of 18, all of the following apply:

(1) Notices required under this Article shall be provided to both the child and the child's parent.

(2) All other rights accorded to parents under this Article and IDEA transfer to the child.

(3) The local educational agency shall notify the child and the child's parent of these transfer rights.

(b) Notwithstanding subsection (a) of this subsection, for a child with a disability who has reached the age of majority under State law and who has not been determined to be incompetent but is determined to not have the ability to provide informed consent with respect to his or her education program, the State Board shall establish procedures for appointing the parent of the child, or if the parent is not available, another appropriate individual, to represent the educational interests of the child throughout the period of eligibility under this section.

(c) A reasonable effort must be made to appoint a surrogate for a child with a disability within 30 days of a determination that one of the following conditions exists and that the child needs a surrogate:

(1) The parents of that child are not known;

(2) The parents, after reasonable efforts, cannot be located; or

(3) The child is a ward of the State.

(d) A person must be eligible under IDEA to be appointed as a child's surrogate.

"**§ 115C-109.3. Access to records; opportunity for parents to participate in meetings.**

(a) Each local educational agency shall provide an opportunity for the parents of a child with a disability to examine all records relating to that child and to participate in meetings with respect to the identification, evaluation, and educational placement of the child, and the provision of a free appropriate public education to that child.

(b) Local educational agencies may release the records of a child with a disability only as permitted under State or federal law. The parents of a child with a disability may have access to the child's records and may read, inspect, and copy all and any records, data, and information maintained by a local educational agency with respect to that child. Parents, upon their request, are entitled to have those records, data, and

information fully explained, interpreted, and analyzed for them by the staff of the agency, unless specifically prohibited by court order. If a request is made under this subsection, the local educational agency shall honor the request within not more than 45 days after it is made or in time for the individual who made the request to prepare for a meeting under subsection (a) of this section, whichever is sooner.

(c) The student and the student's parents may add written explanations or clarifications to the records, data, and information and may request the expunction of incorrect, outdated, misleading, or irrelevant entries. If a local educational agency refuses to expunge incorrect, outdated, misleading, or irrelevant entries after having been asked to do so by the parent, the parent may appeal that decision under G.S. 115C-45(c)(2).

"**§ 115C-109.4. Mediation.**

(a) It is the policy of this State to encourage local educational agencies and parents to seek mediation involving any dispute under this Article, including matters arising before or after filing a petition under G.S. 115C-109.6.

(b) Mediation under this section must meet the following requirements:

(1) The mediation must be voluntary on the part of both parties.

(2) Mediation shall not be used to deny or delay a parent's right to an impartial hearing under G.S. 115C-109.6, or to deny any other rights afforded under this Article or IDEA.

(3) The mediation shall be conducted by a qualified and impartial mediator who is trained in effective mediation techniques.

(c) The State Board may establish procedures to offer to parties that do not choose to use the mediation process an opportunity to meet with a disinterested party, as provided under IDEA, who can encourage the use and explain the benefits of the mediation process to the parties. This meeting must be at a time and location convenient to the parents.

(d) The State Board shall maintain a list of qualified mediators who are knowledgeable in laws and regulations relating to the provision of special education and related services. When mediation is requested, the Exceptional Children Division of the Department of Public Instruction shall assign a mediator from this list of mediators.

(e) The State shall bear the cost of the mediation process, including the costs of meetings described under subsection (c) of this section, unless the parties opt to select a mediator other than the mediator assigned under subsection (d) of this section or if the parties opt to use an alternative method of dispute resolution.

(f) Each session in the mediation process shall be scheduled in a timely manner and shall be held in a location that is convenient to the parties to the dispute.

(g) Evidence of statements made and conduct occurring in a mediation are confidential, are not subject to discovery, and are inadmissible in any proceeding in the action or other actions on the same claim. However, no evidence otherwise discoverable is inadmissible merely because it is presented or discussed in a mediation. Mediators shall not be compelled in any civil proceeding to testify or produce evidence concerning statements made and conduct occurring in a mediation.

(h) When resolution is reached to resolve the dispute through the mediation process, the parties shall execute a legally binding agreement that:

(1) Sets forth the agreement.

(2) States that all discussions that occurred during the mediation process are confidential and may not be used as evidence in any subsequent impartial hearing under G.S. 115C-109.6 or in any civil proceeding.

(3) Is signed by both the parent and a representative of the local educational agency who has the authority to bind that agency.

(4) Is enforceable in any State administrative forum provided for in IDEA, any State court of competent jurisdiction, or in a district court of the United States.

(i) In addition to mediation as provided by this section, the parties may participate in a mediated settlement conference as provided by G.S. 150B-23.1. In addition, the parties may agree to use other dispute resolution methods or to use mediation in other circumstances, including after a request for formal administrative review is filed, to the extent permitted under State and federal law.

"**§ 115C-109.5. Prior written notice.**

(a) The local educational agency shall provide prompt written notice to parents whenever that agency proposes to initiate or change, or refuses to initiate or change (i) the identification, evaluation, or educational placement of a child, or (ii) the provision of a free appropriate public education to a child with a disability. The local educational agency shall document that all required notices have been sent to and received by parents.

(b) This prior written notice shall be in the native language of the parents, unless it clearly is not feasible to translate it, and shall contain all of the following information:

(1) A description of the action proposed or refused by the local educational agency.

(2) An explanation of why the local educational agency proposes or refuses to take the action and a description of each evaluation procedure, assessment, record, or report that agency used as a basis for the proposed or refused action.

(3) A statement that the parent of a child with a disability has protection under the procedural safeguards of this Article and IDEA and, if this notice is not the initial referral for evaluation, the means by which a copy of the procedural safeguards can be obtained.

(4) Sources for parents to contact to obtain assistance in understanding this Article and IDEA.

(5) A description of other options considered by the IEP Team and the reason why those options were rejected.

(6) A description of the factors that are relevant to the local educational agency's proposal or refusal.

(7) Any other information required to be included under IDEA.

"**§ 115C-109.6. Impartial due process hearings.**

(a) Any party may file with the Office of Administrative Hearings a petition to request an impartial hearing with respect to any matter relating to the identification, evaluation, or educational placement of a child, or the provision of a free appropriate public education of a child, or a manifestation determination. The party filing the petition must notify the other party and the person designated under G.S. 115C-107.2(b)(9) by simultaneously serving them with a copy of the petition.

(b) Notwithstanding any other law, the party shall file a petition under subsection (a) of this section that includes the information required under IDEA and that sets forth an alleged violation that occurred not more than one year before the party knew or reasonably should have known about the alleged action that forms the basis of the petition. The issues for review under this section are limited to those set forth in subsection (a) of this section. The party requesting the hearing may not raise issues that were not raised in the petition unless the other party agrees otherwise.

(c) The one-year restriction in subsection (b) of this section shall not apply to a parent if the parent was prevented from requesting the hearing due to (i) specific misrepresentations by the local educational agency that it had resolved the problem forming the basis of the petition, or (ii) the local educational agency's withholding of information from the parent that was required under State or federal law to be provided to the parent.

(d) The hearing shall be conducted in the county where the child attends school or is entitled to enroll under G.S. 115C-366, unless the parties mutually agree to a different venue.

(e) The hearing shall be closed to the public unless the parent requests in writing that the hearing be open to the public.

(f) Subject to G.S. 115C-109.7, the decision of the administrative law judge shall be made on substantive grounds based on a determination of whether the child received a free appropriate public education. Following the hearing, the administrative law judge shall issue a written decision regarding the issues set forth in subsection (a) of this section. The decision shall contain findings of fact and conclusions of law. Notwithstanding Chapter 150B of the General Statutes, the decision of the administrative law judge becomes final and is not subject to further review unless appealed to the Review Officer under G.S. 115C-109.9.

(g) A copy of the administrative law judge's decision shall be served upon each party and a copy shall be furnished to the attorneys of record. The written notice shall contain a statement informing the parties of the availability of appeal and the 30-day limitation period for appeal as set forth in G.S. 115C-109.9.

(h) In addition to the petition, the parties shall simultaneously serve a copy of all pleadings, agreements, and motions under this Part with the person designated by the State Board under G.S. 115C-107.2(b)(9). The Office of Administrative Hearings shall simultaneously serve a copy of all orders and decisions under this Part with the person designated by the State Board under G.S. 115C-107.2(b)(9).

(i) Nothing in this section shall be construed to preclude a parent from filing a separate due process petition on an issue separate from a petition already filed.

(j) The State Board, through the Exceptional Children Division, and the State Office of Administrative Hearings shall develop and enter into a binding memorandum of understanding to ensure compliance with the statutory and regulatory procedures and timelines applicable under IDEA to due process hearings and to hearing officers' decisions, and to ensure the parties' due process rights to a fair and impartial hearing. This memorandum of understanding shall be amended if subsequent changes to IDEA are made. The procedures and timelines shall be made part of the Board's procedural safeguards that are made available to parents and the public under G.S. 115C-109.1 and 115C-109.5.

"**§ 115C-109.7. Resolution session.**

(a) Within 15 days of receiving notice of the parent's petition filed under G.S. 115C-109.6 and before the opportunity for an impartial hearing, the local educational agency shall convene a meeting with the parent and the relevant members of the IEP Team who have specific knowledge of the facts identified in the petition. This meeting shall include a representative of the agency who has decision-making authority on behalf of that agency and may not include an attorney of the local educational agency unless the parent is accompanied by an attorney. If the parent plans to be accompanied by an attorney under this section, the parent must give prior written notice of this fact to the agency. The purposes of the meeting are (i) for the parent to have an opportunity to discuss the petition and the facts that form the basis of the petition and (ii) for the local educational agency to have the opportunity to resolve the dispute.

(b) The parent and the local educational agency jointly may agree in writing to waive the meeting under subsection (a) of this section or to use the mediation process described in G.S. 115C-109.4.

(c) If the local educational agency does not resolve the dispute to the satisfaction of the parents within 30 days of the agency's receipt of the petition, the impartial hearing under G.S. 115C-109.6 may occur and all of the applicable timelines for that hearing shall commence.

(d) If a resolution is reached to resolve the dispute at a meeting under subsection (a) of this section, the parties shall execute a legally binding agreement that is:

(1) Signed by both the parent and a representative of the local educational agency who has the authority to bind the agency;

(2) Enforceable in any State administrative forum provided for in IDEA, any State court of competent jurisdiction, or in a district court of the United States; and

(3) Filed with the person designated by the State Board to receive notices and with the Office of Administrative Hearings.

(e) If the parties execute an agreement under subsection (d) of this section, either party may void the agreement by providing written notice within three business days of the agreement's execution to the person designated by the State Board to receive notices, the Office of Administrative Hearings, and the other party. Notwithstanding subsection (c) of this section, upon receipt of this notice, the impartial hearing under

G.S. 115C-109.6 may occur and all of the applicable timelines for that hearing shall commence.

"**§ 115C-109.8. Procedural issues.**

(a) In matters alleging a procedural violation, the hearing officer may find that a child did not receive a free appropriate public education only if the procedural inadequacies (i) impeded the child's right to a free appropriate public education; (ii) significantly impeded the parents' opportunity to participate in the decision-making process regarding the provision of a free appropriate public education to the parents' child; or (iii) caused a deprivation of educational benefits.

(b) A hearing officer may order a local educational agency to comply with procedural requirements under this Article and IDEA.

"**§ 115C-109.9. Review by review officer; appeals.**

(a) Any party aggrieved by the findings and decision of a hearing officer under G.S. 115C-109.6 or 115C-109.8 may appeal the findings and decision within 30 days after receipt of notice of the decision by filing a written notice of appeal with the person designated by the State Board under G.S. 107.2(b)(9) to receive notices. The State Board, through the Exceptional Children Division, shall appoint a Review Officer from a pool of review officers approved by the State Board of Education. The Review Officer shall conduct an impartial review of the findings and decision appealed under this section. The Review Officer conducting this review shall make an independent decision upon completion of the review. The decision of the Review Officer becomes final unless an aggrieved party brings a civil action under subsection (d) of this section. A copy of the decision shall be served upon each party and a copy shall be furnished to the attorneys of record and the Office of Administrative Hearings. The written notice shall contain a statement informing the parties of the right to file a civil action and the 30-day limitation period for filing a civil action under subsection (d) of this section.

(b) A Review Officer shall be an educator or other professional who is knowledgeable about special education and who possesses other qualifications as may be established by the State Board of Education. No person may be appointed as a Review Officer if that person is an employee of the State Board of Education, the Department of Public Instruction, or the local educational agency that has been involved in the education or care of the child whose parents have filed the petition.

(c) The State Board may enforce the final decision of the administrative law judge under G.S. 115C-109.6, if not appealed under this section, or the final decision of the Review Officer, by ordering a local educational agency:

(1) To provide a child with appropriate education;

(2) To place a child in a private school that is approved to provide special education and that can provide the child an appropriate education; or

(3) To reimburse parents for reasonable private school placement costs in accordance with this Article and IDEA when it is determined that the local educational agency did not offer or provide the child with appropriate education and the private school in which the parent placed the child was an approved school and did provide the child an appropriate education.

(d) Any party that does not have the right to appeal under this Part and any party who is aggrieved by the decision of the Review Officer under this section may institute a civil action in State court within 30 days after receipt of the notice of the decision or in federal court as provided in 20 U.S.C. § 1415.

(e) Except as provided under IDEA, upon the filing of a petition under G.S. 115C-109.6 and during the pendency of any proceedings under this Part, the child must remain in the child's then-current educational placement or, if applying for initial admission to a public school, the child must be placed in the public school. Notwithstanding this subsection, the parties may agree in writing to a different educational placement for the child during the pendency of any proceedings under this Part.

"Part 1E. Special Education and Related Services Personnel.

"**§ 115C-110.1. Teacher qualifications.**

The Board shall adopt rules covering the qualifications of and standards for licensure of teachers, teacher assistants, speech-language pathologists, school psychologists, and others involved in the education and training of children with disabilities.

"**§ 115C-110.2. Interpreters/transliterators.**

Each interpreter or transliterator employed by a local educational agency to provide services to hearing-impaired students must annually complete 15 hours of job-related training that has been approved by the local educational agency.

"**§ 115C-110.3 through 106.5. [Reserved]**

"Part 1F. Budgeting; Funds.

"**§ 115C-111.1. Out-of-state students; eligibility for State funds.**

Notwithstanding any policy or rule adopted by the State Board of Education, if a local school administrative unit provides services to a student under a current IEP from another state while a determination is being made regarding the student's eligibility for services as a child with disabilities in North Carolina, the local school administrative unit is entitled to receive State funding to serve the student while the determination is being made. If the student is later determined not to qualify for services in North Carolina, the local school administrative unit is not required to repay State funds received while the determination is being made.

"**§ 115C-111.2. Contracts with private service providers.**

Local educational agencies furnishing special education and related services to children with disabilities may contract with private special education facilities or service providers to furnish any of these services that the public providers are unable to furnish.

"**§ 115C-111.3. Cost of education of children in group homes, foster homes, etc.**

(a) Notwithstanding any other State law and without regard for the place of domicile of a parent, the cost of a free appropriate public education for a child with disabilities who is placed in or assigned to a group home or foster home, under State and federal law, shall be borne by the local board of education in which the group home or foster home is located. However, the local school administrative unit in which a child is domiciled shall transfer to the local school administrative unit in which the institution is located an amount equal to the actual local cost in excess of State and federal funding

required to educate that child in the local school administrative unit for the fiscal year after all State and federal funding has been exhausted.

(b) The State Board of Education shall use State and federal funds appropriated for children with disabilities to establish a reserve fund to reimburse local boards of education for the education costs of children assigned to group homes or other facilities as provided in subsection (a) of this section. Local school administrative units may submit a Special State Reserve Program application for foster home or group home children whose special education and related services costs exceed the per child group home allocation.

(c) The Department shall review the current cost of children with disabilities served in the local school administrative units with group homes or foster homes to determine the actual cost of services.

"**§ 115C-111.4. Nonreduction.**

Notwithstanding any of the other provisions of this Article, it is the intent of the General Assembly that funds appropriated by it for the operation of programs of special education and related services by local school administrative units not be reduced; rather, that adequate funding be made available to meet the special educational and related services needs of children with disabilities, without regard to which local educational agency has the child in its care, custody, control, or program.

"**§ 115C-111.5. Allocation of federal funds.**

Whenever any federal monies for the special education and related services for children with disabilities are made available, these funds shall be allocated according to a formula designed by the Board consistent with federal laws and regulations. This formula shall insure equitable distribution of resources and shall be implemented as funds are made available from federal and State appropriations.

"**§ 115C-111.6. Obligation to provide services for preschool children with disabilities.**

State funds appropriated to the public schools to implement preschool services for children with disabilities under this Article and IDEA shall be used to provide special education and related services to preschool children with disabilities. These State funds shall be used to supplement and not supplant existing federal, State, and local funding for the public schools.

Preschool children with disabilities will continue to be served by all other State funds to which they are otherwise entitled.

"Part 1G. Council on Educational Services for Exceptional Children.

"**§ 115C-112.1. Establishment; organization; powers and duties.**

(a) There is hereby established an Advisory Council to the State Board of Education to be called the Council on Educational Services for Exceptional Children.

(b) The Council shall consist of a minimum of 24 members to be appointed as follows: four ex officio members; one individual with a disability and one representative of a private school appointed by the Governor; one member of the Senate and one parent of a child with a disability between the ages of birth and 26 appointed by the President Pro Tempore; one member of the House of Representatives and one parent of a child with a disability appointed by the Speaker of the House of Representatives; and

14 members appointed by the State Board of Education. The State Board shall appoint members who represent individuals with disabilities, teachers, local school administrative units, institutions of higher education that prepare special education and related services personnel, administrators of programs for children with disabilities, charter schools, parents of children with disabilities, a State or local official who carries out activities under the federal McKinney-Vento Homeless Assistance Act, vocational, community, or business organizations concerned with the provision of transition services, and others as required by IDEA. The majority of members on the Council shall be individuals with disabilities or parents of children with disabilities. The Council shall designate a chairperson from among its members. The designation of the chairperson is subject to the approval of the State Board of Education. The Board shall adopt rules to carry out this subsection.

Ex officio members of the Council shall be the following:

(1) The Secretary of Health and Human Services or the Secretary's designee.

(2) The Secretary of Juvenile Justice and Delinquency Prevention or the Secretary's designee.

(3) The Secretary of Correction or the Secretary's designee.

(4) The Superintendent of Public Instruction or the Superintendent's designee.

The term of appointment for all members except those appointed by the State Board of Education is two years. The term for members appointed by the State Board of Education is four years. No person shall serve more than two consecutive four-year terms.

Each Council member shall serve without pay, but shall receive travel allowances and per diem in the same amount provided for members of the North Carolina General Assembly.

(c) The Council shall meet in offices provided by the Department of Public Instruction on a date to be agreed upon by the members of the Council from meeting to meeting. The Council shall meet no less than once every three months. The Department of Public Instruction shall provide the necessary secretarial and clerical staff and supplies to accomplish the objectives of the Council.

(d) The Council shall:

(1) Advise the Board with respect to unmet needs within the State in the education of children with disabilities.

(2) Comment publicly on rules, policies, and procedures proposed by the Board regarding the education of children with disabilities.

(3) Assist the Board in developing evaluations and reporting on data to the Secretary of Education under the federal Individuals with Disabilities Education Act (IDEA), as amended.

(4) Advise the State Board in developing corrective action plans to address findings identified in federal monitoring reports required under the federal Individuals with Disabilities Education Act (IDEA), as amended.

(5) Advise the State Board in developing and implementing policies relating to the coordination of services for children with disabilities.

(6) Carry out any other responsibility as designated by federal law or the State Board."

SECTION 3.(a) 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;~~children;

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

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

(4) Standards for student performance and promotion based on the mastery of competencies, including standards for graduation, that take into account children with ~~special needs~~ disabilities 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 3.(b) G.S. 115C-105.25(b)(4) reads as rewritten:

"(b) Subject to the following limitations, local boards of education may transfer and may approve transfers of funds between funding allotment categories:

...

(4) Funds allocated for children with ~~special needs,~~ disabilities, for students with limited English proficiency, and for driver's education shall not be transferred.

..."

SECTION 3.(c) G.S. 115C-149 reads as rewritten:

"§ 115C-149. Policy. Chemically dependent children excluded from provisions of Article 9.

The General Assembly of North Carolina hereby declares that the policy of the State is to ensure that an appropriate education is provided for drug and alcohol addicted children; however, drug and alcohol addicted children are not "children with ~~special needs"~~ disabilities" within the meaning of ~~G.S. 115C-109~~ G.S. 115C-106.3(1) unless because of some other condition they meet that definition."

SECTION 3.(d) G.S. 115C-233 reads as rewritten:

"**§ 115C-233. Operation of summer schools.**

Each local school administrative unit may establish and maintain summer schools. Such summer schools as may be established shall be administered by local boards of education and shall be conducted in accordance with standards developed by the State Board of Education. The standards so developed shall specify the requirements for approved curriculum, the qualifications of the personnel, the length of the session, and the conditions under which students may be granted credit for courses pursued during a summer school. In determining the eligibility of students for admission to summer schools, boards of education shall be governed by ~~the provisions of G.S. 115C-116,~~ Article 9 of this Chapter, and G.S. 115C-366(b) and 115C-367 to 115C-370. Boards of education of local school administrative units may provide for summer schools from funds made available for that purpose by the State Board of Education, funds appropriated to the local school administrative unit by the tax-levying authority, and from any other revenues available for the purpose."

SECTION 3.(e) G.S. 115C-238.29F(d)(4) reads as rewritten:

"(4) The school shall comply with policies adopted by the State Board of Education for charter schools relating to the education of children with ~~special needs.~~disabilities."

SECTION 3.(f) G.S. 115C-238.29H(a) reads as rewritten:

"**§ 115C-238.29H. State and local funds for a charter school.**

(a) The State Board of Education shall allocate to each charter school:

(1) An amount equal to the average per pupil allocation for average daily membership from the local school administrative unit allotments in which the charter school is located for each child attending the charter school except for the allocation for children with ~~special needs~~ disabilities and for the allocation for children with limited English proficiency;

(2) An additional amount for each child attending the charter school who is a child with ~~special needs;~~ disabilities; and

(3) An additional amount for children with limited English proficiency attending the charter school, based on a formula adopted by the State Board.

In accordance with G.S. 115C-238.29D(d), the State Board shall allow for annual adjustments to the amount allocated to a charter school based on its enrollment growth in school years subsequent to the initial year of operation.

In the event a child with ~~special needs~~ disabilities leaves the charter school and enrolls in a public school during the first 60 school days in the school year, the charter school shall return a pro rata amount of funds allocated for that child to the State Board,

and the State Board shall reallocate those funds to the local school administrative unit in which the public school is located. In the event a child with ~~special needs~~ disabilities enrolls in a charter school during the first 60 school days in the school year, the State Board shall allocate to the charter school the pro rata amount of additional funds for children with ~~special needs.~~disabilities."

SECTION 3.(g) G.S. 115C-242 reads as rewritten:

"**§ 115C-242. Use and operation of school buses.**

Public school buses may be used for the following purposes only, and it shall be the duty of the superintendent of the school of each local school administrative unit to supervise the use of all school buses operated by such local school administrative unit so as to assure and require compliance with this section:

(1) A school bus may be used for the transportation of pupils enrolled in and employees in the operation of the school to which such bus is assigned by the superintendent of the local school administrative unit. Except as otherwise herein provided, such transportation shall be limited to transportation to and from such school for the regularly organized school day, and from and to the points designated by the principal of the school to which such bus is assigned, for the receiving and discharging of passengers. No pupil or employee shall be so transported upon any bus other than the bus to which such pupil or employee has been assigned pursuant to the provisions of this Article: Provided, that children enrolled in a Headstart program which is housed in a building owned and operated by a local school administrative unit where school is being conducted may be transported on public school buses, so long as the contractual arrangements made cause no extra expense to the State: Provided further, that children with ~~special needs~~ disabilities may be transported to and from the nearest appropriate private school having a special education program approved by the State Board of Education if the children to be transported are or have been placed in that program by a local school administrative unit as a result of the State or the unit's duty to provide such children with a free appropriate public education.

...

(5) Local boards of education, under rules ~~and regulations~~ adopted by the State Board of Education, may permit the use and operation of school buses for the transportation of pupils and instructional personnel as the board deems necessary to serve the instructional programs of the schools. Included in the use permitted by this section is the transportation of children with ~~special needs, such as mentally retarded children and children with physical defects,~~ disabilities, and children enrolled in programs that require transportation from the school grounds during the school day, such as special vocational or occupational programs. On any such trip, a city or county-owned school bus shall not be taken out of the State.

If State funds are inadequate to pay for the transportation approved by the local board of education, local funds may be used for these purposes. Local boards of education shall determine that funds are available to such boards for the transportation of children to and from the school to which they are assigned for the entire school year before authorizing the use and operation of school buses for other services deemed necessary to serve the instructional program of the schools.

Children with ~~special needs~~ disabilities may be transported to and from the nearest appropriate private school having a special education program approved by the State Board of Education if the children to be transported have been placed in that program by a local school administrative unit as a result of the State or the unit's duty to provide ~~such~~ those children with a free appropriate public education.

..."

SECTION 3.(h) G.S. 115C-250 reads as rewritten:

"**§ 115C-250. Authority to expend funds for transportation of children with ~~special needs.~~disabilities.**

(a) The State Board of Education and local boards of education may expend public funds for transportation of ~~handicapped~~ children with ~~special needs~~ disabilities who are unable because of their ~~handicap~~ disability to ride the regular school buses and who have been placed in programs by a local school board as a part of its duty to provide ~~such~~ these children with a free appropriate ~~education, including its duty under G.S. 115C-115.~~ education under Article 9 of this Chapter. At the option of the local board of education with the concurrence of the State Board of Education, funds appropriated to the State Board of Education for contract transportation of ~~exceptional~~ children with disabilities may be used to purchase buses and minibuses as well as for the purposes authorized in the budget. The State Board of Education shall adopt rules ~~and regulations~~ concerning the construction and equipment of these buses and minibuses.

The Departments of Health and Human Services, Juvenile Justice and Delinquency Prevention, and Correction may also expend public funds for transportation of ~~handicapped~~ children with ~~special needs~~ disabilities who are unable because of their ~~handicap~~ disability to ride the regular school buses and who have been placed in programs by one of these agencies as a part of that agency's duty to provide ~~such~~ these children with a free appropriate public ~~education.~~education under Article 9 of this Chapter.

If a local area mental health center places a child with ~~special needs~~ a disability in an educational program, the local area mental health center shall pay for the transportation of the ~~child, if handicapped and unable because of the handicap~~ child who is unable due to the disability, to ride the regular school ~~buses,~~ buses to the program.

(b) Funds appropriated for the transportation of children with ~~special needs~~ disabilities may be used to pay transportation safety assistants employed in accordance with ~~the provisions of~~ G.S. 115C-245(e) for buses to which children with ~~special needs~~ disabilities are assigned."

SECTION 3.(i) G.S. 115C-366.2 reads as rewritten:

"**§ 115C-366.2. Applicability to certain persons.**

For the purposes of G.S. 115C-366 and 115C-366.1 for any person who is a resident of a place which is not the person's place of domicile, because: (i) of the residence of a parent, guardian, or legal custodian who is a student, employee or faculty member, of a college or university, or a visiting scholar at the National Humanities Center; or (ii) the child is placed in or assigned to a group home, foster home, or other similar facility or institution, other than a child covered by ~~G.S. 115C-140.1(a);~~ G.S. 115C-111.3(a); or (iii) the child resides with a legal custodian who is not the child's parent or guardian, or (iv) the child resides in a pre-adoptive home following placement by a county department of social services or a licensed child-placing agency, those sections shall be applied by substituting the word "residing" for the word "domiciled," by substituting the word "residence" for the word "domicile," and by substituting the word "residents" for the word "domiciliaries." For purposes of this section, "legal custodian" means the person or agency that has been awarded legal custody of the child by a court.

This section shall not be construed to affect the ability of any person to acquire a new domicile."

SECTION 3.(j) G.S. 115C-367 reads as rewritten:

"**§ 115C-367. Assignment on certain bases prohibited.**

No person shall be refused admission to or be excluded from any public school in this State on account of race, creed, color or national origin. No school attendance district or zone shall be drawn for the purpose of segregating persons of various races, creeds, colors or national origins from the community.

Where local school administrative units have divided the geographic area into attendance districts or zones, pupils shall be assigned to schools within such attendance districts: Provided, however, that the board of education of a local school administrative unit may assign any pupil to a school outside of such attendance district or zone in order that such pupil may attend a school of a specialized kind including but not limited to a vocational school or school operated for, or operating programs for, pupils mentally or physically handicapped, or for any other reason which the board of education in its sole discretion deems sufficient.

The provisions of ~~G.S. 115C-366(b), 115C-367 to 115C-370 and 115C-116~~ Part 1D of Article 9 of this Chapter, G.S. 115C-366(b), and G.S. 115C-367 to G.S. 115C-370 shall not apply to a temporary assignment due to the unsuitability of a school for its intended purpose nor to any assignment or transfer necessitated by overcrowded conditions or other circumstances which, in the sole discretion of the school board, require assignment or reassignment.

The provisions of ~~G.S. 115C-366(b), 115C-367 to 115C-370 and 115C-116~~ Part 1D of Article 9 of this Chapter, G.S. 115C-366(b), and G.S. 115C-367 to G.S. 115C-370 shall not apply to an application for the assignment or reassignment by the parent, guardian or person standing in loco parentis of any pupil or to any assignment made pursuant to a choice made by any pupil who is eligible to make such choice pursuant to the provisions of a freedom of choice plan voluntarily adopted by the board of education of a local school administrative unit."

SECTION 3.(k) G.S. 115C-371 reads as rewritten:

"**§ 115C-371. Assignment to special education programs.**

Assignment of students to special education programs is subject to ~~the provisions of G.S. 115C-116.~~Article 9 of this Chapter."

SECTION 3.(l) G.S. 115C-391 reads as rewritten:

"**§ 115C-391. Corporal punishment, suspension, or expulsion of pupils.**

...

(d1) A local board of education or superintendent shall suspend for 365 calendar days any student who:

(1) Brings onto educational property or to a school-sponsored curricular or extracurricular activity off educational property, or

(2) Possesses on educational property or at a school-sponsored curricular or extracurricular activity off educational property,

a weapon, as defined in G.S. 14-269.2(b), 14-269.2(b1), 14-269.2(g), and 14-269.2(h). The local board of education upon recommendation by the superintendent may modify this suspension requirement on a case-by-case basis that includes, but is not limited to, the procedures established under Article 9 of this Chapter for the discipline of students with disabilities and may also provide, or contract for the provision of, educational services to any student suspended pursuant to this subsection in an alternative school setting or in another setting that provides educational and other services.

...

(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 under Article 9 of this Chapter for the discipline of students with disabilities and may also provide, or contract for the provision of, educational services to any student suspended under this subsection in an alternative school setting or in another setting that provides educational and other services. For purposes of this subsection and subsection (d1) of this section, the term "educational property" has the same definition as in G.S. 14-269.2(a)(1).

...

(g) Notwithstanding the provisions of this section, the policies and procedures for the discipline of students with disabilities shall be consistent with Article 9 of this Chapter and with federal laws and regulations.

..."

SECTION 3.(m) G.S. 115C-397.1 reads as rewritten:

"**§ 115C-397.1. Management and placement of disruptive students.**

If, after a teacher has requested assistance from the principal two or more times due to a student's disruptive behavior, the teacher finds that the student's disruptive behavior continues to interfere with the academic achievement of that student or other students in the class, then the teacher may refer the matter to a school-based committee. The teacher may request that additional classroom teachers participate in the committee's proceedings. For the purposes of this section, the committee shall notify the student's parent, guardian, or legal custodian and shall encourage that person's participation in the proceedings of the committee concerning the student. ~~A student is not required to be screened, evaluated, or identified as a child with special needs under this section.~~ Nothing in this section requires a student to be screened, evaluated, or identified as a child with a disability under Article 9 of this Chapter. The committee shall review the matter and shall take one or more of the following actions: (i) advise the teacher on managing the student's behavior more effectively, (ii) recommend to the principal the transfer of the student to another class within the school, (iii) recommend to the principal a multidisciplinary ~~diagnosis and~~ evaluation of the student, (iv) recommend to the principal that the student be assigned to an alternative learning program, or (v) recommend to the principal that the student receive any additional services that the school or the school unit has the resources to provide for the student. If the principal does not follow the recommendation of the committee, the principal shall provide a written explanation to the committee, the teacher who referred the matter to the committee, and the superintendent, of any actions taken to resolve the matter and of the reason the principal did not follow the recommendation of the committee.

This section shall be in addition to the supplemental to disciplinary action taken in accordance with any other law. The recommendation of the committee is final and shall not be appealed under G.S. 115C-45(c). Nothing in this section shall authorize a student to refer a disciplinary matter to this committee or to have the matter of the student's behavior referred to this committee before any discipline is imposed on the student."

SECTION 3.(n) G.S. 122C-3(13c) reads as rewritten:

"(13c) "Eligible infants and toddlers" means children with or at risk for developmental delays or atypical development until:

a. They have reached their third birthday;

b. Their parents have requested to have them receive services in the preschool program for ~~handicapped~~ children with disabilities established ~~pursuant to Part 14 of Article IX~~ under Article 9 of Chapter 115C of the General Statutes; and

c. They have been placed in the program by the local educational agency.

In no event shall a child be considered an eligible toddler after the beginning of the school year immediately following the child's third ~~birthday.~~birthday, unless the Secretary and the State Board enter into an agreement under G.S. 115C-106.4(c)."

SECTION 3.(o) The catch line to Part 13A of Chapter 143B of the General Statutes reads as rewritten:

"Part 13A. Interagency Coordinating Council for ~~Handicapped~~ Children with Disabilities from Birth to Five Years of Age."

SECTION 3.(p) The catch line to G.S. 143B-179.6 reads as rewritten:

"**§ 143B-179.6. Interagency Coordinating Council for ~~Handicapped~~ Children with Disabilities from Birth to Five Years of Age; agency cooperation.**"

SECTION 3.(q) G.S. 143B-216.40 reads as rewritten:

"**§ 143B-216.40. Establishment; operations.**

There are established, and there shall be maintained, the following schools for the deaf: the Eastern North Carolina School for the Deaf at Wilson (K-12) and the North Carolina School for the Deaf at Morganton (K-12). The Department of Health and Human Services shall be responsible for the operation and maintenance of the schools.

~~The Board of Directors of the North Carolina Schools for the Deaf shall advise the Department and shall adopt rules and regulations concerning the schools as provided in G.S. 115C-124 and 143B-173.~~"

SECTION 4.(a) Article 25A of Chapter 115C of the General Statutes is amended by adding the following new section to read:

"**§ 115C-375.5. Education for Pregnant and Parenting Students.**

(a) Pregnant and parenting students shall receive the same educational instruction or its equivalent as other students. A local school administrative unit may provide programs to meet the special scheduling and curriculum needs of pregnant and parenting students. However, student participation in these programs shall be voluntary, and the instruction and curriculum must be comparable to that provided other students.

(b) Local boards of education shall adopt a policy to ensure that pregnant and parenting students are not discriminated against or excluded from school or any program, class, or extracurricular activity because they are pregnant or parenting students. The policy shall include, at a minimum, all of the following:

(1) Local school administrative units shall use, as needed, supplemental funds from the At-Risk Student Services allotment to support programs for pregnant and parenting students.

(2) Notwithstanding Part 1 of Article 26 of this Chapter, pregnant and parenting students shall be given excused absences from school for pregnancy and related conditions for the length of time the student's physician finds medically necessary. This includes absences due to the illness or medical appointment during school hours of a child of whom the student is the custodial parent.

(3) Homework and make-up work shall be made available to pregnant and parenting students to ensure that they have the opportunity to keep current with assignments and avoid losing course credit because of their absence from school and, to the extent necessary, a homebound teacher shall be assigned."

SECTION 4.(b) This section applies beginning with the 2006-2007 school year.

SECTION 5. Article 3 of Chapter 150B of the General Statutes is amended by adding the following new section to read:

"§ 150B-22.1. Special education petitions.

(a) Notwithstanding any other provision of this Chapter, timelines and other procedural safeguards required to be provided under IDEA and Article 9 of Chapter 115C of the General Statutes must be followed in an impartial due process hearing initiated when a petition is filed under G.S. 115C-109.6 with the Office of Administrative Hearings.

(b) The administrative law judge who conducts a hearing under G.S. 115C-109.6 shall not be a person who has a personal or professional interest that conflicts with the judge's objectivity in the hearing. Furthermore, the judge must possess knowledge of, and the ability to understand, IDEA and legal interpretations of IDEA by federal and state courts. The judges are encouraged to participate in training developed and provided by the State Board of Education under G.S. 115C-107.2(h).

(c) For the purpose of this section, the term "IDEA" means The Individuals with Disabilities Education Improvement Act, 20 U.S.C. § 1400, et seq. (2004), as amended, and its regulations."

SECTION 6.(a) The State Board of Education, through the Division of Exceptional Children and the Office of Administrative Hearings shall develop its memorandum of understanding as required under G.S. 115C-109.6(j), as created in Section 2 of this act, by October 31, 2006. The memorandum of understanding shall establish procedures and timelines that are efficient and meet the criteria of IDEA so that impartial hearings are expeditiously handled. At the same time, the procedures and timelines should recognize there are some complicated issues that may require additional time to resolve. In particular, this memorandum should address at least the following:

(1) The reasons, number of days, and means for providing notice to parties.

(2) When a petition is initiated for the purpose of determining when a decision shall be reached. Specifically, this shall address when mediation is begun before and after a petition is filed and when no mediation is begun.

(3) Whether mediated conferences subject to Chapter 150B of the General Statutes are appropriate under IDEA and, if so, when they should occur and how they will affect the timelines.

(4) The number of extensions to be allowed and the basis on which an extension may be granted.

(5) The standard of review for cases going to review officers.

(6) Any other procedural or tolling issue that the State Board of Education or the Office of Administrative Hearings considers necessary to address.

SECTION 6.(b) The State Board and the Office of Administrative Hearings shall report jointly to the House Select Committee on the Education of Students with Disabilities by November 15, 2006, on the memorandum of understanding. This report shall make any recommendations as to funding issues that must be resolved or statutory

changes that are needed, or both, in order to implement the memorandum of understanding.

SECTION 7. The State Board of Education shall ensure that the Allotment Policy Manual includes, in fiscal year 2006-2007 and thereafter, the following language related to local education agencies' use of funds allotted for textbooks:

"Local Education Agencies (LEAs) shall use their State textbook funds to provide, to the same extent as is provided to nondisabled students, textbooks for students with disabilities. LEAs also shall, at a minimum, provide teachers of children with disabilities with the same teachers' editions provided to teachers of nondisabled students."

SECTION 8. Section 7 of this act becomes effective July 1, 2006. The remainder of this act is effective when it becomes law.

North Carolina General Assembly
House Committee On Education
May 30, 2006

PAGES INFORMATION SHEET

NAME	COUNTY	SPONSOR
Juan Tuset	Wake	Rep. Crawford
Shari Henderson	Granville	Rep. Crawford
Wendy Romine	Carteret	Rep. Preston
Peter Martin	Wake	Rep. Allen B.
Marcus Jones	Wake	Rep. Black

SERGEANT AT ARMS

NAME	
	Frank Prevo
	Will Heath
	Marvin Lee
	Martha Parrish

VISITOR REGISTRATION SHEET

EDUCATION — May 30, 2006

Name of Committee — **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
	WCPSS
Cully Wiggins	COLS office
Kristin R. Kelly	office of gov.
	GHS
	NCSBA
Molly Ryan	NSSBA
Katherine Joyce	NCASA
Adam Priddemore	NCASA
	PE-NC
	DPI
	DPI

VISITOR REGISTRATION SHEET

EDUCATION — May 30, 2006

Name of Committee — **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Kay Rhoad	NC DHHS Office of Education
Alyn Berry	Civitas Institute
Kathleen Edwards	UNC-CH Daily Bulletin
Terry Stoops	John Locke Foundation
Aaron Chang	Intern, Rep. Glazier
Kathy Putnam	APPCNC
Susan Cupito	YWCA, Greensboro Teen Parent Mentor Program
Patricia Yancey	APPC NC
	PPNS
Bill Lewis	Covenant w NC's Children
	BOS - XFC

VISITOR REGISTRATION SHEET

EDUCATION — May 30, 2006

Name of Committee — **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Linda Dunter	NCAE
Donald P. Altieri	NVBDI
Tom Dillon	NVBDI
[illegible]	Gov's office
Robin Huffman	NC Psychiatric Assn
Jeff Mirow	Civitas Institute
[illegible]	civitas institute
DAVID Gartner	NC Bar Association
Chad Hinton	Civitas
[illegible]	NCSCIX
Jennifer Mahan	Mental Health Assoc in NC

VISITOR REGISTRATION SHEET

EDUCATION — May 30, 2006

Name of Committee — **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
[signature]	JAMI - NC
Marva Davis	NC State Health Plan
[signature]	AARP
[signature]	Richard S. Clark & Assoc.

VISITOR REGISTRATION SHEET

Education — May 30, 2006

Name of Committee — Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
A Garland	SBE
Rita J Joyner	SBE
Mary Wilson	SBE
Jim Stegall	U.C.P.S.
Emily MacNaughton	NCPAPA
Chad Hurcan	NCPAPA
Jill Hinson Reed	Autism Society of NC
Jim Blackburn	NC Ass'N County Commissioners
Lydia Varn	NCACC
C. Wilkins	DCS&T
PATRICK BUFFKIN	ALLEY ASSOC, INC.

VISITOR REGISTRATION SHEET

Education — May 30, 2016

Name of Committee — Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Andy Ellen	NCRMA
Elizabeth Dalton	NCRMA

NORTH CAROLINA HOUSE OF REPRESENTATIVES
COMMITTEE MEETING NOTICE AND
BILL SPONSOR NOTIFICATION
2005-2006 SESSION

You are hereby notified that the Committee on **EDUCATION** will meet as follows:

DAY & DATE: **Tuesday, June 6, 2006**

TIME: **11:00am**

LOCATION: **643 LOB**

The following bills will be considered (Bill # & Short Title & Bill Sponsor):

HB2417 – FUNDS FOR VIRTUAL LEARNING – REP. TOLSON

Respectfully,

Representatives Bell, Lucas, McLawhorn
Chairs

I hereby certify this notice was filed by the committee assistant at the following offices at **2:00 p.m.** on **Thursday, June 1, 2006.**

___Principal Clerk
___Reading Clerk - House Chamber

Susan Burleson (Committee Assistant)

HOUSE EDUCATION COMMITTEE MEETING

Tuesday, June 6, 2006
Room 643 LOB
11:00 AM

OPENING REMARKS AND INTRODUCTIONS

Representative Marian McLawhorn, Co-Chair, Presiding
Representative Larry Bell, Co-Chair
Representative Marvin Lucas, Co-Chair

AGENDA ITEMS

HB 2417 – FUNDS FOR VIRTUAL LEARNING – REP. TOLSON

ADJOURNMENT

ATTENDANCE

Education

(Name of Committee)

DATES	5-16-06	5-23-06	5-30-06	6-6-06											
BELL, Larry	X	X	X	X											
LUCAS, Marvin	X	X	X	X											
McLAWHORN, Marian	X	X	X	X											
ADAMS, Alma	X														
ALLEN, Bernard	X	X	X	X											
BLACKWOOD, Curtis	X	X		X											
BORDSEN, Alice	X	X	X	X											
BROWN, Larry	X	X		X											
CARNEY, Becky	X	X	X												
CLEVELAND, George	X	X	X	X											
COLE, Nelson	X	X	X	X											
COLEMAN, Linda	X	X	X	X											
CRAWFORD, James	X														
DAUGHTRIDGE, William	X	X		X											
DICKSON, Margaret	X	X		X											
DOCKHAM, Jerry		X		X											
ENGLAND, Bob	X	X	X	X											
FISHER, Susan	X	X	X	X											
FOLWELL, Dale	X	X	X												
FRYE, Phillip	X	X		X											
GLAZIER, Rick	X	X	X	X											
GOFORTH, Bruce	X	X	X	X											
GOODWIN, Melanie	X	X	X	X											
GRADY, Robert															
HARRELL, James															
HARRISON, Pricey		X	X	X											

DATES	5-16-06	5-23-06	5-30-06	6-6-06											
HILTON, Mark	X		X												
HOLLO, Mark	X	X	X	X											
HOLLOWAY, Bryan	X	X													
HOLMES, George															
INSKO, Verla	X														
JEFFUS, MAGGIE	X	X	X												
JOHNSON, Linda	X	X	X	X											
JUSTICE, Carolyn	X	X	X												
LANGDON, James	X	X	X	X											
LUEBKE, Paul			X	X											
MARTIN, Grier	X	X	X	X											
McALLISTER, Mary	X		X	X											
MICHAUX, Mickey															
NYE, Edd															
PARMON, Earline	X		X												
PATE, Louis	X	X	X	X											
PRESTON, Jean	X														
RAPP, Raymond	X	X	X	X											
RAY, Karen	X	X	X	X											
SAULS, John		X													
STILLER, Bonner	X	X	X	X											
TOLSON, Joe	X	X	X	X											
WALKER, Tracy	X	X	X	X											
WARREN, Edith	X	X	X	X											
WILEY, Laura	X	X	X	X											
WILKINS, Winkie	X	X	X	X											
WOMBLE, Larry	X			X											

DATES	5-16-06	5-23-06	5-30-06	6-6-06											
WRAY, Michael	X			X											
YONGUE, Douglas	X	X													
IORIO, SHIRLEY	X	X	X	X											
CHAUHAN, DRUPTI	X	X	X	X											
KAMPRATH, SARA	X	X	X	X											
ATKINSON, DEE		X	X	X											
JOHNSON, ROBIN		X													

MINUTES
HOUSE EDUCATION COMMITTEE

June 6, 2006
11:00AM Meeting

The House Education Committee met on Tuesday, June 6, 2006, in Room 643 of the Legislative Office Building at 11:00 AM. The following members were present: Chairs Bell, Lucas and McLawhorn, Vice Chairs Dickson, England, and Glazier, Representatives Allen, Blackwood, Bordsen, Brown, Cole, Coleman, Cleveland, Daughtridge, Dockham, Fisher, Frye, Goforth, Goodwin, Harrison, Hollo, Johnson, Langdon, Luebke, Martin, McAllister, Pate, Rapp, Ray, Stiller, Tolson, Walker, Warren, Wiley, Wilkins, Womble, and Wray. Staff members present were Dee Atkinson, Shirley Iorio, Drupti Chauhan, and Sara Kamprath. A Visitor Registration, House Page and Sergeant-At-Arms lists is attached and made part of these minutes.

Chairwoman Marian McLawhorn made introductions and called the meeting to order.

The first order of business was HB 2417, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR VIRTUAL LEARNING. Representative Wilkins moved to adopt the proposed committee substitute. The motion passed. A copy of the original bill, bill summary, and proposed committee substitute are attached and made part of these minutes. Representative Tolson, primary bill sponsor, was asked to explain the bill. Representative Bell thanked Representative Tolson for bringing forth the bill, as he stated that this bill was the answer for our rural counties. Representative McLawhorn introduced Lieutenant Governor Beverly Perdue who spoke favorably on the bill. Also speaking on behalf of the bill was Martin Lancaster, President of the North Carolina Community College System and Vice Chairman of the Education Cabinet, Mr. John Boling, Chairman of the North Carolina Virtual Public School Advisory Board, and Mr. Edgar Murphy, member of the North Carolina State Board of Education and liaison and member of the North Carolina Virtual Public School Advisory Board. Three handouts that relate to the bill are attached and made a part of these minutes (Attachment 1, 2, 3). Representatives Lucas, Womble, Wiley, Blackwood, Wilkins, Rapp, Allen, and Stiller also spoke in favor of this bill. Representative Pate sent forth an amendment. Representative Lucas made a motion to adopt the amendment. The amendment carried and Representative Bell moved for a favorable report on the bill as amended, rolled into a committee substitute, with a favorable report to the committee substitute and unfavorable to the original, and re-referred to the Committee on Appropriations. The motion received a favorable vote.

With there being no further business, the chairwoman adjourned the meeting at 11:50AM.

Respectively submitted,

Marian McLawhorn
Representative Marian McLawhorn

Susan Burleson
Susan H. Burleson, Committee Assistant

Attachment 1

Greenville Daily Reflector
January 29, 2006

Technology aging in schools

By Jennifer White,

Sunday, January 29, 2006

When Fallon Speaker, 17, walked into her distance learning classroom last semester, she was never quite sure if she would be able to see her teacher.

Speaker, a senior at Ayden-Grifton High School, was enrolled in an advanced placement statistics course taught at D.H. Conley. Distance learning classrooms are configured electronically so that students can take courses based at other schools and interact in real time with their teachers.

But on any given day, Speaker said that the viewing screen would break, the live transmission would be delayed, or the network connection would fail.

"The teacher might be asking a question, but the other class won't hear it for several seconds," she said. "We'd lose our connection and sometimes that can take up a few minutes of class."

During receptions held throughout January for Superintendent Beverly Reep, administrators at the county's high schools expressed concerns about obsolete computers and inadequate infrastructure.

Bill Frazier, principal at Ayden-Grifton, said the wiring in his school is running almost all of the hardware that it can support.

"We're looking for a complete upgrade of our infrastructure, we're just really behind," Frazier said. "We're getting close to capacity with what our system will run."

Will Sanderson, principal at South Central, said that even the county's newest high school is about to have outdated computers.

"Everybody is like, look at all these new computers, but now they're five years old," he said. "We're in the same boat as everybody else."

The school system pays for updating infrastructure as funds are available, but individual schools are responsible for purchasing computers. Rejeanor Scott, director of media and technology for Pitt County Schools, said that computers and switches that connect computers to the network should be updated about every five years.

Most have not been updated in a decade, she said.

She said that South Central, D.H. Conley and J.H. Rose are the only high schools that have updated switches. D.H. Conley and Rose each received about $12,000 in upgrades recently because of growth and facilities expansion. Scott said it would cost $100,000 to upgrade all of the switches in each of those buildings.

"They literally are teaching in every broom closet, in every nook and cranny of those school, that's why we added new switches," Scott said. "At D.H. Conley, we had to bring the new wing, and those new switches wouldn't interface very well with the old switches, so we did that out of necessity."

Scott said that the county's other four high schools have too few network connections and old switches.

"The other high schools are in really bad shape," she said. "The wiring there is fine, but there's an inadequate number of network connections. In the high schools, the switches that run the local area network are old, they're aging."

Scott said the county began wiring its schools for technology 10 years ago, starting with the high schools. Most of those schools have not been updated since, and some schools were wired by parent volunteers.

"Ten years ago, we did the high schools, then we started slowly but surely working our way through the other schools," she said. "There are still some schools we haven't gotten to. Now it's 10 years later and there's a few schools that have never been wired except with parental help."

The telecommunications act of 1997 established a federal fund that would give schools money to connect to the Internet. That money is distributed based on the number of students in a school system who receive free or reduced lunch.

Scott said that about 70 percent of students in Pitt County Schools get free or reduced lunch, so the telecommunications act reimburses those schools 70 percent of the cost of their infrastructure.

Schools that have 90 percent of their student population receiving free or reduced lunch get 90 percent of their connectivity costs covered. In Pitt County, Wellcome Middle, Sadie Saulter Elementary, Belvoir Elementary, Northwest Elementary and Bethel School qualify.

"It does not pay for any computers," Scott said. "The whole point of this is to get connectivity."

Scott said that the state legislature also provides the school system with money from the state technology trust fund.

For the 2005-06 school year, the school system received $715,583 from the trust fund.

Reep said that technology money from the state has decreased in each of the last five years making it even more difficult to financially support the growing technology needs.

Scott said most of that money was spent on Internet service and updating file servers every five years at a cost of about $14,000 each.

"The bulk of our money is eaten up in connectivity," she said. "For the past 10 years, we have had inadequate funding for technology. We were trying to stretch a buck."

Principals receive money for facilities, which include desks, chairs and computers. But Sanderson said it's not enough to update an entire computer lab.

"If you spent your budget on your technology, it's not enough to outfit the 200 machines in the building," he said.

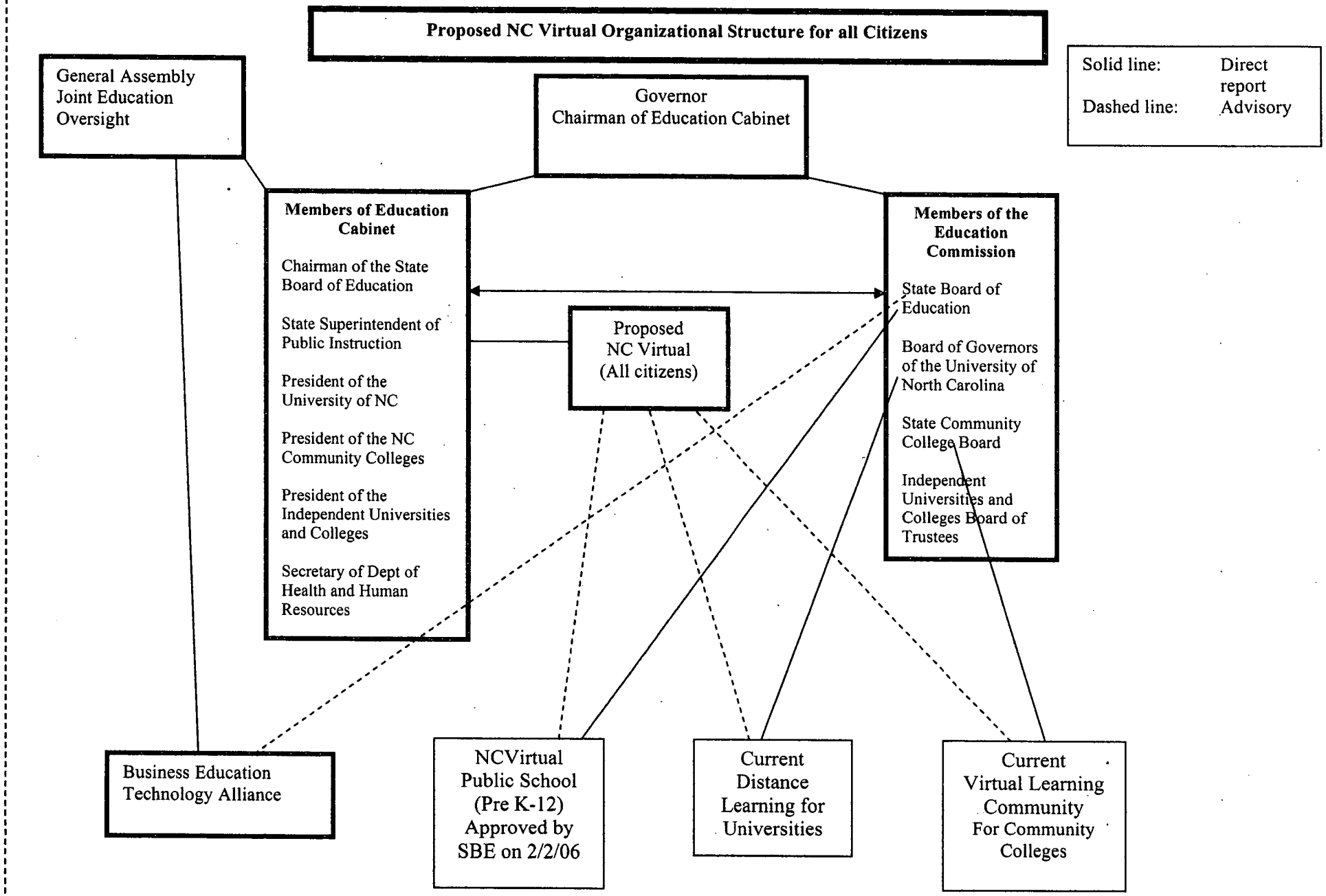
Sanderson said the South Central library computer lab has about 25 machines.

"If you went to replace those, you're looking at 25 times $2,000," he said. "That's a chunk of change."

Jeannie Arbegast, English teacher at Ayden-Grifton, said having too few computers is affecting student learning.

Arbegast said she was not able to administer an SAT preparatory lesson last semester because she couldn't get access to the school's one main computer lab.

"We planned to come in once a week the first part of the semester, but I couldn't get access to computers," she said. "The principal helped to do some classroom rearrangement, and some teachers had to leave their classrooms so I could use it."



Attachment 5

Attachment #3

MEXICO

LOOK WHO'S PUMPING OUT ENGINEERS

The headlines are about low-wage illegals, but Mexico is swiftly upgrading its workforce

BY GERI SMITH

FOR YEARS THE MEXICAN workforce has meant one thing to multinationals: cheap, reliable labor, perfect for assembling cars, refrigerators, and other goods in the *maquiladoras* lining the border with America. More complex engineering and design work was better done elsewhere in the global economy—usually at company headquarters in the U.S., Europe, and Japan.

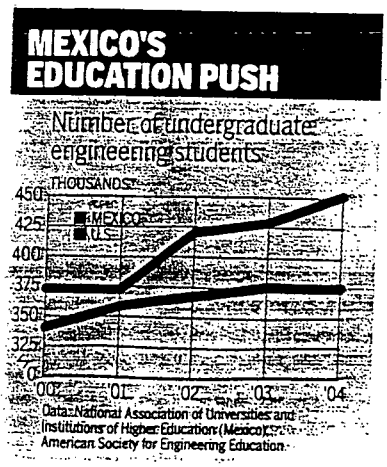
But as *maquila*-style assembly work migrated to cheaper locales, and India and China grabbed more sophisticated design and engineering assignments, Mexican officials knew they had to do something to stay in the global race. Quietly and steadily, they have. Over the past 10 years, the country's policymakers have been building up enrollment in four-year degree programs in engineering, developing a network of technical institutes that confer two-year degrees, and expanding advanced training programs with multinationals from the U.S. and elsewhere.

The result is a bumper crop of engineers. Currently, 451,000 Mexican students are enrolled in full-time undergraduate programs, vs. just over 370,000 in the U.S. The Mexican students benefit from high-tech equipment and materials donated to their schools by foreign companies, which help develop course content to fit their needs. Many of these engineers graduate knowing how to use the latest computer-assisted design (CAD) software and speaking fluent English.

This expanding workforce is changing the way multinationals view the country. They can now shift more complex production to Mexico, along with higher-skilled jobs. But it goes beyond manufacturing: Companies such as General Electric, General Motors, Honeywell, and Delphi have created large research and development centers employing hundreds of Mexican engineers to carry out sophisticated design modifications and handle the testing of everything from new car models to military and commercial jet engines. "In the past five years, Mexican engineers have become increasingly qualified and gained valuable experience," says Alfredo Juárez, a director at the country's top engineering school, the National Polytechnic Institute in Mexico City. "We constantly have major multinationals here trying to recruit dozens of engineers at a time."



TECH TRAINEES A Querétaro aerospace class



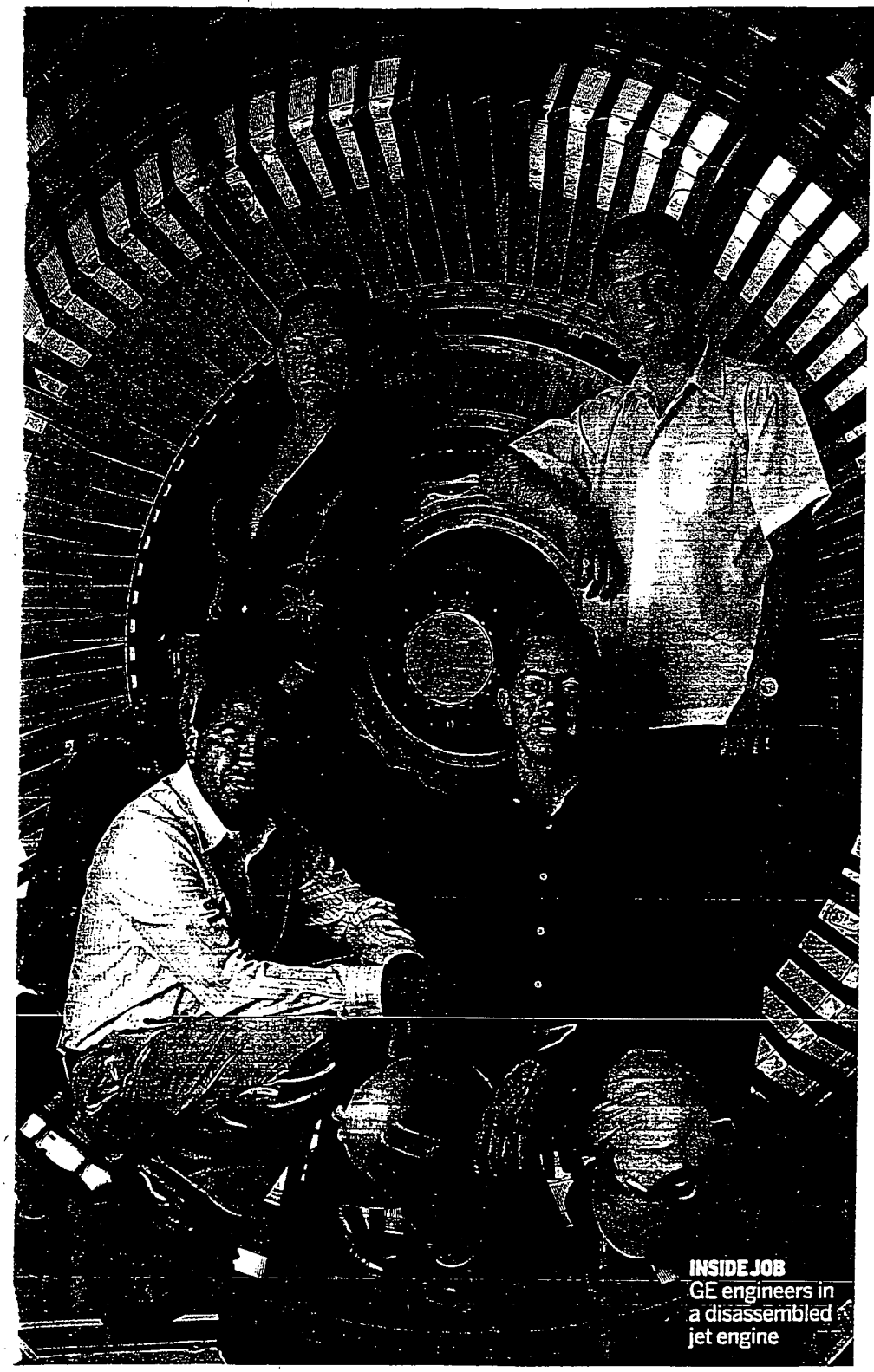
MEXICALI MECCA

ONE IS GE, which employs 550 engineers at a tech center in the colonial city of Querétaro to help design and test jet engines and energy turbines. It's one of a handful of Global Engineering Centers that the company has worldwide, including India, Poland, and Russia.)

Eduardo Lemini is a GE engineer at Querétaro. He spends his days huddled over CAD displays, making design changes and performance calculations, running tests on commercial and military jet engines, and working with his GE counterparts around the world. The 28-year-old holds a doctorate in engineering from the Institute of Science & Technology at the University of Manchester, England, where his research focused on computational fluid dynamics. Mexico's National Council of Science & Technology footed the bill for Lemini's studies abroad. Says Lemini, who was immediately hired by GE when he returned home: "This is a great time to be an engineer in Mexico."

And a great time to employ one. Companies are creating or expanding research and development and testing centers from Mexico City to Mexicali. The young

(L-R) PHOTOGRAPH BY KEITH DANNEMILLER; CHART BY ERIC HOFFMANN/BW



INSIDE JOB GE engineers in a disassembled jet engine

KEITH DANNEMILLER

engineers being hired are capable, and they're a bargain, earning on average one-third what their U.S. counterparts do. A newly minted engineer earns around $15,000 a year, and those with experience take home $25,000 to $35,000. Vladimiro de la Mora, director of GE's R&D center in Querétaro, figures he'll hire 200 new engineers this year, as GE's Aviation and Energy divisions throw more work his way: "We're growing because Mexico's technical expertise is deepening, but also because it costs us 30% to 40% less to do the work here than in the U.S."

The global aerospace industry is the latest to seek out Mexican expertise. Honeywell Aerospace recently broke ground on a $40 million systems integration and testing laboratory in Mexicali, along the border with Arizona. It will employ 300 Mexican engineers and run simulations for aircraft systems developed by Honeywell worldwide. Canadian aircraft maker Bombardier Inc., meanwhile, is relocating all electrical wire harness work for its planes to Querétaro from Montreal, Toronto, and Wichita, and shifting fuselage assembly to Mexico from Belfast. If all goes according to plan, the Canadian company will be assembling entire aircraft in Mexico [illegible] to 10 years. To the Bombardier vestment, Mexico even pledged to build a new aerospace university nearby. "We're impressed by the government's commitment," says Réal Gervais, a Bombardier vice-president who heads the Mexico operations.

GE is sending more complex work to Mexico

A success story? Yes, but one with some caveats. As promising as the future is, Mexico's engineering schools may be a few years ahead of the country's industrial development curve, churning out too many professionals for current demand. While multinationals are taking the cream of the crop, the rest of Mexico's engineers must compete against less educated but experienced, lower-cost technicians for a limited number of supervisory positions. Mexico has been educating these technicians in record numbers as well.

Electrical engineer Jorge Perez, 42, knows what this competition is like. Perez worked for Siemens' medi equipment group for 12 years. He j completed Bombardier's training course and hopes to work as a supervisor in the wire harness factory, a task for which he is probably overqualified. "An engineering degree doesn't guarantee you a job in Mexico, even today," says Perez. "I know a lot of underemployed engineers."

Mexican officials hope that as more multinationals get hooked on the expertise of local technicians and engineers, they will keep sending more sophisticated work to Mexico, providing plenty of quality jobs for everyone and moving the country further up the ladder of development.

The youngest Mexican engineers fervently believe this will happen. Twenty-three-year-old Mayra Ponce holds an undergraduate degree in aeronautics engineering from National Polytechnic. She is about to wrap up a 12-week intensive training course that will put her first in line for an engineer's job assembling aircraft fuselages for Bombardier. "I see this as a great opportunity to start at the bottom and learn how airplanes are made," she says. Her goal: design aircraft someday, even though Bombardier has not announced plans to do such work in Mexico. A lofty aspiration, but also a sign that Mexico is still in the global race for the best jobs. ■

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2005

H 1

HOUSE BILL 2417*

Short Title:	Funds for Virtual Learning.	(Public)
Sponsors:	Representatives Tolson; Faison and Warren.	
Referred to:	Education, if favorable, Appropriations.	

May 24, 2006

A BILL TO BE ENTITLED

AN ACT TO APPROPRIATE FUNDS FOR VIRTUAL LEARNING.

The General Assembly of North Carolina enacts:

SECTION 1. There is appropriated from the General Fund to the Department of Public Instruction the sum of five million dollars ($5,000,000) in recurring funds for the 2006-2007 fiscal year to implement the North Carolina Virtual Public School (NCVPS), which was established as a pilot program in 2005, on a statewide basis. These funds shall be used for purposes including, but not limited to staff and operate NCVPS, develop online courses, employ teachers to teach on-line, provide staff development and expand course offerings.

SECTION 2.(a) Chapter 116C of the General Statutes is amended by adding a new section to read:

"**§ 116C-5. Establishment of NCVirtual.**

(a) The Education Cabinet shall establish an advisory body called NCVirtual to advise the Education Cabinet on the coordination of resources for virtual and e-learning across prekindergarten through grade 12 in the public schools, public and private colleges and universities, and community colleges. NCVirtual shall assist the Education Cabinet with the facilitation, coordination, and development of e-learning standards and opportunities for all North Carolina citizens.

(b) NCVirtual shall consist of 24 members with two appointed by the Governor, two appointed by the Speaker of the House of Representatives, two appointed by the President Pro Tempore of the Senate, and one appointed by each member of the Education Cabinet."

SECTION 2.(b) There is appropriated from the General Fund to the Office of the Governor the sum of three hundred thousand dollars ($300,000) in recurring funds for the 2006-2007 fiscal year for the operating expenses of NCVirtual, which is established under subsection (a) of this section.

SECTION 3. This act becomes effective July 1, 2006.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2005

H D

HOUSE BILL 2417*
PROPOSED COMMITTEE SUBSTITUTE H2417-PCS60826-RJ-34

Short Title: Funds for Virtual Learning. (Public)

Sponsors:

Referred to:

May 24, 2006

A BILL TO BE ENTITLED

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SECTION 1. There is appropriated from the General Fund to the Department of Public Instruction the sum of five million dollars ($5,000,000) in recurring funds for the 2006-2007 fiscal year to implement the North Carolina Virtual Public School (NCVPS), which was established as a pilot program in 2005, on a statewide basis. These funds shall be used for purposes including, but not limited to, staff and operate NCVPS, develop online courses, employ teachers to teach online, provide staff development, and expand course offerings.

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(b) NCVirtual shall consist of 22 members with three appointed by the Governor, three appointed by the Speaker of the House of Representatives, three appointed by the President Pro Tempore of the Senate, two appointed by the President of The University of North Carolina, two appointed by the State Superintendent of Public Instruction, two appointed by the Chairman of the State Board of Education, two appointed by the President of the North Carolina Community College System, two appointed by the Secretary of Health and Human Services, two appointed by the President of the North Carolina Independent Colleges and Universities, and the State Chief Information Officer or that Officer's designee."

SECTION 2.(b) There is appropriated from the General Fund to the Office of the Governor the sum of three hundred thousand dollars ($300,000) in recurring funds for the 2006-2007 fiscal year for the staff and operating expenses of NCVirtual, which is established under subsection (a) of this section.

SECTION 3. This act becomes effective July 1, 2006.

HOUSE BILL 2417:
Funds for Virtual Learning

BILL ANALYSIS

Committee:	House Education	**Date:**	June 5, 2006
Introduced by:	Rep. Tolson	**Summary by:**	Sara Kamprath
Version:	PCS to First Edition H2417-CSRJ-34		Legislative Analyst

BILL ANALYSIS: The Proposed Committee Substitute for House Bill 2417 appropriates $5 million to the Department of Public Instruction to expand the North Carolina Virtual Public School (NCVPS) statewide. The funds can be used for staffing and operating the NCVPS, to develop online courses, to employ teachers, to provide staff development and to expand course offerings.

The bill also creates NCVirtual, a 21-member board, to advise the Education Cabinet on the coordination of resources for virtual and e-learning in K-12 public schools, community colleges and both public and private colleges/universities. The Governor, the Speaker of the House of Representatives, and the President Pro Tempore of the Senate each appoint 3 members. The President of The University of North Carolina, the State Superintendent of Public Instruction, the Chairman of the State Board of Education, the President of the North Carolina Community Colleges System, the Secretary of Health and Human Services, and the President of the North Carolina Independent Colleges and Universities each appoint 2 members.

The bill also appropriates $300,000 to the Office of the Governor for staff and operating expenses of NCVirtual.

EFFECTIVE DATE: The bill becomes effective July 1, 2006.

BACKGROUND: In 2002, the General Assembly created the Business and Education Technology Alliance (BETA) to advise the State Board of Education in developing a plan for a technologically literate citizenry, developing a technology infrastructure and delivery that provides access to all citizens, developing professional development for teachers, and developing a system of funding and accountability. BETA makes an annual report to the Joint Legislative Education Oversight Committee on recommendations for education technology in the public schools.

In 2005, the General Assembly appropriated $150,000 to the State Board of Education to create and implement a pilot virtual high school during the 2005-06 school year and $150,000 for the 2006-07 school year.

The Joint Education Oversight Committee heard the annual report of the Business and Education Technology Alliance (BETA) at its March 8, 2006 meeting. The provisions of House Bill 2417 are based on recommendations from that report.

The proposed Senate budget bill has an appropriation of about $2.8 million to support the implementation of the NC Virtual Public Schools, including staff and operating support.

H2417e1-SMRJ-CSRJ-34

Chapter 116C.

Continuum of Education Programs.

§ 116C-1. Education Cabinet created.

(a) The Education Cabinet is created. The Education Cabinet shall be located administratively within, and shall exercise its powers within existing resources of, the Office of the Governor. However, the Education Cabinet shall exercise its statutory powers independently of the Office of the Governor.

(b) The Education Cabinet shall consist of the Governor, who shall serve as chair, the President of The University of North Carolina, the State Superintendent of Public Instruction, the Chairman of the State Board of Education, the President of the North Carolina Community Colleges System, the Secretary of Health and Human Services, and the President of the North Carolina Independent Colleges and Universities. The Education Cabinet may invite other representatives of education to participate in its deliberations as adjunct members.

(c) The Education Cabinet shall be a nonvoting body that:

(1) Works to resolve issues between existing providers of education.

(2) Sets the agenda for the State Education Commission.

(3) Develops a strategic design for a continuum of education programs, in accordance with G.S. 116C-3.

(4) Studies other issues referred to it by the Governor or the General Assembly.

(d) The Office of the Governor, in coordination with the staffs of The University of North Carolina, the North Carolina Community College System, and the Department of Public Instruction, shall provide staff to the Education Cabinet. (1993, c. 393, s. 1; 1995, c. 324, s. 15.12(b); 2001-123, s. 1; 2005-276, s. 7.38(a).)

§ 116C-2. State Education Commission.

The State Education Commission shall consist of the Board of Governors of The University of North Carolina, the State Community College Board, and the State Board of Education. The Governor shall call the meetings of the State Education Commission.

The Commission shall be a forum for airing proposals and engaging in board-to-board dialogue about issues the Education Cabinet is addressing. The agenda for Commission meetings shall be set by the Education Cabinet. (1993, c. 393, s. 1.)

§ 116C-3. Strategic design for a continuum of education programs.

The Education Cabinet shall develop a strategic design for a continuum of education programs. A continuum of education programs is the complement of programs delivered by the State to learners at all levels.

The new design shall take into account issues raised by the Government Performance Audit Committee of the Legislative Research Commission.

The design process shall:

(1) Include vigorous examination of all programs as if they were being created for the first time.

(2) Compare the existing structures, funding levels, and responsibilities of each system to the new design.

(3) Focus on issues concerning coursework articulation and plan for how to improve coursework articulation among existing providers of education.

The Education Cabinet shall report to the Joint Legislative Education Oversight Committee on the strategic design it develops prior to January 1, 1995. (1993, c. 393, s. 1; 1993 (Reg. Sess., 1994), c. 677, s. 12.1.)

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2005

H D

HOUSE BILL 2417*
PROPOSED COMMITTEE SUBSTITUTE H2417-CSRJ-34 [v.1]

6/5/2006 4:41:55 PM

Short Title: Funds for Virtual Learning. (Public)

Sponsors:

Referred to:

May 24, 2006

A BILL TO BE ENTITLED

AN ACT TO APPROPRIATE FUNDS FOR VIRTUAL LEARNING.

The General Assembly of North Carolina enacts:

SECTION 1. There is appropriated from the General Fund to the Department of Public Instruction the sum of five million dollars ($5,000,000) in recurring funds for the 2006-2007 fiscal year to implement the North Carolina Virtual Public School (NCVPS), which was established as a pilot program in 2005, on a statewide basis. These funds shall be used for purposes including, but not limited to staff and operate NCVPS, develop online courses, employ teachers to teach on-line, provide staff development and expand course offerings.

SECTION 2.(a) Chapter 116C of the General Statutes is amended by adding a new section to read:

"**§ 116C-5. Establishment of NCVirtual.**

(a) The Education Cabinet shall establish an advisory body called NCVirtual to advise the Education Cabinet on the coordination of resources for virtual and e-learning across prekindergarten through grade 12 in the public schools, public and private colleges and universities, and community colleges. NCVirtual shall assist the Education Cabinet with the facilitation, coordination, and development of e-learning standards and opportunities for all North Carolina citizens.

(b) NCVirtual shall consist of 21 members with three appointed by the Governor, three appointed by the Speaker of the House of Representatives, three appointed by the President Pro Tempore of the Senate, two appointed by the President of The University of North Carolina, two appointed by the State Superintendent of Public Instruction, two appointed by the Chairman of the State Board of Education, two appointed by the President of the North Carolina Community Colleges System, two appointed by the Secretary of Health and Human Services and two appointed by the President of the North Carolina Independent Colleges and Universities."

SECTION 2.(b) There is appropriated from the General Fund to the Office of the Governor the sum of three hundred thousand dollars ($300,000) in recurring funds for the 2006-2007 fiscal year for the staff and operating expenses of NCVirtual, which is established under subsection (a) of this section.

SECTION 3. This act becomes effective July 1, 2006.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2005

H D

HOUSE BILL 2417*
PROPOSED COMMITTEE SUBSTITUTE H2417-PCS60826-RJ-34

Short Title: Funds for Virtual Learning. (Public)

Sponsors:

Referred to:

May 24, 2006

A BILL TO BE ENTITLED

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SECTION 3. This act becomes effective July 1, 2006.

2005 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES

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

. By Representative Bell, Lucas, McLawhorn (Chairs) for the Committee on EDUCATION.

☐ Committee Substitute for

HB 2417 A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR VIRTUAL LEARNING.

☒ With a favorable report as to the committee substitute bill, unfavorable as to the original bill, and recommendation that the committee substitute bill be re-referred to the Committee on APPROPRIATIONS.

(FOR JOURNAL USE ONLY)

_____ Pursuant to Rule 32(a), the bill/resolution is re-referred to the Committee on _____.

_____ Pursuant to Rule 36(b), the (House/Senate) committee substitute bill/(joint) resolution (No._____) is placed on the Calendar of _____. (The original bill resolution No._____) is placed on the Unfavorable Calendar.

_____ The (House) committee substitute bill/(joint) resolution (No. ____) is re-referred to the Committee on _____. (The original bill/resolution) (House/Senate Committee Substitute Bill/(Joint) resolution No. ___) is placed on the Unfavorable Calendar.

House Pages

Name Of Committee: EDUCATION Date: 8-JUNE-2006

1. Name: George Smith
   County: Wake
   Sponsor: Daughtridge
2. Name: Katie Kapp
   County: Wake
   Sponsor: Deborah RUSS
3. Name: Olivia Hyatt
   County: Union
   Sponsor: Curtis Blackwood
4. Name: Molly Edwards
   County: Beaufort
   Sponsor: Jim BLACK
5. Name: _____
   County: _____
   Sponsor: _____

Sgt-At-Arms

1. Name: MARTHA PARRISH
2. Name: FRANK TRAVIS
3. Name: NEAL CASPER
4. Name: JERALD PERRY
5. Name: _____

VISITOR REGISTRATION SHEET

House Education Committee — 11AM - JUNE 6, 2006

Name of Committee — **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Bryan Conrad	OSBM
Pam Leaman	OSBM
Rebecca Garland	SBE
Rita L-Joyner	SBE
Mary Wilson	SBE
Joan Myers	NCTA
Herb Crenshaw	Rel South
[illegible]	Gov. office
Ann McArthur	"
Charlene Carey	N.C. Right to Life
James Markham	Inst. of Gov't

VISITOR REGISTRATION SHEET

House Education Committee — 11AM - JUNE 6, 2006

Name of Committee — **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Allan Jordan	Cumberland Co. Schools - Web Academy
Katherine Joyce	NCASA
Benny Hendrix	NC DPI
Sandy Sands	WCSR
Carole Stern	NC School of Science + Math
[illegible]	Public School Forum
Molly T[illegible]	NCSBA
Leanne Winner	NCSBA
Ellen Reeves	PCNC
[illegible]	NCLCV
Jane L. Castor	e-NC Authority

VISITOR REGISTRATION SHEET

House Education Committee — 11AM - JUNE 6, 2006

Name of Committee — **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Terry Stoops	John Locke Foundation
Andrew Werbrock	Inst. of Government
Jim Rapp	NCTA
Dan Blau	SOG
Dave Sjogren	Inst of Govt
Jill Moore	Inst of Govt

MINUTES

HOUSE COMMITTEE ON EDUCATION

June 20, 2006

The House Committee on Education met at 11:00 a.m. on Tuesday, June 20, 2006 in room 643 of the Legislative Office building. The following Representatives were present: **Chairs**: Bell, Lucas and McLawhorn; **Vice Chairs**: Dickson, England, Parmon, and Preston; **Members**: Adams, Allen, Blackwood, Carney, Cleveland, Coleman, Daughtridge, Dockham, Fisher, Frye, Goforth, Wade-Goodwin, Harrell, Harrison, Hilton, Hollo, Holloway, Holmes, Jeffus, Justice, Langdon, Martin, McAllister, Michaux, Nye, Rapp, Stiller, Tolson, Walker, Warren, Wiley, Womble, and Wray.

Research staff persons included: **Attorneys** Drupti Chauhan and Robin Johnson; **Legislative Analyst**: Dr. Shirley Iorio and Sara Kamprath; **Assistant** Dee Atkinson. Education Director Diane Emerson; **Legislative Committee Assistants**: Susan Burleson, Carolyn Edwards and Thelma Utley.

The Agenda, Committee Meeting Notice, Pages/Sergeant at Arms Sheet, Visitor Registration Sheets, Bill Analysis and Committee Report are attached and incorporated into the minutes.

Chairman Bell declared the meeting to order and all introductions were completed. Madam Chair – Representative McLawhorn motioned that **HB 2697 Proposed Committee Substitute - A BILL TO BE ENTITLED AN ACT DIRECTING THE JOINT LEGISLAIVE EDUCATION OVERSIGHT COMMITTEE TO STUDY THE NEED TO RAISE THE COMPULSORY SCHOOL ATTENDANCE AGE** be considered and unfavorable to the original bill **HB 2697– A BILL TO BE ENTITLED AN ACT TO PROHIBIT STUDENTS FROM DROPPING OUT OF SCHOOL BEFORE THE AGE OF EIGHTEEN AND TO APPROPRIATE FUNDS FOR THAT PURPOSE.** There were no objections to the motion and HB 2697-Proposed Committee Substitute was adopted.

Representative Parmon defined the compulsory school attendance age from 16 to 18 and that the bill would make conforming changes in the compulsory school attendance stature of the State of North Carolina and for the North Carolina School of Science and Math. The PCS will direct the Joint Legislative Education Oversight Committee to study whether the compulsory school attendance age should be raised and report any recommendations to the 2007 General Assembly. The bill would become effective when it became law.

The Proposed Committee Substitute generated much discussion, deliberation and questions. Representative Parmon states that this study would only affect students that are enrolled after the bill becomes law. The Joint Education Oversight Committee will only study changes and not make any; also consideration must be given in some cases where students may graduate before the age of 18 and meet all the requirements for graduation. This will not affect those students and make them have to stay in longer. The School of Science and

Math was cited because it is a high school coming into the university system, but will not be the only school impacted by the study.

Representative Fisher, also a primary sponsor, states that what the committee want to do is look at alternatives for getting dropouts back in school before they turn to drugs or crimes and become a bigger burden on society.

Representative Adams queries about 'undisciplined juvenile' - what does it mean and what about conforming changes? Representative Parmon answers that within our juvenile system we still may have students that are 18 and that the juvenile system would have to have school to provide an education for those students. Legislative Analyst, Sara Kamprath assist by explaining that the 'conforming changes' were in the original bill and the PCS is only a study of whether to raise the compulsory school attendance age.

Representative Womble congratulates the sponsors and motions for a favorable report as to the committee substitute bill, which changes the title, unfavorable as to the original bill. The motion carries and Proposed Committee Substitute HB 2697 passes.

Chairman Bell states that Representative Lucas will handle SB 700 and ask for a motion to adopt the Proposed Committee Substitute.

Representative McLawhorn motioned that **SB 700 Proposed Committee Substitute - A BILL TO BE ENTITLED AN ACT DIRECTING LOCAL BOARDS OF EDUCATION TO REQUIRE THE DISPLAY OF THE UNITED STATES AND NORTH CAROLINA FLAGS AND TO REQUIRE THAT RECITATION OF THE PLEDGE OF ALLEGIANCCE IS SCHEDULED ON A DAILY BASIS** be adopted and unfavorable to the original bill. There were no objections to the motion and SB 700-**P**roposed **C**ommittee **S**ubstitute was adopted.

Representative Lucas states "that SB-700 has undergone a metamorphic experience. It now proposes to do two things: (1) It will require the display of the United State and the North Carolina flags in all schools and it will require the local school board of education to do that; (2) It will require the recitation of the pledge to the flag on a daily basis. If there were any inquire of the legality of such an enterprise, in 1943 the Supreme Court decreed and recognized that it was unconstitutional to require anybody to recite anything that is against what they want to do. So there is nothing in SB-700 that makes a person recite the pledge, but it does require the local boards to make this available for students on a daily basis and we do require that the schools participate and recite the pledge. Individuals may opt to exempt themselves. The other question that sometimes comes forward is the prepositional phrase, "Under God", the 9th circuit ruled that "Under God" was unconstitutional in 1904, but the US Supreme Court ruled to overturn the 9th circuit so that this is permissible, but the US Supreme Court did not consider the bill on its merits. So the merits of this have not been adjudicated at the Supreme Court level. Until it is, one way or the other, 35 other states have contended that this is something they desire to do and they've already implemented the pledge of allegiance. We would like for North Carolina to become the 36th state." Representative Lucas addressed any concerns of

those who may have some reservations about the length of time it would take to recite the Pledge of Allegiance with an actual timed recitation of the General Assembly of 18 seconds. At best 30 seconds or less would be the time required to recite the pledge.

After much discussion, Representative Pate is acknowledged by Chairman Bell for a motion with a favorable report as to House committee substitute bill, unfavorable as to Senate committee substitute bill. There is an addendum to the motion to give staff permission to do a new committee substitute that would include the charter schools, the school of the arts and the school of Science and Math by Chairman Bell.

All were in favor of the motion and the new **SB 700 Proposed Committee Substitute - A BILL TO BE ENTITLED AN ACT DIRECTING LOCAL BOARDS OF EDUCATION, CHARTER SCHOOLS, THE NORTH CAROLINA SCHOOL OF THE ARTS, AND THE NORTH CAROLINA SCHOOL OF SCIENCE AND MATHEMATICS TO REQUIRE THE DISPLAY OF THE UNITED STATES AND NORTH CAROLINA FLAGS AND TO REQUIRE THAT RECITATION OF THE PLEDGE OF ALLEGIANCCE IS SCHEDULED ON A DAILY BASIS.**

The new Committee Substitute for SB 700 passes.

The meeting was adjourned at 11:45 A.M.

Respectfully submitted,

Carolyn A. Edwards

Carolyn A. Edwards, Committee Assistant

Larry M. Bell

Representative Larry M. Bell
Presiding Chair

VISITOR REGISTRATION SHEET

EDUCATION — June 20, 2006

Name of Committee — **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME: (*Please Print*)	FIRM OR AGENCY AND ADDRESS
Amy Schilder	Hobbs & Co
Mia Murphy	DJJDP
Darlene Marsh	DJJ.DP
John Quinterno	NC BTC
Cally Huggins	GOV Office
Emily MacNaughton	NCPAPA
Molly Ryan	NC SBA
Rita L. Joyner	SBE
Hany Wilson	SBE
Jim Stegall	U.C.P.S.
Aaron Chang	Intern - Rep. Glazier

VISITOR REGISTRATION SHEET

EDUCATION — June 20, 2006

Name of Committee — **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME: (*Please Print*)	FIRM OR AGENCY AND ADDRESS
Katherine Joyce	NCASA
Susan Harrison	WC PSS
Tom Mundell	NCICU
Mindy O'Brien	Kids Voting NC
Ann McArthur	Gov's Office
Michael Houser	NCAE
Jami Fitzgerald	NCFPC
Cameron Contizano	Daily Bulletin
Dora S Gray	
Jeff Mixon	Civitas
Chad Hinton	"

AGENDA

HOUSE EDUCATION COMMITTEE

June 20, 2006
11:00 A.M.
Room 643 LOB

Representative Larry M. Bell
Presiding Chair

CALL TO ORDER

OPENING REMARKS

BILLS TO BE CONSIDERED:

HB 2697 – INCREASE COMPULSORY EDUCATION AGE –
Reps. Parmon, Fisher, Womble, Harrison

SB 700 – CUSTOMIZED INDUSTRY TRAINING PROGRAM –
Sen. Nesbitt

ADJOURNMENT

Chairs:
Representative L. Bell
Representative M. Lucas
Representative M. McLawhorn

2005 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES

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

By Representative Bell, Lucas, McLawhorn (Chairs) for the Committee on EDUCATION.

☐ Committee Substitute for

HB 2697 A BILL TO BE ENTITLED AN ACT TO PROHIBIT STUDENTS FROM DROPPING OUT OF SCHOOL BEFORE THE AGE OF EIGHTEEN AND TO APPROPRIATE FUNDS FOR THAT PURPOSE.

☒ With a favorable report as to the committee substitute bill, which changes the title, unfavorable as to the original bill.

(FOR JOURNAL USE ONLY)

_____ Pursuant to Rule 32(a), the bill/resolution is re-referred to the Committee on _____.

_____ Pursuant to Rule 36(b), the (House/Senate) committee substitute bill/(joint) resolution (No._____) is placed on the Calendar of _____. (The original bill resolution No._____) is placed on the Unfavorable Calendar.

_____ The (House) committee substitute bill/(joint) resolution (No. ____) is re-referred to the Committee on _____. (The original bill/resolution) (House/Senate Committee Substitute Bill/(Joint) resolution No. ___) is placed on the Unfavorable Calendar.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2005

HOUSE BILL 2697

Short Title:	Increase Compulsory Education Age.	(Public)
Sponsors:	Representatives Parmon, Fisher, Womble, Harrison (Primary Sponsors); Coleman, Faison, Ross, and Wray.	
Referred to:	Education, if favorable, Appropriations.	

May 25, 2006

A BILL TO BE ENTITLED

AN ACT TO PROHIBIT STUDENTS FROM DROPPING OUT OF SCHOOL BEFORE THE AGE OF EIGHTEEN AND TO APPROPRIATE FUNDS FOR THAT PURPOSE.

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~~ 18 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.~~session, until the child graduates from high school. 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 3. 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~~ 18 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.~~session, until the child graduates from high school. 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 1 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 4. G.S. 7B-1501(27) reads as rewritten:

"(27) Undisciplined juvenile. –

~~a.~~ A juvenile who, while less than ~~16~~18 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~~ 24 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. G.S. 143B-515(22) reads as rewritten:

"(22) Undisciplined juvenile. –

~~a.~~ A juvenile who, while less than ~~16~~18 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~~ 24 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 6. There is appropriated from the General Fund to the Department of Public Instruction the sum of forty-one million dollars ($41,000,000) for the 2006-2007 fiscal year to implement the provisions of this act.

SECTION 7. This act becomes effective July 1, 2005.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2005

H D

HOUSE BILL 2697
PROPOSED COMMITTEE SUBSTITUTE H2697-PCS10628-RJ-36

Short Title: Increase Compulsory Education Age/Study. (Public)

Sponsors:

Referred to:

May 25, 2006

A BILL TO BE ENTITLED

AN ACT DIRECTING THE JOINT LEGISLATIVE EDUCATION OVERSIGHT COMMITTEE TO STUDY THE NEED TO RAISE THE COMPULSORY SCHOOL ATTENDANCE AGE.

The General Assembly of North Carolina enacts:

SECTION 1. The Joint Legislative Education Oversight Committee shall perform a comprehensive study of the need to raise the compulsory school attendance age. In the course of the study, the Committee shall consider:

(1) The impact of dropping out on the student;

(2) The capacity of a 16-year-old to understand the social and economic consequences of dropping out of school;

(3) The emergence of major high school reform efforts, including Learn and Earn Programs, the New Schools Initiative, and 21st Century Schools, and the impact they may have on teenagers who remain in school longer;

(4) The importance to the entire State of every student leaving high school prepared to enter the workforce or succeed in higher education;

(5) Research on factors related to students' success in school;

(6) Strategies, programs, and support services that should be provided if the compulsory school attendance age is raised to enable students to graduate from high school, and time lines for implementing those strategies, programs, and support services;

(7) Related laws and policies that must be addressed to ensure the availability of support services for students;

(8) The fiscal impact of raising the compulsory attendance age;

(9) Possible exemptions from the law for certain students; including those students who fulfill their graduation requirements early and receive a diploma, complete an alternative education program, or whose parents

consent to their leaving school before they graduate or reach the maximum compulsory school attendance age;

(10) The fiscal impact on the Department of Juvenile Justice and Delinquency Prevention and the Department of Correction;

(11) The law in other states and the experience of other states that have raised the compulsory school attendance age; and

(12) Input from school personnel and from dropouts and students at risk of dropping out on the issue.

The Joint Legislative Education Oversight Committee shall report the results of its study and its recommendations to the 2007 General Assembly.

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

PROPOSED COMMITTEE SUBSTITUTE H2697-CSRJ-36 [v.2]

A BILL TO BE ENTITLED

AN ACT DIRECTING THE JOINT LEGISLATIVE EDUCATION OVERSIGHT COMMITTEE TO STUDY THE NEED TO RAISE THE COMPULSORY SCHOOL ATTENDANCE AGE.

The General Assembly of North Carolina enacts:

SECTION 1. The Joint Legislative Education Oversight Committee shall perform a comprehensive study of the need to raise the compulsory school attendance age. In the course of the study, the Committee shall consider:

(1) The impact of dropping out on the student;

(2) The capacity of a 16-year-old to understand the social and economic consequences of dropping out of school;

(3) The emergence of major high school reform efforts, including Learn and Earn Programs, the New Schools Initiative, and 21st Century Schools, and the impact they may have on teenagers who remain in school longer;

(4) The importance to the entire State of every student leaving high school prepared to enter the workforce or succeed in higher education;

(5) Research on factors related to students' success in school;

(6) Strategies, programs, and support services that should be provided if the compulsory school attendance age is raised to enable students to graduate from high school and time lines for implementing those strategies, programs, and support services;

(7) Related laws and policies that must be addressed to ensure the availability of support services for students;

(8) The fiscal impact of raising the compulsory attendance age;

(9) Possible exemptions from the law for certain students; including those students who fulfill their graduation requirements early and receive a diploma, complete an alternative education program, or whose parents

consent to their leaving school before they graduate or reach the maximum compulsory school attendance age;

(10) The fiscal impact on the Department of Juvenile Justice and Delinquency Prevention and the Department of Correction;

(11) The law in other states and the experience of other states that have raised the compulsory school attendance age; and

(12) Input from school personnel and from dropouts and students at risk of dropping out on the issue.

The Joint Legislative Education Oversight Committee shall report the results of its study and its recommendations to the 2007 General Assembly.

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

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2005

H D

HOUSE BILL 2697
PROPOSED COMMITTEE SUBSTITUTE H2697-CSRJ-36 [v.3]

6/20/2006 9:35:22 AM

Short Title: Increase Compulsory Education Age/Study. (Public)

Sponsors:

Referred to:

May 25, 2006

A BILL TO BE ENTITLED

AN ACT DIRECTING THE JOINT LEGISLATIVE EDUCATION OVERSIGHT COMMITTEE TO STUDY THE NEED TO RAISE THE COMPULSORY SCHOOL ATTENDANCE AGE.

The General Assembly of North Carolina enacts:

SECTION 1. The Joint Legislative Education Oversight Committee shall perform a comprehensive study of the need to raise the compulsory school attendance age. In the course of the study, the Committee shall consider:

(1) The impact of dropping out on the student;

(2) The capacity of a 16-year-old to understand the social and economic consequences of dropping out of school;

(3) The emergence of major high school reform efforts, including Learn and Earn Programs, the New Schools Initiative, and 21st Century Schools, and the impact they may have on teenagers who remain in school longer;

(4) The importance to the entire State of every student leaving high school prepared to enter the workforce or succeed in higher education;

(5) Research on factors related to students' success in school;

(6) Strategies, programs, and support services that should be provided if the compulsory school attendance age is raised to enable students to graduate from high school and time lines for implementing those strategies, programs, and support services;

(7) Related laws and policies that must be addressed to ensure the availability of support services for students;

(8) The fiscal impact of raising the compulsory attendance age;

(9) Possible exemptions from the law for certain students; including those students who fulfill their graduation requirements early and receive a diploma, complete an alternative education program, or whose parents

consent to their leaving school before they graduate or reach the maximum compulsory school attendance age;

(10) The fiscal impact on the Department of Juvenile Justice and Delinquency Prevention and the Department of Correction;

(11) The law in other states and the experience of other states that have raised the compulsory school attendance age; and

(12) Input from school personnel and from dropouts and students at risk of dropping out on the issue.

The Joint Legislative Education Oversight Committee shall report the results of its study and its recommendations to the 2007 General Assembly.

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

HOUSE BILL 2697:
Increase Compulsory Education Age

BILL ANALYSIS

Committee:	House Education	**Date:**	June 19, 2006
Introduced by:	Reps. Parmon, Fisher, Womble, Harrison	**Summary by:**	Sara Kamprath Committee Staff
Version:	PCS to First Edition H2697-CSRJ-36[v.3]		

SUMMARY: ***House Bill 2697 would raise the compulsory school attendance age for children from 16 years of age to eighteen years of age or until a child graduates. The bill would make conforming changes in the compulsory school attendance statute for the North Carolina School of Science and Mathematics. The bill would also make conforming changes in the definition of "undisciplined juvenile" for the statutes governing the Department of Juvenile Justice and Delinquency Prevention and the statutes governing undisciplined and delinquent juveniles. The bill would appropriate $41 million for the 2006-07 fiscal year to implement the provisions.***

The Proposed Committee Substitute would direct the Joint Legislative Education Oversight Committee to study whether the compulsory school attendance age should be raised and report any recommendations to the 2007 General Assembly. The bill would become effective when it becomes law.

CURRENT LAW: G.S. 115C-378 provides that every parent, guardian or person with charge or control over a child between 7 and 16 years old shall cause that 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."

BACKGROUND: According to a March 2006 report from the Education Commission of the States, 27 states have age 16 as their maximum compulsory attendance age, 9 states have 17 as their maximum compulsory attendance age, and 14 states have 18 as their maximum compulsory attendance age. In March 2006, the Maryland General Assembly enacted legislation creating a task force to study raising the compulsory public school attendance age to 18. Also in March 2006, the Vermont Legislature enacted a provision directing the commissioner of education to gather certain information to "facilitate discussion during the next legislative session about increasing the compulsory education age to 18, and present the data to the senate and house committees on education during January, 2007."

The State Board of Education has placed raising the compulsory school attendance age on its legislative policy priority list for the 2005 General Assembly.

During the 2005 Session, the House Education Committee heard and gave a favorable report to House Bill 1079 Study Raising the Compulsory Age. House Bill 1079 was then re-referred to the House Committee on Rules, Calendar, and Operations of the House.

During the 2005 Session, the General Assembly did enact legislation increasing the penalty for failing to comply with the compulsory attendance law from a Class 3 misdemeanor to a Class 1 misdemeanor.

2005 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES

The following report(s) from standing committee(s) is/are presented:
By Representative Bell, Lucas, McLawhorn (Chairs) for the Committee on EDUCATION.

☒Committee Substitute for
SB 700 A BILL TO BE ENTITLED AN ACT DIRECTING LOCAL BOARDS OF EDUCATION, CHARTER SCHOOLS, THE NORTH CAROLINA SCHOOL OF THE ARTS, AND THE NORTH CAROLINA SCHOOL OF SCIENCE AND MATHEMATICS TO REQUIRE THE DISPLAY OF THE UNITED STATES AND NORTH CAROLINA FLAGS AND TO REQUIRE THAT RECITATION OF THE PLEDGE OF ALLEGIANCE IS SCHEDULED ON A DAILY BASIS.

☒ With a favorable report as to House committee substitute bill, unfavorable as to Senate committee substitute bill -1.

(FOR JOURNAL USE ONLY)

_____ Pursuant to Rule 32(a), the bill/resolution is re-referred to the Committee on _____.

_____ Pursuant to Rule 36(b), the (House/Senate) committee substitute bill/(joint) resolution (No._____) is placed on the Calendar of _____. (The original bill resolution No._____) is placed on the Unfavorable Calendar.

_____ The (House) committee substitute bill/(joint) resolution (No. ____) is re-referred to the Committee on _____. (The original bill/resolution) (House/Senate Committee Substitute Bill/(Joint) resolution No. ___) is placed on the Unfavorable Calendar.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2005

S D

SENATE BILL 700

Education/Higher Education Committee Substitute Adopted 4/21/05
PROPOSED HOUSE COMMITTEE SUBSTITUTE S700-PCS85474-RQ-73

Short Title: Flag/Pledge of Allegiance in Schools. (Public)

Sponsors:

Referred to:

March 21, 2005

A BILL TO BE ENTITLED

AN ACT DIRECTING LOCAL BOARDS OF EDUCATION, CHARTER SCHOOLS, THE NORTH CAROLINA SCHOOL OF THE ARTS, AND THE NORTH CAROLINA SCHOOL OF SCIENCE AND MATHEMATICS TO REQUIRE THE DISPLAY OF THE UNITED STATES AND NORTH CAROLINA FLAGS AND TO REQUIRE THAT RECITATION OF THE PLEDGE OF ALLEGIANCE IS SCHEDULED ON A DAILY BASIS.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 115C-47(29a) reads as rewritten:

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

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

...

(29a) To ~~Encourage~~ Require the Display of the United States and North Carolina Flags, and to ~~Encourage~~ Require the Recitation of the Pledge ~~or Oath~~ of Allegiance. – Local boards of education ~~are encouraged to~~ shall adopt policies to (i) ~~provide for~~ require the display of the United States and North Carolina flags in each classroom, when available, (ii) ~~provide the opportunity for students to recite the Pledge or Oath of Allegiance on a regular basis,~~ require that recitation of the Pledge of Allegiance be scheduled on a daily basis, and (iii) provide age-appropriate instruction on the meaning and historical origins of the flag and the Pledge of Allegiance. These policies shall not compel any person to stand, salute the flag, or recite the Pledge of Allegiance. If flags are donated or are otherwise available, flags shall be displayed in each classroom."

SECTION 2. G.S. 115C-238.29F is amended by adding a new subsection to read:

"(k) The Display of the United States and North Carolina Flags and the Recitation of the Pledge of Allegiance. – A charter school shall (i) display the United States and North Carolina flags in each classroom when available, (ii) require the recitation of the Pledge of Allegiance on a daily basis, and (iii) provide age-appropriate instruction on the meaning and historical origins of the flag and the Pledge of Allegiance. A charter school shall not compel any person to stand, salute the flag, or recite the Pledge of Allegiance. If flags are donated or are otherwise available, flags shall be displayed in each classroom."

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

"**§ 116-69.1. Display of the United States and North Carolina flags and the recitation of the Pledge of Allegiance.**

The school shall (i) display the United States and North Carolina flags in each classroom when available, (ii) require the recitation of the Pledge of Allegiance on a daily basis, and (iii) provide instruction on the meaning and historical origins of the flag and the Pledge of Allegiance. The school shall not compel any person to stand, salute the flag, or recite the Pledge of Allegiance. If flags are donated or are otherwise available, flags shall be displayed in each classroom."

SECTION 5. G.S. 116-235 is amended by adding a new subsection to read:

"(i) The Display of the United States and North Carolina Flags and the Recitation of the Pledge of Allegiance. – The Board of Trustees shall adopt policies to require (i) the display of the United States and North Carolina flags in each classroom when available, (ii) the recitation of the Pledge of Allegiance on a daily basis, and (iii) the instruction on the meaning and historical origins of the flag and the Pledge of Allegiance. These policies shall not compel any person to stand, salute the flag, or recite the Pledge of Allegiance. If flags are donated or are otherwise available, flags shall be displayed in each classroom."

SECTION 6. This act is effective when it becomes law.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2005

S D

SENATE BILL 700

Education/Higher Education Committee Substitute Adopted 4/21/05
PROPOSED HOUSE COMMITTEE SUBSTITUTE S700-CSRQ-73 [v.1]

6/16/2006 12:39:23 PM

Short Title: Flag/Pledge of Allegiance in Schools. (Public)

Sponsors:

Referred to:

March 21, 2005

A BILL TO BE ENTITLED

AN ACT DIRECTING LOCAL BOARDS OF EDUCATION TO REQUIRE THE DISPLAY OF THE UNITED STATES AND NORTH CAROLINA FLAGS AND TO REQUIRE THAT RECITATION OF THE PLEDGE OF ALLEGIANCE IS SCHEDULED ON A DAILY BASIS.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 115C-47(29a) reads as rewritten:

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

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

...

(29a) To ~~Encourage~~ Require the Display of the United States and North Carolina Flags, and to ~~Encourage~~ Require the Recitation of the Pledge ~~or Oath~~ of Allegiance. – Local boards of education ~~are encouraged to~~ shall adopt policies to (i) ~~provide for~~ require the display of the United States and North Carolina flags in each classroom, when available, (ii) ~~provide the opportunity for students to recite the Pledge or Oath of Allegiance on a regular basis,~~ require that recitation of the Pledge of Allegiance be scheduled on a daily basis, and (iii) provide age-appropriate instruction on the meaning and historical origins of the flag and the Pledge of Allegiance. These policies shall not compel any person to stand, salute the flag, or recite the Pledge of Allegiance. If flags are donated or are otherwise available, flags shall be displayed in each classroom."

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

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2005

S 1

SENATE BILL 700

Short Title:	Customized Industry Training Program.	(Public)
Sponsors:	Senators Nesbitt; Apodaca, Atwater, Dalton, Forrester, Hartsell, Presnell, Snow, Swindell, and Thomas.	
Referred to:	Education/Higher Education.	

March 21, 2005

A BILL TO BE ENTITLED

AN ACT TO ESTABLISH THE CUSTOMIZED INDUSTRY TRAINING PROGRAM.

The General Assembly of North Carolina enacts:

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

"**§ 115D-7.1. Establishment of the Customized Industry Training Program.**

(a) There is created within the North Carolina Community College System the Customized Industry Training (CIT) Program. The CIT Program shall offer programs and training services as new options for assisting existing business and industry to remain productive, profitable, and within the State. Before a business or industry qualifies to receive assistance under the CIT Program, the President of the North Carolina System of Community Colleges shall determine that:

(1) The business is making an appreciable capital investment;

(2) The business is deploying new technology;

(3) The skills of the workers will be enhanced by the assistance; and

(4) The average wage of the workers receiving the training will increase measurably.

(b) The State Board shall report on an annual basis to the Joint Legislative Education Oversight Committee on:

(1) The total amount of funds received by a company under the CIT Program;

(2) The amount of funds per trainee received by that company;

(3) The amount of funds received per trainee by the community college delivering the training;

(4) The number of trainees trained by the company and community college; and

(5) The number of years that company has been funded.

(c) The State Board shall adopt rules and policies to implement this section."

SECTION 2. This act becomes effective July 1, 2005.

SENATE BILL 700:
Flag/Pledge of Allegiance in Schools

BILL ANALYSIS

Committee:	House Education	**Date:**	June 16, 2006
Introduced by:		**Summary by:**	Drupti Chauhan
Version:	PCS to Second Edition S700-CSRQ-73[v.1]		Committee Counsel

SUMMARY: : The Proposed Committee Substitute for Senate Bill 700 would require local boards of education to adopt policies providing for the display of the United States and North Carolina flags and requiring the daily recitation of the Pledge of Allegiance.

CURRENT LAW: G.S. 115C-47(29a) encourages local boards of education to adopt policies for (i) the display of the United States and North Carolina flags in each classroom; (ii) the opportunity for students to recite the Pledge or Oath of Allegiance on a regular basis; and (iii) the age-appropriate instruction on the meaning and historical origins of the flag and the Pledge of Allegiance. The policies may not compel any person to stand, salute the flag, or recite the Pledge of Allegiance.

BILL ANALYSIS: Senate Bill 1096 would require local boards of education to adopt policies that require the display of the United States and North Carolina flags, when available, in each classroom and that require the daily recitation of the Pledge of Allegiance.

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

BACKGROUND: Approximately 35 states require schools to include recitation of the Pledge of Allegiance during the school day. However, in the 1943 case of West Virginia Board of Education v. Barnette, the US Supreme Court held that states may not compel any person to salute and say the Pledge. In 2004, the US Supreme Court reversed a 9th Circuit Court of Appeals decision that stated that teacher-led recitation of the Pledge when it contained the words "under God" was unconstitutional. However, the US Supreme Court did not decide the case on the merits, but instead rejected the noncustodial parent's challenge for lack of standing. Elk Grove Unified Sch. Dist. v. Newdow, 542 U.S. 1 (2004).

S0700e2-SMRQ-CSRQ-73v1

HOUSE EDUCATION COMMITTEE MINUTES

Tuesday, June 27, 2006
Room 643 LOB
11:00 a.m.

Rep. Lucas called the meeting to order and welcomed everyone then introduced the Pages and Sergeants-at-Arms (sheets attached).

Rep. Rapp explains HB 836 Memorial Day Program in the Schools. Rules do not allow us to make amendments to this bill. Our task is to discuss the bill on its merit and we may decide to concur or not to concur.

Several members made comments and ask questions. Rep. Pate moved to concur with the bill as presented. The motion passes and the Committee concurs.

Meeting adjourned.

Respectfully submitted,

Marvin W. Lucas

Marvin W. Lucas, Chairing

Thelma T. Utley, Committee Assistant

2005 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES

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

By Representative Bell, Lucas, McLawhorn (Chairs) for the Committee on EDUCATION.

☒ Senate Committee Substitute for

HB 836 A BILL TO BE ENTITLED AN ACT DIRECTING THE STATE BOARD OF EDUCATION TO DEVELOP PROGRAMS FOR USE IN SCHOOLS ON THE MEANING AND IMPORTANCE OF MEMORIAL DAY.

☒ With recommendation that the House concur.

(FOR JOURNAL USE ONLY)

_____ Pursuant to Rule 32(a), the bill/resolution is re-referred to the Committee on _____.

_____ Pursuant to Rule 36(b), the bill/resolution is placed on the Calendar of _____.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2005

H 3

HOUSE BILL 836

Committee Substitute Favorable 4/20/05

Senate Education/Higher Educaton Committee Substitute Adopted 6/14/06

Short Title: Memorial Day Program in the Schools. (Public)

Sponsors: Senator Snow

Referred to:

March 22, 2005

A BILL TO BE ENTITLED

AN ACT DIRECTING THE STATE BOARD OF EDUCATION TO DEVELOP PROGRAMS FOR USE IN SCHOOLS ON THE MEANING AND IMPORTANCE OF MEMORIAL DAY.

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:

. . .

(33) Duty to develop recommended programs for use in schools on Memorial Day. – The State Board of Education shall develop recommended instructional programs that enable students to gain a better understanding of the meaning and importance of Memorial Day. All schools, especially schools that hold school on Memorial Day, shall recognize the significance of Memorial Day."

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

HOUSE BILL 836:
Memorial Day Program in the Schools

BILL ANALYSIS

Committee:	House Education	**Date:**	June 26, 2006
Introduced by:	Rep. Bell	**Summary by:**	Sara Kamprath
Version:	Third Edition		Committee Staff

SUMMARY: ***House Bill 836 would direct the State Board of Education to develop recommended instructional programs to aid students in gaining a better understanding of the meaning and importance of Memorial Day. All schools, especially those schools in session on Memorial Day, shall recognize the significance of Memorial Day.***

The bill is effective when it becomes law.

BACKGROUND: Memorial Day is a day of remembrance for persons who have died in the service of their country. In 1971, Congress passed the National Holiday Act of 1971 and designated the last Monday in May as Memorial Day.

H0836e3-SMRJ

HOUSE BILL 836:
Memorial Day Program in the Schools

BILL ANALYSIS

Committee:	House Education	**Date:**	June 26, 2006
Introduced by:	Rep. Bell	**Summary by:**	Sara Kamprath
Version:	Third Edition		Committee Staff

SUMMARY: ***House Bill 836 would direct the State Board of Education to develop recommended instructional programs to aid students in gaining a better understanding of the meaning and importance of Memorial Day. All schools, especially those schools in session on Memorial Day, shall recognize the significance of Memorial Day.***

The bill is effective when it becomes law.

BACKGROUND: Memorial Day is a day of remembrance for persons who have died in the service of their country. In 1971, Congress passed the National Holiday Act of 1971 and designated the last Monday in May as Memorial Day.

H0836e3-SMRJ

Memorial Day Program in the Schools
HB 836

After attending a Monday Memorial Day service on the square in Murphy, I left to return to Raleigh. As I traveled through Swain County, I realized that the Swain County schools were open on Memorial Day and I later found that only four Western North Carolina school systems out of eighteen, were closed – Cherokee County, Asheville City, Buncombe County, and Haywood County were the only closed schools.

After returning to Raleigh, I received a call on Tuesday from Paul Butler, a Veteran who lives in Graham County. He said he thought it was disrespectful for schools to be open on Memorial Day and asked me to do something about it or find out why.

I checked the school calendar and found that the only days you could not hold school was on Sunday and Veteran's Day.

I was encouraged by Senator Basnight to prepare a bill that would teach our children to learn about the meaning of Memorial Day. I felt that Memorial Day is an even more important day than Veteran's Day because it honors the soldiers who gave their lives for our country and to protect our freedom.

I spoke to the Education Chairs in the Senate and with Howard Lee to gain their guidance and then made the decision to go with a plan that would involve the State Board of Education in developing programs that will enable students to gain a better understanding of the meaning and importance of Memorial Day. The bill also gives special emphasis to schools that hold classes on Memorial Day about the significance of Memorial Day.

In presenting this bill on the Senate floor, I was asked the question – "Why did you not just make Memorial Day a day without school in recognition of the soldiers who died?"

The reason I did not do that is because I believe we need to have some educational programs for our children on this issue because as our veterans from World War II and Korea begin to die out, there will be fewer and fewer soldiers to carry on the traditions of honoring the soldiers who gave their lives for our freedoms. I felt it was more important to provide education and information to our children than to give another vacation day with no attention to the meaning of the day.

This bill received unanimous favorable support in the Senate Education committee and on the floor of the Senate and I ask for your support.

Senator John J. Snow, Jr.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2005

H D

HOUSE BILL 836

Committee Substitute Favorable 4/20/05

PROPOSED SENATE COMMITTEE SUBSTITUTE H836-CSLE-24 [v.3]

6/13/2006 6:11:59 PM

Short Title: Memorial Day Program in the Schools. (Public)

Sponsors:

Referred to:

March 22, 2005

A BILL TO BE ENTITLED

AN ACT DIRECTING THE STATE BOARD OF EDUCATION TO DEVELOP PROGRAMS FOR USE IN SCHOOLS ON THE MEANING AND IMPORTANCE OF MEMORIAL DAY.

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:

. . .

(33) Duty to develop recommended programs for use in schools on Memorial Day. – The State Board of Education shall develop recommended instructional programs that enable students to gain a better understanding of the meaning and importance of Memorial Day. All schools, especially schools that hold school on Memorial Day, shall recognize the significance of Memorial Day."

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

House Education
Notes for Agenda Items
June 27, 2006
11:00 am
Rep. Lucas, Chair

H 836 – Memorial Day Program in the Schools
Senator Snow

Sara is handling the bill.

This bill is being returned from the Senate for concurrence.

There are several motions that the committee can accept:

√ Recommend that the House concur in the Senate Committee Substitute for House Bill 836

Recommend that the House does not concur in the Senate Committee Substitute for House Bill 836

Recommend that the House does not concur in the Senate Committee Substitute for House Bill 836 and requests conferees

House Education
Notes for Agenda Items
June 27, 2006
11:00 am
Rep. Lucas, Chair

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Notes for Agenda Items
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Memorial Day Program in the Schools
HB 836

After attending a Monday Memorial Day service on the square in Murphy, I left to return to Raleigh. As I traveled through Swain County, I realized that the Swain County schools were open on Memorial Day and I later found that only four Western North Carolina school systems out of eighteen, were closed – Cherokee County, Asheville City, Buncombe County, and Haywood County were the only closed schools.

After returning to Raleigh, I received a call on Tuesday from Paul Butler, a Veteran who lives in Graham County. He said he thought it was disrespectful for schools to be open on Memorial Day and asked me to do something about it or find out why.

I checked the school calendar and found that the only days you could not hold school was on Sunday and Veteran's Day.

I was encouraged by Senator Basnight to prepare a bill that would teach our children to learn about the meaning of Memorial Day. I felt that Memorial Day is an even more important day than Veteran's Day because it honors the soldiers who gave their lives for our country and to protect our freedom.

I spoke to the Education Chairs in the Senate and with Howard Lee to gain their guidance and then made the decision to go with a plan that would involve the State Board of Education in developing programs that will enable students to gain a better understanding of the meaning and importance of Memorial Day. The bill also gives special emphasis to schools that hold classes on Memorial Day about the significance of Memorial Day.

In presenting this bill on the Senate floor, I was asked the question – "Why did you not just make Memorial Day a day without school in recognition of the soldiers who died?"

The reason I did not do that is because I believe we need to have some educational programs for our children on this issue because as our veterans from World War II and Korea begin to die out, there will be fewer and fewer soldiers to carry on the traditions of honoring the soldiers who gave their lives for our freedoms. I felt it was more important to provide education and information to our children than to give another vacation day with no attention to the meaning of the day.

This bill received unanimous favorable support in the Senate Education committee and on the floor of the Senate and I ask for your support.

Senator John J. Snow, Jr.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2005

H D

HOUSE BILL 836

Committee Substitute Favorable 4/20/05

PROPOSED SENATE COMMITTEE SUBSTITUTE H836-CSLE-24 [v.3]

6/13/2006 6:11:59 PM

Short Title: Memorial Day Program in the Schools. (Public)

Sponsors:

Referred to:

March 22, 2005

A BILL TO BE ENTITLED

AN ACT DIRECTING THE STATE BOARD OF EDUCATION TO DEVELOP PROGRAMS FOR USE IN SCHOOLS ON THE MEANING AND IMPORTANCE OF MEMORIAL DAY.

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

BLIC BILL

Ed / Higher Ed

~~Proposed~~ Senate Committee Substitute For
H.B. 836

SESSION LAW _____

A BILL TO BE ENTITLED

AN ACT DIRECTING THE STATE BOARD OF EDUCATION TO DEVELOP PROGRAMS FOR USE IN SCHOOLS ON THE MEANING AND IMPORTANCE OF MEMORIAL DAY.

Introduced by Representative(s): Bell

Principal Clerk's Use Only

Senate
mmittee Substitute
Adopted
Pursuant to Rule 45.1
JUN 14 2006

CHANGES TITLE

ULES SUSPENDED

ED ON TODAY'S CALENDAR
6/14/06

PASSED 2nd & 3rd READINGS
49-0 VV
JUN 14 2006
ORDERED SENT TO HOUSE OF REPRESENTATIVES

for Concurrence in Sen. Comm. Sub. Janet Pruitt

RECEIVED
JUN 14 2006 AM
3:50PM

Rec'd for Concurrence In
Sen. ~~Amd.~~/C.S. _____
JUN 19 2006
~~Placed on Calendar 3d(1)~~
Referred to Com.
Education
~~TITLE CHANGE~~

title change upon concurrence

SECOND
CORRECTED BILL NUMBER
Should be HB 836

NORTH CAROLINA HOUSE OF REPRESENTATIVES
COMMITTEE MEETING NOTICE
AND
BILL SPONSOR NOTIFICATION
2005-2006 SESSION

You are hereby notified that the Committee on EDUCATION will meet as follows:

DAY & DATE: **Tuesday, June 27, 2006**

TIME: **11:00 a.m.**

LOCATION: **643 LOB**

The following bills will be considered (Bill # & Short Title & Bill Sponsor):

HB 836 Memorial Day Program in the Schools – Senator Snow
~~HB 2423 – Repeal Out of State Tuition Exemption~~ Removed

Respectfully,
Representatives Bell, Lucas, McLawhorn
Chairs

I hereby certify this notice was filed by the committee assistant at the following offices at **11:00 a.m.** on **June 22, 2006.**

___Principal Clerk
___Reading Clerk - House Chamber

Thelma T. Utley (Committee Assistant)

AGENDA

HOUSE EDUCATION COMMITTEE MEETING

Tuesday, June 27, 2006
Room 643 LOB
11:00 a.m.

Representative Marvin W. Lucas
Presiding Chair

CALL TO ORDER

REMARKS

BILL TO BE CONSIDERED

HB 836 Memorial Day Program in the Schools.
Senator Snow

ADJOURNMENT

VISITOR REGISTRATION SHEET

Name of Committee _____ Date _____

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Jamie Fitzgerald	NCFPC
Jim Stegall	U.C.P.S.
Jonathan Ducote	NCGA Staff
[illegible]	NCFPC
Jeff Mixon	Civitas
Charlene Carey	NC Right to Life
Rita L. Joyner	SBE
Michael Houser	NCAE
Beth Ruckert	Intern
MIKIE BRAILSFORD	DENR DWM
Liz Cannon	DENR- DWM
Cathy McConnell	NCAARP

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2005

H 3

HOUSE BILL 836

Committee Substitute Favorable 4/20/05

Senate Education/Higher Educaton Committee Substitute Adopted 6/14/06

Short Title: Memorial Day Program in the Schools. (Public)

Sponsors:

Referred to:

March 22, 2005

A BILL TO BE ENTITLED

AN ACT DIRECTING THE STATE BOARD OF EDUCATION TO DEVELOP PROGRAMS FOR USE IN SCHOOLS ON THE MEANING AND IMPORTANCE OF MEMORIAL DAY.

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

House Pages

Name Of Committee: Education Date: 6-27-06

1. Name: John Berlesom (Sue's son)
   County: Wake
   Sponsor: Black
2. Name: Hannah Barnwell
   County: Guilford
   Sponsor: Maggie Jeffus
3. Name: Sarah Barnwell
   County: Guilford
   Sponsor: Maggie Jeffus
4. Name: Trent ~~Ball~~ Ball
   County: Craven
   Sponsor: Alice Underhill
5. Name: Eric Schneider
   County: Mecklenburg
   Sponsor: Jim Black

Sgt-At-Arms

1. Name: Frank Pryor
2. Name: Marvin Lee
3. Name: Martha Parrish
4. Name: Will Heath
5. Name: =

NORTH CAROLINA HOUSE OF REPRESENTATIVES
COMMITTEE MEETING NOTICE
AND
BILL SPONSOR NOTIFICATION
2005-2006 SESSION

You are hereby notified that the Committee on **House Education Committee** will meet as follows:

DAY & DATE: **Thursday, July 6, 2006**

TIME: **11:00 AM**

LOCATION: **643 LOB**

The following bills will be considered (Bill # & Short Title & Bill Sponsor):

SB 571 School Counselors & Dropout Prevention/ Study - Sen. Swindell

Respectfully,
Representatives Bell, Lucas, and McLawhorn
Chairs

I hereby certify this notice was filed by the committee assistant at the following offices at **5:00PM** on **July 5, 2006.**

___Principal Clerk
___Reading Clerk - House Chamber

Susan Burleson (Committee Assistant)

HOUSE EDUCATION COMMITTEE MEETING

Thursday, July 6, 2006
Room 643 LOB
11:00 AM

OPENING REMARKS AND INTRODUCTIONS

Representative Marian McLawhorn, Co-Chair, Presiding
Representative Larry Bell, Co-Chair
Representative Marvin Lucas, Co-Chair

AGENDA ITEMS

SB 571 School Counselors & Drop-out Prevention/Study

ADJOURNMENT

ATTENDANCE

Education

(Name of Committee)

DATES	5-16-06	5-23-06	5-30-06	6-6-06	6-20-06	6-27-06	7-6-06								
BELL, Larry	X	X	X	X	X	X	X								
LUCAS, Marvin	X	X	X	X	X	X	X								
McLAWHORN, Marian	X	X	X	X	X	X	X								
ADAMS, Alma	X				X	X									
ALLEN, Bernard	X	X	X	X	X	X	X								
BLACKWOOD, Curtis	X	X		X	X	X	X								
BORDSEN, Alice	X	X	X	X		X	X								
BROWN, Larry	X	X		X											
CARNEY, Becky	X	X	X		X	X	X								
CLEVELAND, George	X	X	X	X	X	X	X								
COLE, Nelson	X	X	X	X		X									
COLEMAN, Linda	X	X	X	X	X	X									
CRAWFORD, James	X														
DAUGHTRIDGE, William	X	X		X	X	X									
DICKSON, Margaret	X	X		X	X		X								
DOCKHAM, Jerry		X		X	X										
ENGLAND, Bob	X	X	X	X	X										
FISHER, Susan	X	X	X	X	X		X								
FOLWELL, Dale	X	X	X				X								
FRYE, Phillip	X	X		X	X	X	X								
GLAZIER, Rick	X	X	X	X		X									
GOFORTH, Bruce	X	X	X	X			X								
GOODWIN, Melanie	X	X	X	X	X	X	X								
GRADY, Robert															
HARRELL, James					X	X									
HARRISON, Pricey		X	X	X	X	X	X								

DATES	5-16-06	5-23-06	5-30-06	6-6-06	6-20-06	6-27-06	7-6-06								
HILTON, Mark	X		X		X	X									
HOLLO, Mark	X	X	X	X	X	X	X								
HOLLOWAY, Bryan	X	X			X	X	X								
HOLMES, George					X										
INSKO, Verla	X					X									
JEFFUS, MAGGIE	X	X	X		X	X	X								
JOHNSON, Linda	X	X	X	X											
JUSTICE, Carolyn	X	X	X		X										
LANGDON, James	X	X	X	X	X		X								
LUEBKE, Paul			X	X			X								
MARTIN, Grier	X	X	X	X	X	X	X								
McALLISTER, Mary	X		X	X	X	X	X								
MICHAUX, Mickey					X										
NYE, Edd					X		X								
PARMON, Earline	X		X		X	X	X								
PATE, Louis	X	X	X	X	X	X	X								
PRESTON, Jean	X				X										
RAPP, Raymond	X	X	X	X	X	X	X								
RAY, Karen	X	X	X	X											
SAULS, John		X													
STILLER, Bonner	X	X	X	X	X	X									
TOLSON, Joe	X	X	X	X	X	X	X								
WALKER, Tracy	X	X	X	X	X	X									
WARREN, Edith	X	X	X	X	X	X	X								
WILEY, Laura	X	X	X	X	X	X	X								
WILKINS, Winkie	X	X	X	X	X	X	X								
WOMBLE, Larry	X			X	X	X	X								

DATES	5-16-06	5-23-06	5-30-06	6-6-06	6-20-06	6-27-06	7-6-06								
WRAY, Michael	X			X	X										
YONGUE, Douglas	X	X													
IORIO, SHIRLEY	X	X	X	X	X	X	X								
CHAUHAN, DRUPTI	X	X	X	X	X	X	X								
KAMPRATH, SARA	X	X	X	X	X	X	X								
ATKINSON, DEE		X	X	X	X	X	X								
JOHNSON, ROBIN		X													

MINUTES
HOUSE EDUCATION COMMITTEE

July 6, 2006
11:00 AM Meeting

The House Education Committee met on Thursday, July 6, 2006 in Room 643 of the Legislative Office Building at 11:00 AM. The following members were present: Chairs Bell, Lucas and McLawhorn, Vice Chairs Dickson, Parmon, Representatives Allen, Blackwood, Bordsen, Carney, Cleveland, Fisher, Folwell, Frye, Goforth, Goodwin, Harrison, Hollo, Holloway, Jeffus, Langdon, Luebke, Martin, McAllister, Nye, Pate, Rapp, Tolson, Warren, Wiley, Wilkins, and Womble. Staff members present were Dee Atkinson, Shirley Iorio, Drupti Chauhan, and Sara Kamprath. A Visitor Registration, House Page and Sergeant-At-Arms lists is attached and made part of these minutes.

Chairwoman Marian McLawhorn made introductions and called the meeting to order.

Chairwoman McLawhorn introduced Senator A. B. Swindell, primary bill sponsor, to explain SB 571, A BILL TO BE ENTITLED AN ACT DIRECTING THE STATE BOARD OF EDUCATION TO REPORT ON THE ROLE SCHOOL COUNSELORS PLAY IN PROVIDING DROPOUT PREVENTION AND INTERVENTION SERVICES TO STUDENTS IN MIDDLE AND HIGH SCHOOL. Representative Lucas made a motion to bring the proposed committee substitute before the committee for discussion. Senator Swindell explained the committee substitute. A copy of the original bill, proposed committee substitute, and bill summary is attached and made part of these minutes. Representatives Bell, Fisher, Blackwood, Pate, Rapp, and Allen commented on the bill. Representative Pate sent forth an amendment (See Attachment 1). Representative Wilkins moved for adoption of the amendment and the amendment carried. Upon motion made by Representative Bell, the committee voted to give SB 571 a favorable report to the bill as amended, rolled into a committee substitute, with a favorable report to the committee substitute and an unfavorable report to the original bill.

With there being no further business, the chairwoman adjourned the meeting at 11:25 AM.

Respectively submitted,

Marian N. McLawhorn
Representative Marian McLawhorn

Susan H. Burleson
Susan H. Burleson, Committee Assistant

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2005

S 1

SENATE BILL 571

Short Title:	School Counselors & Dropout Prevention/Study.	(Public)
Sponsors:	Senators Swindell; Albertson, Allran, Atwater, Bingham, Clodfelter, Dannelly, Dorsett, Garwood, Jenkins, Kinnaird, Lucas, Malone, Rand, Soles, Stevens, Thomas, and Tillman.	
Referred to:	Education/Higher Education.	

March 16, 2005

A BILL TO BE ENTITLED

AN ACT DIRECTING THE STATE BOARD OF EDUCATION TO REPORT ON THE ROLE SCHOOL COUNSELORS PLAY IN PROVIDING DROPOUT PREVENTION AND INTERVENTION SERVICES TO STUDENTS IN MIDDLE AND HIGH SCHOOL.

The General Assembly of North Carolina enacts:

SECTION 1. Research shows that school counselors can provide effective services to students that encourage them to stay in school, succeed in school, and graduate from high school. Research also shows that middle school is a critical time for students who are at risk of dropping out of school. The General Assembly currently provides funding that local school administrative units may use to hire school counselors; it is unclear, however, what role school counselors play in providing effective and efficient dropout prevention and intervention services to students in middle and high school. The General Assembly needs additional information to determine whether adjustments should be made in funding for school counselors or assignment of duties to school counselors; therefore, the State Board of Education shall report the following information to the Joint Legislative Education Oversight Committee prior to March 15, 2006:

(1) The number of school counselors per school with a sixth grade or higher grade;

(2) The source of funds used for each of these counselors;

(3) A review and analysis of the counselors' primary duties by school;

(4) A summary and description of school-based dropout prevention and intervention services provided directly to students in the sixth grade and higher grades, including the role of school counselors in providing the services; and

(5) The number of school counselors and other individuals per local school administrative unit whose primary responsibility is to provide school-based dropout prevention and intervention services and the percentage of their time spent providing these services.

SECTION 2. This act becomes effective July 1, 2005.

SENATE BILL 571:
School Counselors & Dropout Prevention/Study

BILL ANALYSIS

Committee:	House Education	**Date:**	July 6, 2006
Introduced by:	Sen. Swindell	**Summary by:**	Shirley Iorio, Ph D
Version:	PCS to First Edition S571-CSSF-44[v.1]		Legislative Analyst

SUMMARY: ***Senate Bill 571 would require the State Board of Education to report on the roles school counselors play in providing effective dropout prevention and intervention services to students in middle and high schools. The bill specifies the information to be included in the report to the Joint Legislative Education Oversight Committee.***

The Proposed Committee Substitute (PCS) to Senate Bill 571 would add a new Section 2. The State Board of Education would be required to report to the Joint Legislative Education Oversight Committee on the implementation of their new policy delineating the job description and performance criteria for School Counselors.

The PCS also changes the reporting date in Section 1 and the effective date in Section 3.

EFFECTIVE DATE: The act would become effective July 1, 2006.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2005

S D

SENATE BILL 571
PROPOSED HOUSE COMMITTEE SUBSTITUTE S571-CSSF-44 [v.2]

7/6/2006 10:38:50 AM

Short Title: School Counselors & Dropout Prevention/Study. (Public)

Sponsors:

Referred to:

March 16, 2005

A BILL TO BE ENTITLED

AN ACT DIRECTING THE STATE BOARD OF EDUCATION TO REPORT ON THE ROLE SCHOOL COUNSELORS PLAY IN PROVIDING DROPOUT PREVENTION AND INTERVENTION SERVICES TO STUDENTS IN MIDDLE AND HIGH SCHOOL AND ON THE STATE BOARD'S IMPLEMENTATION OF ITS POLICY REGARDING SCHOOL COUNSELORS.

The General Assembly of North Carolina enacts:

SECTION 1. Research shows that school counselors can provide effective services to students that encourage them to stay in school, succeed in school, and graduate from high school. Research also shows that middle school is a critical time for students who are at risk of dropping out of school. The General Assembly currently provides funding that local school administrative units may use to hire school counselors; it is unclear, however, what role school counselors play in providing effective and efficient dropout prevention and intervention services to students in middle and high school. The General Assembly needs additional information to determine whether adjustments should be made in funding for school counselors or assignment of duties to school counselors; therefore, the State Board of Education shall report the following information to the Joint Legislative Education Oversight Committee prior to March 15, 2007.

(1) The number of school counselors per school with a sixth grade or higher grade;

(2) The source of funds used for each of these counselors;

(3) A review and analysis of the counselors' primary duties by school;

(4) A summary and description of school-based dropout prevention and intervention services provided directly to students in the sixth grade and higher grades, including the role of school counselors in providing the services; and

(5) The number of school counselors and other individuals per local school administrative unit whose primary responsibility is to provide school-based dropout prevention and intervention services and the percentage of their time spent providing these services.

SECTION 2. The State Board of Education shall report to the Joint Legislative Education Oversight Committee prior to November 1, 2007, on the implementation of State Board Policy QP-C-012, Policy Delineating the Job Description and Performance Criteria for School Counselors.

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

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2005

S D

SENATE BILL 571
PROPOSED HOUSE COMMITTEE SUBSTITUTE S571-PCS55517-SF-44

Short Title: School Counselors & Dropout Prevention/Study. (Public)

Sponsors:

Referred to:

March 16, 2005

A BILL TO BE ENTITLED

AN ACT DIRECTING THE STATE BOARD OF EDUCATION TO REPORT ON THE ROLE SCHOOL COUNSELORS PLAY IN PROVIDING DROPOUT PREVENTION AND INTERVENTION SERVICES TO STUDENTS IN MIDDLE AND HIGH SCHOOL AND ON THE STATE BOARD'S IMPLEMENTATION OF ITS POLICY REGARDING SCHOOL COUNSELORS.

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(1) The counselor-to-student ratio in schools with a sixth grade or higher grade;

(2) The source of funds used for each of these counselors;

(3) A review and analysis of the counselors' primary duties by school;

(4) A summary and description of school-based dropout prevention and intervention services provided directly to students in the sixth grade and higher grades, including the role of school counselors in providing the services; and

(5) The number of school counselors and other individuals per local school administrative unit whose primary responsibility is to provide school-based dropout prevention and intervention services and the percentage of their time spent providing these services.

SECTION 2. The State Board of Education shall report to the Joint Legislative Education Oversight Committee prior to November 1, 2007, on the implementation of State Board Policy QP-C-012, Policy Delineating the Job Description and Performance Criteria for School Counselors.

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

NORTH CAROLINA GENERAL ASSEMBLY AMENDMENT

(Please type or use ballpoint pen)

EDITION No. _____

H. B. No. _____ DATE 7/6/06

S. B. No. 571 Amendment No. _____

(to be filled in by Principal Clerk)

COMMITTEE SUBSTITUTE ✓

Rep.)
) Pate
Sen.)

1 moves to amend the bill on page 1, line s 20-21

2 ( ) WHICH CHANGES THE TITLE

3 by rewriting the lines to read:

4 "(1) the commission to student ratio in schools with a sixth grade or

5 higher grade;"

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19

SIGNED Louis D. Pate

ADOPTED ✓ FAILED _____ TABLED _____

PRINCIPAL CLERK'S OFFICE

2005 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES

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

By Representative Bell, Lucas, McLawhorn (Chairs) for the Committee on EDUCATION.

☐ Committee Substitute for

SB 571 A BILL TO BE ENTITLED AN ACT DIRECTING THE STATE BOARD OF EDUCATION TO REPORT ON THE ROLE SCHOOL COUNSELORS PLAY IN PROVIDING DROPOUT PREVENTION AND INTERVENTION SERVICES TO STUDENTS IN MIDDLE AND HIGH SCHOOL.

☒ With a favorable report as to the House committee substitute bill, which changes the title, unfavorable as to the original bill..

(FOR JOURNAL USE ONLY)

_____ Pursuant to Rule 32(a), the bill/resolution is re-referred to the Committee on _____.

_____ Pursuant to Rule 36(b), the (House/Senate) committee substitute bill/(joint) resolution (No._____) is placed on the Calendar of _____. (The original bill resolution No._____) is placed on the Unfavorable Calendar.

_____ The (House) committee substitute bill/(joint) resolution (No. ____) is re-referred to the Committee on _____. (The original bill/resolution) (House/Senate Committee Substitute Bill/(Joint) resolution No. ___) is placed on the Unfavorable Calendar.

House Pages

Name Of Committee: EDUCATION Date: 6-7-06

1. Name: Betsy Martin
   County: Cleveland
   Sponsor: Kiser

2. Name: John Davids
   County: Wake
   Sponsor: Black

3. Name: Jennifer Hanbrick
   County: Durham
   Sponsor: Miller

4. Name: Ashley Yohnson
   County: Wake
   Sponsor: Black

5. Name: Diva Desai
   County: Wake
   Sponsor: Weiss

Stancell Haigwood
Pitt
McLawhorn

Ashley Forte
Durham
Miller

Kelly Wilson
Rockingham
Cole

Sgt-At-Arms

1. Name: MARTHA PARRISH
2. Name: GERALD PERRY
3. Name: FRANK PIEVO
4. Name: MARVIN LEE
5. Name: —

VISITOR REGISTRATION SHEET

House Education Committee — 11AM - July 6, 2006

Name of Committee — **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Cameron Contizano	Daily Bulletin
Larry Wilson	CBE
Jill Shotzberger	ACLU-NC
Kristin Kelly	gov. office
Cary Wright	gov. office
Jane Fitzgerald	NC Family Policy Council
Eric Sauls	Edmisten + Webb
Cde Taylor	Office of the Governor
Ann McArthur	Governor's Office
Gerrick Brenner	WTVD
Crystal Reardon	NCDPI - Dropout Prevention & Character Ed.
	SOS - NC

VISITOR REGISTRATION SHEET

House Education Committee — 11AM - July 6, 2006

Name of Committee — **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
[signature]	WCPSS
[signature]	NCASA
Danny Lineberry	ITS
Gene Causby	NCSCA
Jim Stegall	U.C.P.S.
[signature]	NCAE
Linda Dunlap	NCAE

VISITOR REGISTRATION SHEET

House Education Committee — 11AM - July 6, 2006

Name of Committee — **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Charlene Carey	NC Right to Life
Michael Houser	NCAE
Molly Rgn	NCSBA

MINUTES

HOUSE COMMITTEE ON EDUCATION

July 13, 2006

The House Committee on Education met at 11:00 a.m. on Tuesday, July 13, 2006 in room 643 of the Legislative Office building. The following Representatives were present: **Chairs**: Bell, Lucas and McLawhorn; **Vice Chairs**: Dickson, Glazier, Parmon, and Preston; **Members**: Blackwood, Brown, Carney, Cleveland, Cole, Crawford, Daughtridge, Folwell, Frye, Goforth, Wade-Goodwin, Harrison, Hilton, Hollo, Holloway, Jeffus, Langdon, Luebke, Martin, Michaux, Pate, Ray, Tolson, Walker, Warren, Wiley, Wilkins, and Wray.

Research staff persons included: **Attorneys**: Drupti Chauhan and Robin Johnson; **Legislative Analyst**: Dr. Shirley Iorio and Sara Kamprath; **Assistant** Dee Atkinson. **Legislative Committee Assistants**: Susan Burleson, Carolyn Edwards and Thelma Utley.

The Agenda, Committee Meeting Notice, Pages/Sergeant at Arms Sheet, Visitor Registration Sheets, Bill Analysis and Committee Report are attached and incorporated into the minutes.

Chairman Bell declared the meeting to order and all introductions were completed. **Representative Lucas** was recognized to speak on **SB 862 – A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE STATE BOARD OF EDUCATION TO ISSUE SPECIAL DIPLOMAS TO QUALIFIED VETERANS OF KOREA AND VIETNAM.** He states "SB 862 is a bill that's designed to grant special diplomas to career and Vietnam vets. This bill is similar to a bill that I ran a few years ago that allowed special diplomas for vets of World War II. It's a bill that is brought to us by Senator Berger of Franklin County and it authorizes the State Board of Education to issue special high school diplomas to Korean Conflict and Vietnam Era Veterans who were honorably discharged and never previously received a high school diploma. This diploma must be requested by the veteran and the bill would become effective when it becomes law."

Representative Pate questions the feelings of the sponsor to amend the bill for the veterans of Desert Storm.

Larry Teheton of The North Carolina American Legion spoke on behalf of the bill and in doing so answer the question regarding the Desert Storm veterans. "This particular bill was limited to Vietnam because those veterans who served in Korea and Vietnam were the last people who were drafted by the United States Army. Everybody else who has served since that time has volunteered their services. This bill merely extends the authority of the State Board of Education to award the diploma to the Vietnam and Korean veterans because those were the last people that had their lives interrupted, not by their choice but by the choice of Uncle Samuel. The American Legion, in conference last year, voted to support this bill, in fact we asked Senator Berger to introduce it."

Representative Blackwood queries how many people would be potentially impacted by the bill?

Rebecca Garland, Executive Director State Board of Education commented that since legislation was passed authorizing the state board to issue high school diplomas to World War II veterans, 364 individuals have taken advantage of that legislation.

Representative McLawhorn queries the input of local education agencies.

Charlie Smith, Director of Veteran Affairs for the State of North Carolina stated his involvement since the inception of the original legislation that Representative Lucas sponsored years ago. The local boards have been involved throughout the years to identify those individuals seeking a diploma. The Department of Public Instruction has the criteria and the means set up to facilitate. There will still be input from the local boards, local high schools and the citizens in the communities to identify those veterans who are worthy of obtaining a high school diploma.

Representative Cleveland motioned that SB 862 receive a favorable report. The committee voted and SB 862 passed.

Chairman Bell explains that the Education Chairs decided that because **HB 2423 -A BILL TO BE ENTITLED AN ACT TO REPEAL A BUDGET PROVISION GRANTING IN-STATE TUITION TO CERTAIN FULL SCHOLARSHIP STUDENTS,** generated so much controversy and would have to have a great deal of input, a special committee would be formed. The following Representatives were named: Tolson and Warren (Co-Chairs); Brown, Carney, Cleveland, Langdon, Parmon and Wilkins (Members).

The meeting was adjourned at 11:45 A.M.

Respectfully submitted,

Carolyn A. Edwards

Carolyn A. Edwards, Committee Assistant

Larry M. Bell

Representative Larry M. Bell
Presiding Chair

VISITOR REGISTRATION SHEET

EDUCATION — July 13, 2006

Name of Committee — **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME: *(Please Print)*	FIRM OR AGENCY AND ADDRESS
Kenneth Whitehurst	NC Comm. Coll. System Ofc.
Mary Wilson	SBE
Rebecca Gadsden	SBE
Jami Fitzgerald	NC Family Policy Council
Leanne Winner	NCSBA
Molly Ryan	NCSBA
Kathrynne Joyce	NCASA
[illegible]	NCICU
Jim Stegall	U.C.P.S.
Kevin FitzGerald	UNC
Aaron Chang	Intern, Rep. Glazier

VISITOR REGISTRATION SHEET

EDUCATION — July 13, 2006

Name of Committee — **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME: (*Please Print*)	FIRM OR AGENCY AND ADDRESS
LARRY TeHeat3U	AM Legion
Charlie Smith	NCDVA
Judy McConnell	IOG
Cameron Contrisano	Daily Bulletin
DAVID RICE	MANNING, FULTON & SKINNER
Michael Houser	NCAE

PAGES INFORMATION SHEET

House Committee on Education
July 13, 2006

NAME	COUNTY	REPRESENTATIVE
1. Blair James	Mecklenburg	Gulley
2. Lauren Nejberger	Mecklenburg	Gulley
3. Connolly Walker	Carteret	Black
4. Avery Weisel	Wake	Morgan

SERGEANT AT ARMS

1. Martha Gadison
2. Martha Parrish
3. Frank Prevo
4. James Worth

AGENDA

HOUSE EDUCATION COMMITTEE

July 13, 2006
11:00 A.M.
Room 643 LOB

Representative Larry M. Bell
Presiding Chair

CALL TO ORDER

OPENING REMARKS

BILLS TO BE CONSIDERED:

HB 2423 – Repeal Out-of-State Tuition Exemption - Rep. Cleveland

SB 862 – Special Diplomas to Korea and Vietnam Vets– Sen. Doug Berger

ADJOURNMENT

Chairs:
Representative L. Bell
Representative M. Lucas
Representative M. McLawhorn

2005 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES

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

By Representative Bell, Lucas, McLawhorn (Chairs) for the Committee on EDUCATION.

☐ Committee Substitute for

SB 862 A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE STATE BOARD OF EDUCATION TO ISSUE SPECIAL DIPLOMAS TO QUALIFIED VETERANS OF KOREA AND VIETNAM.

☒ With a favorable report.

(FOR JOURNAL USE ONLY)

_____ Pursuant to Rule 32(a), the bill/resolution is re-referred to the Committee on _____.

_____ Pursuant to Rule 36(b), the bill/resolution is placed on the Calendar of _____.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2005

S 1

SENATE BILL 862

Short Title:	Special Diplomas to Korea and Vietnam Vets.	(Public)
Sponsors:	Senators Berger of Franklin; Atwater, Bingham, and Brown.	
Referred to:	Education/Higher Education.	

March 23, 2005

A BILL TO BE ENTITLED

AN ACT TO AUTHORIZE THE STATE BOARD OF EDUCATION TO ISSUE SPECIAL DIPLOMAS TO QUALIFIED VETERANS OF KOREA AND VIETNAM.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 115C-12 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:

...

(29) To issue special high school diplomas to veterans of ~~World War II.~~ World War II, Korea, and Vietnam. – The State Board of Education shall issue special high school diplomas to all honorably discharged veterans of ~~World War II~~ World War II, the Korean Conflict, and the Vietnam era who request special diplomas and have not previously received high school diplomas."

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

SENATE BILL 862:
Special Diplomas to Korea and Vietnam Vets

BILL ANALYSIS

Committee:	House Education	**Date:**	July 13, 2006
Introduced by:	Sen. Berger of Franklin	**Summary by:**	Sara Kamprath
Version:	First Edition		Committee Staff

SUMMARY: ***Senate Bill 862 authorizes the State Board of Education to issue special high school diplomas to Korean Conflict and Vietnam era veterans who were honorably discharged, have never previously received a high school diploma, and request the special diploma. The bill is effective when it becomes law.***

BACKGROUND: In 2001, the General Assembly passed legislation authorizing the State Board of Education to issue a special high school diploma to any honorably discharged World War II veteran who had not already received a diploma. Either the veteran or a family member of a deceased veteran must submit an application for the special diploma.

The State Board of Education adopted the attached policy that outlines the procedures for issuing the special diploma and the qualifications that the veteran must meet in order to receive the special diploma.

The 2001 legislation was a result of a national effort called "Operation Recognition" to recognize the sacrifice of the many veterans of World War II who left high school before graduation to serve in the U.S. armed forces and to issue those veterans a high school diploma.

According to data from the Department of Public Instruction, 363 World War II veterans have received the special high school diplomas.

S0862e1-SMRJ

NORTH CAROLINA STATE BOARD OF EDUCATION
Policy Manual

Policy Identification
Priority: High Student Performance
Category: Miscellaneous Graduation Policies
Policy ID Number: HSP-L-005

Policy Title: Policy on issuance of special high school diploms for World War II veterans

Current Policy Date: 07/12/2001

Other Historical Information:

Statutory Reference: GS 115C-12(29)

Administrative Procedures Act (APA) Reference Number and Category:

In honor of the sacrifices of World War II veterans, the State Board of Education authorizes the Department of Public Instruction to issue honorary diplomas to those who served in World War II and who present legal documentation of being honorably discharged. A veteran must send to the Department of Public Instruction a request for a diploma and attach documentation of his/her honorable discharge.

OPERATION RECOGNITION

On May 17, 2001, Governor Easley signed into law Session Law 2001-86, which directs the State Board of Education to issue special high school diplomas to all honorably discharged veterans of World War II who request the diploma and who have not previously received high school diplomas. This law is the result of a national effort known as Operation Recognition. Several North Carolina school systems have already participated in Operation Recognition by awarding diplomas to veterans.

Background
"Operation Recognition" is a program to award high school diplomas to World War II veterans who left high school to go to war.

During the 1940's, thousands of young men and women across the country left high school and the comforts of home and hearth to serve gallantly in the armed forces during World War II. Their sacrifice ensured our freedom, built our country into a superpower, and shaped the entire course of history throughout the world. After the war, many of these veterans were not able to finish high school for various reasons, but led productive lives and built our communities over a lifetime.

Procedures/Qualifications:
1. To be eligible, the veteran must have:
   a. attended a North Carolina high school between the years of 1937 and 1946 with graduation class years of 1940-1950 (12th grade was added in 1942);
   b. left high school prior to graduation to enlist in the armed forces of the United States;
   c. served in WWII between September 16, 1940, and December 31, 1946; and
   d. been honorably discharged.

2. Either the veteran or a family member of a deceased veteran must submit to the State Board of Education:

a. an application for a "WWII Veterans" high school diploma; and
b. a copy of honorable discharge papers (DD Form 214) attached to the application.

3. The State Board will submit the application to the Division of Veterans' Affairs for verification of the veteran's military service eligibility. Upon receipt of that verification, the State Board of Education will issue a diploma to the veteran.

4. Any veteran who has received a high school diploma from a local board of education in connection with Operation Recognition is not entitled to receive another diploma from the State Board of Education. However, receipt of a G.E.D. does not prohibit the veteran from receiving this diploma.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2005

H 1

HOUSE BILL 2423

Short Title:	Repeal Out-of-State Tuition Exemption.	(Public)
Sponsors:	Representatives Cleveland; Allred, Almond, Blackwood, Capps, Culp, Current, Dollar, Folwell, Frye, Goodwin, Holloway, Langdon, Pate, Rayfield, Stam, Starnes, Walend, and Wiley.	
Referred to:	Education.	

May 24, 2006

A BILL TO BE ENTITLED

AN ACT TO REPEAL A BUDGET PROVISION GRANTING IN-STATE TUITION TO CERTAIN FULL SCHOLARSHIP STUDENTS.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 116-143.6, as enacted by Section 9.27 of S.L. 2005-276, is repealed.

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