

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011

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HOUSE BILL 823

Short Title: Governance of the Dep't of Public Instruction. (Public)

Sponsors: Representatives Holloway, Hilton, Brubaker, and Blackwell (Primary Sponsors).
For a complete list of Sponsors, see Bill Information on the NCGA Web Site.

Referred to: Education, if favorable, Judiciary, if favorable, Finance.

April 7, 2011

A BILL TO BE ENTITLED

AN ACT TO AMEND THE NORTH CAROLINA CONSTITUTION TO MAKE THE SUPERINTENDENT OF PUBLIC INSTRUCTION THE HEAD OF THE DEPARTMENT OF PUBLIC INSTRUCTION, TO MAKE THE STATE BOARD OF EDUCATION AN ADVISORY BODY, TO MODIFY THE MEMBERSHIP OF THE STATE BOARD OF EDUCATION, AND TO MAKE CONFORMING CHANGES TO THE GENERAL STATUTES.

The General Assembly of North Carolina enacts:

AMENDMENTS TO THE CONSTITUTION

SECTION 1.(a) Section 4 of Article IX of the North Carolina Constitution reads as rewritten:

"Sec. 4. State Board of Education, Superintendent of Public Instruction.

(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. head of the Department of Public Instruction. The Superintendent of Public Instruction shall supervise and administer the free public school system and the educational funds provided for its support, except the funds mentioned in Section 7 of this Article, and shall make all needed rules and regulations in relation thereto, subject to laws enacted by the General Assembly.~~

SECTION 1.(b) Section 5 of Article IX of the North Carolina Constitution reads as rewritten:

"Sec. 5. Powers and duties of Board, State Board of Education.

(1) The State Board of Education shall consist of the Lieutenant Governor, the Treasurer, the Superintendent of Public Instruction, three members appointed by the Governor, four members appointed by the Speaker of the House of Representatives, and four members appointed by the President Pro Tempore of the Senate. Appointments shall be for overlapping



1 terms of eight years. Appointments to fill vacancies shall be made by the appointing officer for
 2 the unexpired terms.

3 ~~The State Board of Education shall supervise and administer~~ advise the Superintendent of
 4 Public Instruction on the supervision and administration of the free public school system and
 5 the educational funds provided for its support, except the funds mentioned in Section 7 of this
 6 Article, and shall make all needed rules and regulations in relation thereto, subject to laws
 7 enacted by the General Assembly support."

8 **SECTION 2.** The amendments set out in Section 1 of this act shall be submitted to
 9 the qualified voters of the State at a statewide election to be conducted on November 6, 2012,
 10 which election shall be conducted under the laws then governing elections in the State. Ballots,
 11 voting systems, or both may be used in accordance with Chapter 163 of the General Statutes.
 12 The question to be used in the voting systems and ballots shall be:

13 "[] FOR [] AGAINST

14 Constitutional amendments to make the Superintendent of Public Instruction the
 15 head of the Department of Public Instruction, to make the State Board of Education an advisory
 16 body, and to modify the membership of the State Board of Education."

17 **SECTION 3.** If a majority of votes cast on the question are in favor of the
 18 amendments set out in Section 1 of this act, the State Board of Elections shall certify the
 19 amendments to the Secretary of State. The Secretary of State shall enroll the amendments so
 20 certified among the permanent records of that office. The amendments set out in Section 1 of
 21 this act shall become effective January 1, 2013.

22 23 CONFORMING CHANGES TO STATUTES

24
25 **SECTION 4.** G.S. 143A-44.1 reads as rewritten:

26 "§ 143A-44.1. Creation.

27 There is hereby created a Department of Public Instruction. The head of the Department of
 28 Public Instruction is the ~~State Board of Education~~ Superintendent of Public Instruction. ~~Any~~
 29 ~~provision of G.S. 143A-9 to the contrary notwithstanding, the appointment of the State Board~~
 30 ~~of Education shall be as prescribed in Article IX, Section (4)(1) of the Constitution."~~

31 **SECTION 5.** G.S. 143A-44.2 reads as rewritten:

32 "§ 143A-44.2. ~~State Board of Education; Superintendent of Public Instruction; transfer~~ 33 ~~of powers and duties to State Board, Superintendent.~~

34 (a) ~~The State Board of Education~~ Superintendent of Public Instruction shall have all
 35 powers and duties conferred on ~~the Board~~ that office by this Article, delegated to the Board by
 36 the Governor, and conferred by the Constitution and laws of this State.

37 (b) The Superintendent of Public Instruction shall be considered a continuation of the
 38 State Board of Education for the purpose of succession to all rights, powers, duties, and
 39 obligations of the State Board of Education and of those rights, powers, duties, and obligations
 40 exercised by the State Board of Education on behalf of the Department of Public Instruction.
 41 Where the State Board of Education is referred to by law, contract, or other document, that
 42 reference shall apply to the Superintendent."

43 **SECTION 6.** G.S. 143A-44.3 reads as rewritten:

44 "§ 143A-44.3. ~~Superintendent of Public Instruction; State Board of Education; creation;~~ 45 ~~transfer of powers and duties. creation.~~

46 ~~The office of the Superintendent of Public Instruction, State Board of Education as provided~~
 47 ~~for by Article III, Section 7~~ Article IX, Section 4 of the Constitution, and the Department of
 48 Public Instruction are ~~Constitution, is transferred to~~ located in the Department of Public
 49 Instruction. ~~The Superintendent of Public Instruction shall be the Secretary and Chief~~
 50 ~~Administrative Officer of the State Board of Education, State Board of Education shall advise~~
 51 the Superintendent of Public Instruction on the supervision and administration of the free

1 public school system and the educational funds provided for its support and shall have all
2 powers and duties conferred by the Constitution, by the State Board of
3 Education, Superintendent of Public Instruction, Chapter 115C of the General Statutes, and the
4 laws of this State."

5 SECTION 7. G.S. 115C-10 reads as rewritten:

6 "**§ 115C-10. Appointment of Board; powers and duties.**

7 (a) The State Board of Education shall consist of the Lieutenant Governor, the State
8 Treasurer, the Superintendent of Public Instruction, three members appointed by the Governor,
9 four members appointed by the Speaker of the House of Representatives, and four members
10 appointed by the President Pro Tempore of the Senate. Appointments shall be for overlapping
11 terms of eight years. Appointments to fill vacancies shall be made by the appointing officer for
12 the unexpired terms, and 11 members appointed by the Governor, subject to confirmation by
13 the General Assembly in joint session. Not more than two public school employees paid from
14 State or local funds may serve as appointive members of the State Board of Education. No
15 spouse of any public school employee paid from State or local funds and no spouse of any
16 employee of the Department of Public Instruction may serve as an appointive member of the
17 State Board of Education. Of the appointive members of the State Board of Education, one
18 shall be appointed from each of the eight educational districts and three shall be appointed as
19 members at large. Appointments shall be for terms of eight years and shall be made in four
20 classes. Appointments to fill vacancies shall be made by the Governor for the unexpired terms
21 and shall not be subject to confirmation.

22 ~~The Governor shall transmit to the presiding officers of the Senate and the House of~~
23 ~~Representatives, on or before the sixtieth legislative day of the General Assembly, the names of~~
24 ~~the persons appointed by the Governor and submitted to the General Assembly for~~
25 ~~confirmation; thereafter, pursuant to joint resolution, the Senate and the House of~~
26 ~~Representatives shall meet in joint session for consideration of an action upon such~~
27 ~~appointments.~~

28 (b) The State Board of Education shall advise the Superintendent of Public Instruction
29 on the supervision and administration of the free public school system and the educational
30 funds provided for its support."

31 SECTION 8. G.S. 115C-11 reads as rewritten:

32 "**§ 115C-11. Organization and internal procedures of Board.**

33 (a) Presiding Officer. – The Superintendent of Public Instruction shall be the chair of
34 the State Board of Education. The State Board of Education shall elect from its membership a
35 chairman and vice-chairman, vice-chair. A majority of the Board shall constitute a quorum for
36 the transaction of business. Per diem and expenses of the appointive members of the Board
37 shall be provided by the General Assembly. The chairman of the Board shall preside at all
38 meetings of the Board. In the absence of the chairman, the vice-chairman, vice-chair shall
39 preside; in the absence of both the chairman and the vice-chairman, vice-chair, the Board shall
40 name one of its own members as chairman pro tempore.

41 ...

42 (e) ~~Voting on Adoption of Textbooks.—A majority vote of the whole membership of~~
43 ~~the Board shall be required to adopt textbooks, and a roll call vote shall be had on each motion~~
44 ~~for such adoption or adoptions. A record of all such votes shall be kept in the minute book.~~

45 (f) Committees. – The Board may create from its membership such committees as it
46 deems necessary to facilitate its business. The chairman of the Board shall ~~with approval of the~~
47 ~~majority of the Board~~ appoint members to the several committees authorized by the Board and
48 to any additional committees which the chairman may deem to be appropriate.

49 ...

50 (h) Rules and Regulations. – The Board shall adopt reasonable rules and regulations not
51 inconsistent herewith, to govern its proceedings which the Board may amend from time to time,

1 which rules and regulations shall become effective when filed as provided by law: Provided,
2 however, a motion to suspend the rules so adopted shall require a consent of two-thirds of the
3 members. The rules and regulations shall include, but not be limited to, clearly defined
4 procedures for electing the ~~officers of the State Board referred to in G.S. 115C-11(a), vice-chair~~
5 ~~of the board,~~ fixing the term of said ~~officers, officer,~~ specifying how the voting shall be carried
6 out, and establishing a date when the first election shall be held."

7 **SECTION 9.** G.S. 115C-12.1 reads as rewritten:

8 "**§ 115C-12.1. Training of State Board members.**

9 The ~~State Board of Education~~ Superintendent of Public Instruction shall establish minimum
10 training requirements for members of the State Board of Education. All Board members shall
11 participate in training programs, as required by the State Board."

12 **SECTION 10.** G.S. 115C-19 reads as rewritten:

13 "**§ 115C-19. ~~Chief administrative officer of the State Board of Education.~~Powers and**
14 **duties generally.**

15 (a) As provided in Article IX, ~~Sec. 4(2)~~ Sec. 4 of the North Carolina Constitution, the
16 Superintendent of Public Instruction shall be the ~~secretary and chief administrative officer of~~
17 ~~the State Board of Education. As secretary and chief administrative officer of the State Board~~
18 ~~of Education, the Superintendent manages on a day to day basis the administration of the free~~
19 ~~public school system, subject to the direction, control, and approval of the State Board. Subject~~
20 ~~to the direction, control, and approval of the State Board of Education, the Superintendent of~~
21 ~~Public Instruction shall carry out the duties prescribed under G.S. 115C-21.~~ head of the
22 Department of Public Instruction. The Superintendent of Public Instruction shall supervise and
23 administer the free public school system and the educational funds provided for its support,
24 except the funds mentioned in Section 7 of this Article, and shall make all needed rules and
25 regulations in relation thereto, subject to laws enacted by the General Assembly.

26 (b) The Superintendent shall be responsible for organizing the Department of Public
27 Instruction to ensure its efficient and effective operation.

28 (c) The Superintendent of Public Instruction may assign or reassign any function vested
29 in the Superintendent or in the Department of Public Instruction to any subordinate officer or
30 employee of the Department."

31 **SECTION 11.** G.S. 115C-21 is repealed.

32 **SECTION 12.** G.S. 115C-12 is recodified as G.S. 115C-23. G.S. 115C-23 reads as
33 rewritten:

34 "**§ 115C-23. Powers and duties of the ~~Board~~Superintendent generally.**

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

40 (1) Financial Powers. – The financial powers of the Superintendent of Public
41 Instruction ~~Board~~ are set forth in Article 30 of this Chapter.

42 (1a) To Submit a Budget Request to the Director of the Budget. – The ~~Board~~
43 Superintendent of Public Instruction shall submit a budget request to the
44 Director of the Budget in accordance with G.S. 143C-3-3. In addition to the
45 information requested by the Director of the Budget, the ~~Board~~
46 Superintendent shall provide an analysis relating each of ~~its~~ the requests for
47 expansion funds to anticipated improvements in student performance.

48 (2) Repealed by Session Laws 1985 (Regular Session, 1986), c. 975, s. 24.

49 (3), (4) Repealed by Session Laws 1987 (Regular Session, 1988), c. 1025, s. 1.

50 (5) Apportionment of Funds. – The ~~Board~~ Superintendent of Public Instruction
51 shall have authority to apportion and equalize over the State all State school

1 funds and all federal funds granted to the State for assistance to educational
2 programs administered within or sponsored by the public school system of
3 the State.

4 (6) Power to Demand Refund for Inaccurate Apportionment Due to False
5 Attendance Records. – When it shall be found by the ~~State Board of~~
6 ~~Education~~ Superintendent of Public Instruction that inaccurate attendance
7 records have been filed with the ~~State Board of Education~~ Superintendent of
8 Public Instruction which resulted in an excess allotment of funds for teacher
9 salaries in any school unit in any school year, the school unit concerned may
10 be required to refund to the ~~State Board~~ Superintendent of Public Instruction
11 the amount allotted to said unit in excess of the amount an accurate
12 attendance record would have justified.

13 (7) Power to Alter the Boundaries of City School Administrative Units and to
14 Approve Agreements for the Consolidation and Merger of School
15 Administrative Units Located in the Same County. – The ~~Board~~
16 Superintendent of Public Instruction shall have authority, in ~~its~~ his or her
17 discretion, to alter the boundaries of city school administrative units and to
18 approve agreements submitted by county and city boards of education
19 requesting the merger of two or more contiguous city school administrative
20 units and the merger of city school administrative units with county school
21 administrative units and the consolidation of all the public schools in the
22 respective units under the administration of one board of education:
23 Provided, that such merger of units and reorganization of school units shall
24 not have the effect of abolishing any special taxes that may have been voted
25 in any such units.

26 (8) Power to Make Provisions for Sick Leave and for Substitute Teachers. – The
27 ~~Board~~ Superintendent of Public Instruction shall provide for sick leave with
28 pay for all public school employees in accordance with the provisions of this
29 Chapter and shall promulgate rules and regulations providing for necessary
30 substitutes on account of sick leave and other teacher absences.

31 The minimum pay for a substitute teacher who holds a teaching
32 certificate shall be sixty-five percent (65%) of the daily pay rate of an
33 entry-level teacher with an "A" certificate. The minimum pay for a substitute
34 teacher who does not hold a teaching certificate shall be fifty percent (50%)
35 of the daily pay rate of an entry-level teacher with an "A" certificate. The
36 pay for noncertified substitutes shall not exceed the pay of certified
37 substitutes.

38 Local boards may use State funds allocated for substitute teachers to hire
39 full-time substitute teachers.

40 If a teacher assistant acts as a substitute teacher, the salary of the teacher
41 assistant for the day shall be the same as the daily salary of an entry-level
42 teacher with an "A" certificate.

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

- 47 a. To certify and regulate the grade and salary of teachers and other
48 school employees.
- 49 b. To adopt and supply textbooks.
- 50 c. To adopt rules requiring all local boards of education to implement
51 the Basic Education Program on an incremental basis within funds

1 appropriated for that purpose by the General Assembly and by units
2 of local government. Beginning with the 1991-92 school year, the
3 rules shall require each local school administrative unit to implement
4 fully the standard course of study in every school in the State in
5 accordance with the Basic Education Program so that every student
6 in the State shall have equal access to the curriculum as provided in
7 the Basic Education Program and the standard course of study.

8 The ~~Board-Superintendent~~ of Public Instruction shall establish
9 benchmarks by which to measure the progress that each local board
10 of education has made in implementing the Basic Education
11 Program.

- 12 c1. To issue an annual "report card" for the State and for each local
13 school administrative unit, assessing each unit's efforts to improve
14 student performance based on the growth in performance of the
15 students in each school and taking into account progress over the
16 previous years' level of performance and the State's performance in
17 comparison with other states. This assessment shall take into account
18 factors that have been shown to affect student performance and that
19 the ~~State Board-Superintendent~~ considers relevant to assess the
20 State's efforts to improve student performance.
- 21 c2. Repealed by Session Laws 1995 (Regular Session, 1996), c. 716, s.
22 1.
- 23 c3. To develop a system of school building improvement reports for each
24 school building. The purpose of school building improvement reports
25 is to measure improvement in the growth in student performance at
26 each school building from year to year, not to compare school
27 buildings. The ~~Board-Superintendent~~ shall include in the building
28 reports any factors shown to affect student performance that the
29 ~~Board-Superintendent~~ considers relevant to assess a school's efforts
30 to improve student performance. Local school administrative units
31 shall produce and make public their school building improvement
32 reports by March 15, 1997, for the 1995-96 school year, by October
33 15, 1997, for the 1996-97 school year, and annually thereafter. Each
34 report shall be based on building-level data for the prior school year.
- 35 c4. To develop guidelines, procedures, and rules to establish, implement,
36 and enforce the School-Based Management and Accountability
37 Program under Article 8B of this Chapter in order to improve student
38 performance, increase local flexibility and control, and promote
39 economy and efficiency.
- 40 d. To formulate rules and regulations for the enforcement of the
41 compulsory attendance law.
- 42 e. To manage and operate a system of insurance for public school
43 property, as provided in Article 38 of this Chapter.

44 In making substantial policy changes in administration,
45 curriculum, or programs the ~~Board-Superintendent~~ should conduct
46 hearings throughout the regions of the State, whenever feasible, in
47 order that the public may be heard regarding these matters.

48 (9a), (9b) Repealed by Session Laws 2005-458, s. 1, effective October 2, 2005.

49 (9c) Power to Develop Content Standards and Exit Standards. – The ~~Board~~
50 Superintendent of Public Instruction shall develop a comprehensive plan to
51 revise content standards and the standard course of study in the core

1 academic areas of reading, writing, mathematics, science, history,
2 geography, and civics. The ~~Board-Superintendent~~ shall involve and survey a
3 representative sample of parents, teachers, and the public to help determine
4 academic content standard priorities and usefulness of the content standards.
5 A full review of available and relevant academic content standards that are
6 rigorous, specific, sequenced, clear, focused, and measurable, whenever
7 possible, shall be a part of the process of the development of content
8 standards. The revised content standards developed in the core academic
9 areas shall (i) reflect high expectations for students and an in-depth mastery
10 of the content; (ii) be clearly grounded in the content of each academic area;
11 (iii) be defined grade-by-grade and course-by-course; (iv) be understandable
12 to parents and teachers; (v) be developed in full recognition of the time
13 available to teach the core academic areas at each grade level; and (vi) be
14 measurable, whenever possible, in a reliable, valid, and efficient manner for
15 accountability purposes.

16 High school course content standards shall include the knowledge and
17 skills necessary to pursue further postsecondary education or to attain
18 employment in the 21st century economy. The high school course content
19 standards also shall be aligned with the minimum undergraduate course
20 requirements for admission to the constituent institutions of The University
21 of North Carolina. The ~~Board-Superintendent~~ may develop exit standards
22 that will be required for high school graduation.

23 The ~~Board-Superintendent~~ also shall develop and implement an ongoing
24 process to align State programs and support materials with the revised
25 academic content standards for each core academic area on a regular basis.
26 Alignment shall include revising textbook criteria, support materials, State
27 tests, teacher and school administrator preparation, and ongoing professional
28 development programs to be compatible with content standards. The ~~Board~~
29 ~~Superintendent~~ shall develop and make available to teachers and parents
30 support materials, including teacher and parent guides, for academic content
31 standards. The ~~State Board of Education-Superintendent~~ shall work in
32 collaboration with the Board of Governors of The University of North
33 Carolina to ensure that teacher and school administrator degree programs,
34 ongoing professional development, and other university activity in the State's
35 public schools align with the ~~State Board's-Superintendent's~~ priorities.

- 36 (10) Power to Provide for Programs or Projects in the Cultural and Fine Arts
37 Areas. – The ~~Board-Superintendent of Public Instruction~~ is authorized and
38 empowered, in ~~its~~-his or her discretion, to make provisions for special
39 programs or projects of a cultural and fine arts nature for the enrichment and
40 strengthening of educational opportunities for the children of the State.

41 For this purpose, the ~~Board-Superintendent~~ may use funds received from
42 gifts or grants and, with the approval of the Director of the Budget, may use
43 State funds which the ~~Board-Superintendent~~ may find available in any
44 budget administered by the ~~Board-Superintendent~~.

- 45 (11) Power to Conduct Education Research. – The ~~Board-Superintendent of~~
46 ~~Public Instruction~~ is authorized to sponsor or conduct education research and
47 special school projects considered important by the ~~Board-Superintendent~~
48 for improving the public schools of the State. Such research or projects may
49 be conducted during the summer months and involve one or more local
50 school units as the ~~Board-Superintendent~~ may determine. The ~~Board~~
51 ~~Superintendent~~ may use any available funds for such purposes.

1 (12) Duty to Provide for Sports Medicine and Emergency Paramedical Program.
2 – ~~The State Board of Education~~ Superintendent of Public Instruction is
3 authorized and directed to develop a comprehensive plan to train and make
4 available to the public schools personnel who shall have major responsibility
5 for exercising preventive measures against sports related deaths and injuries
6 and for providing sports medicine and emergency paramedical services for
7 injuries that occur in school related activities. The plan shall include, but is
8 not limited to, the training, assignment of responsibilities, and appropriate
9 additional reimbursement for individuals participating in the program.

10 The ~~State Board of Education~~ Superintendent is authorized and directed
11 to develop an implementation schedule and a program funding formula that
12 will enable each high school to have a qualified sports medicine and
13 emergency paramedical program by July 1, 1984.

14 The ~~State Board of Education~~ Superintendent is authorized and directed
15 to establish minimum educational standards necessary to enable individuals
16 serving as sports medicine and emergency paramedical staff to provide such
17 services, including first aid and emergency life saving skills, to students
18 participating in school activities.

19 (13) Power to Purchase Liability Insurance. – ~~The Board~~ Superintendent of
20 Public Instruction is authorized to purchase insurance to protect ~~board~~
21 ~~members~~ the Superintendent from liability incurred in the exercise of ~~their~~
22 ~~duty as members of the Board.~~ the Superintendent's official duties.

23 (14) Duty to Provide Personnel Information to Local Boards. – Upon request, the
24 ~~State Board of Education~~ Superintendent of Public Instruction and the
25 Department of Public Instruction shall furnish to any county or city board of
26 education any and all available personnel information relating to
27 certification, evaluation and qualification including, but not limited to,
28 semester hours or quarterly hours completed, graduate work, grades, scores,
29 etc., that are on that date in the files of the ~~State Board of Education~~ or
30 Department of Public Instruction.

31 (15) Duty to Develop Noncertified Personnel Position Evaluation Descriptions. –
32 ~~The Board~~ Superintendent of Public Instruction is authorized and directed to
33 develop position evaluation descriptions covering those positions in local
34 school administrative units for which certification by the ~~State Board of~~
35 ~~Education~~ Superintendent is not normally a prerequisite. The position
36 evaluation descriptions required in this subdivision are to be used by local
37 boards of education as the basis for assignment of noncertified employees to
38 an appropriate pay grade in accordance with salary grades and ranges
39 adopted by the ~~State Board of Education~~ Superintendent. No appropriations
40 are required by this subdivision.

41 (16) Power with Regard to Salary Schedules. – ~~The Board~~ Superintendent of
42 Public Instruction shall provide for sick leave with pay for all public school
43 employees in accordance with the provisions of this Chapter and shall
44 promulgate rules and regulations providing for necessary substitutes on
45 account of sick leave and other teacher absences.

46 a. Support personnel refers to all public school employees who are not
47 required by statute or regulation to be certified in order to be
48 employed. The ~~State Board of Education~~ Superintendent is
49 authorized and empowered to adopt all necessary rules for full
50 implementation of all schedules to the extent that State funds are
51 made available for support personnel.

1 b. Salary schedules for the following public school support personnel
2 shall be adopted by the Superintendent; ~~State Board of Education~~;
3 school finance officer, office support personnel, teacher assistants,
4 maintenance supervisors, custodial personnel, and transportation
5 personnel. The ~~Board~~ Superintendent shall classify these support
6 positions in terms of uniform pay grades included in the salary
7 schedule of the State Personnel Commission.

8 By the end of the third payroll period of the 1995-96 fiscal year,
9 local boards of education shall place State-allotted office support
10 personnel, teacher assistants, and custodial personnel on the salary
11 schedule adopted by the ~~State Board of Education~~ Superintendent
12 that the average salary paid is the State-allotted amount for the
13 category. In placing employees on the salary schedule, the local
14 board shall consider the education, training, and experience of each
15 employee, including experience in other local school administrative
16 units. It is the intent of the General Assembly that a local school
17 administrative unit not fail to employ an employee who was
18 employed for the prior school year in order to implement the
19 provisions of this sub-subdivision. A local board of education is in
20 compliance with this sub-subdivision if the average salary paid is at
21 least ninety-five percent (95%) of the State-allotted amount for the
22 category at the end of the third payroll period of the 1995-96 fiscal
23 year, and at least ninety-eight percent (98%) of the State-allotted
24 amount for the category at the end of the third payroll period of each
25 subsequent fiscal year. The Department of Public Instruction shall
26 provide technical assistance to local school administrative units
27 regarding the implementation of this sub-subdivision.

28 c. Salary schedules for other support personnel, including but not
29 limited to maintenance and school food service personnel, shall be
30 adopted by the ~~State Board of Education~~ Superintendent. The ~~Board~~
31 Superintendent shall classify these support positions in terms of
32 uniform pay grades included in the salary schedule of the State
33 Personnel Commission. These schedules shall apply if the local
34 board of education does not adopt a salary schedule of its own for
35 personnel paid from other than State appropriations.

36 (17) Power to provide for school transportation programs. The ~~State Board of~~
37 ~~Education~~ Superintendent of Public Instruction is authorized and empowered
38 to promulgate such policies, rules, and regulations as it may deem necessary
39 and desirable for the operation of a public school transportation system by
40 each local administrative unit in the State. Such policies, rules, and
41 regulations shall include, but are not limited to, fund allocations and fiscal
42 support to assure the effective and efficient use of funds appropriated by the
43 General Assembly in support of the school transportation system. Nothing
44 herein shall be construed to affect in any way or to lessen in any way the full
45 and complete authority of local boards of education to assign pupils to
46 schools in accordance with G.S. 115C-366.

47 (18) Duty to Develop and Implement a Uniform Education Reporting System,
48 Which Shall Include Standards and Procedures for Collecting Fiscal and
49 Personnel Information.

50 a. The ~~State Board of Education~~ Superintendent of Public Instruction
51 shall adopt standards and procedures for local school administrative

- 1 units to provide timely, accurate, and complete fiscal and personnel
2 information, including payroll information, on all school personnel.
3 All local school administrative units shall comply with these
4 standards and procedures by the beginning of the 1987-88 school
5 year.
- 6 b. ~~The State Board of Education Superintendent~~ shall develop and
7 implement a Uniform Education Reporting System that shall include
8 requirements for collecting, processing, and reporting fiscal,
9 personnel, and student data, by means of electronic transfer of data
10 files from local computers to the State Computer Center through the
11 State Communications Network. All local school administrative units
12 shall comply with the requirements of the Uniform Education
13 Reporting System by the beginning of the 1989-90 school year.
- 14 c. ~~The State Board of Education Superintendent~~ shall comply with the
15 provisions of G.S. 116-11(10a) to plan and implement an exchange
16 of information between the public schools and the institutions of
17 higher education in the State. ~~The State Board of Education~~
18 ~~Superintendent~~ shall require local boards of education to provide to
19 the parents of children at a school all information except for
20 confidential information received about that school from institutions
21 of higher education pursuant to G.S. 116-11(10a) and to make that
22 information available to the general public.
- 23 d. ~~The State Board of Education Superintendent~~ shall modify the
24 Uniform Education Reporting System to provide clear, accurate, and
25 standard information on the use of funds at the unit and school level.
26 The plan shall provide information that will enable the General
27 Assembly to determine State, local, and federal expenditures for
28 personnel at the unit and school level. The plan also shall allow the
29 tracking of expenditures for textbooks, educational supplies and
30 equipment, capital outlay, at-risk students, and other purposes. The
31 revised Uniform Education Reporting System shall be implemented
32 beginning with the 1999-2000 school year.
- 33 (19) Duty to Identify Required Reports and to Eliminate Unnecessary Reports
34 and Paperwork. – Prior to the beginning of each school year, ~~the State Board~~
35 ~~of Education Superintendent of Public Instruction~~ shall identify all reports
36 that are required at the State level for the school year.
- 37 ~~The State Board of Education Superintendent~~ shall adopt policies to
38 ensure that local school administrative units are not required by the ~~State~~
39 ~~Board of Education, the State Superintendent, the Superintendent~~ or the
40 Department of Public Instruction staff to (i) provide information that is
41 already available on the student information management system or housed
42 within the Department of Public Instruction; (ii) provide the same written
43 information more than once during a school year unless the information has
44 changed during the ensuing period; or (iii) complete forms, for children with
45 disabilities, that are not necessary to ensure compliance with the federal
46 Individuals with Disabilities Education Act (IDEA). Notwithstanding the
47 foregoing, ~~the State Board Superintendent~~ may require information available
48 on ~~its~~ ~~the~~ student information management system or require the same
49 information twice if the ~~State Board Superintendent~~ can demonstrate a
50 compelling need and can demonstrate there is not a more expeditious
51 manner of getting the information.

- 1 (20) Duty to Report Appointment of Caretaker Administrators and Boards. –
2 Pursuant to G.S. 120-30.9G the ~~State Board of Education~~ Superintendent
3 shall submit to the Attorney General of the United States within 30 days any
4 rules, policies, procedures, or actions taken pursuant to G.S. 115C-64.4
5 which could result in the appointment of a caretaker administrator or board
6 to perform any of the powers and duties of a local board of education where
7 that school administrative unit is covered by the Voting Rights Act of 1965.
- 8 (21) Duty to Monitor Acts of School Violence. – The ~~State Board of Education~~
9 Superintendent of Public Instruction shall monitor and compile an annual
10 report on acts of violence in the public schools. The ~~State Board~~
11 Superintendent shall adopt standard definitions for acts of school violence
12 and shall require local boards of education to report them to the ~~State~~
13 Board Superintendent in a standard format adopted by the ~~State~~
14 Board Superintendent. The ~~State Board~~ Superintendent shall submit its ~~the~~
15 report on acts of violence in the public schools to the Joint Legislative
16 Education Oversight Committee by March 15 of each year.
- 17 (22) Duty to Monitor the Decisions of Teachers to Leave the Teaching
18 Profession. – The ~~State Board of Education~~ Superintendent of Public
19 Instruction shall monitor and compile an annual report on the decisions of
20 teachers to leave the teaching profession. The ~~State Board~~ Superintendent
21 shall adopt standard procedures for each local board of education to use in
22 requesting the information from teachers who are not continuing to work as
23 teachers in the local school administrative unit and shall require each local
24 board of education to report the information to the ~~State Board~~
25 Superintendent in a standard format adopted by the ~~State~~
26 Board Superintendent.
- 27 (23) Power to Adopt Eligibility Rules for Interscholastic Athletic Competition. –
28 The ~~State Board of Education~~ Superintendent of Public Instruction may
29 adopt rules governing interscholastic athletic activities conducted by local
30 boards of education, including eligibility for student participation. The
31 Superintendent ~~State Board of Education~~ may authorize a designated
32 organization to apply and enforce the ~~Board's~~ rules governing participation
33 in interscholastic athletic activities at the high school level.
- 34 (24) Duty to Develop Standards for Alternative Learning Programs, Provide
35 Technical Assistance on Implementation of Programs, and Evaluate
36 Programs. – The ~~State Board of Education~~ Superintendent of Public
37 Instruction shall adopt standards for assigning students to alternative
38 learning programs. These standards shall include (i) a description of the
39 programs and services that are recommended to be provided in alternative
40 learning programs and (ii) a process for ensuring that an assignment is
41 appropriate for the student and that the student's parents are involved in the
42 decision. The ~~State Board~~ Superintendent also shall adopt policies that
43 define what constitutes an alternative school and an alternative learning
44 program.
- 45 The ~~State Board of Education~~ Superintendent shall also adopt standards
46 to require that local school administrative units shall use (i) the teachers
47 allocated for students assigned to alternative learning programs pursuant to
48 the regular teacher allotment and (ii) the teachers allocated for students
49 assigned to alternative learning programs only to serve the needs of these
50 students.

1 The ~~State Board of Education Superintendent~~ shall provide technical
2 support to local school administrative units to assist them in developing and
3 implementing plans and proposals for alternative learning programs.

4 The ~~State Board Superintendent~~ shall evaluate the effectiveness of
5 alternative learning programs and, in ~~its~~-his or her discretion, of any other
6 programs funded from the Alternative Schools/At-Risk Student allotment.
7 Local school administrative units shall report to the ~~State Board of~~
8 ~~Education Superintendent~~ on how funds in the Alternative Schools/At-Risk
9 Student allotment are spent and shall otherwise cooperate with the ~~State~~
10 ~~Board of Education Superintendent~~ in evaluating the alternative learning
11 programs. As part of ~~its~~-the evaluation of the effectiveness of these
12 programs, the ~~State Board Superintendent~~ shall, through the application of
13 the accountability system developed under G.S. 115C-105.35, measure the
14 educational performance and growth of students placed in alternative
15 schools and alternative programs. If appropriate, the ~~Board Superintendent~~
16 may modify this system to adapt to the specific characteristics of these
17 schools. Also as part of ~~its~~-the evaluation, the ~~State Board Superintendent~~
18 shall evaluate ~~its~~-the standards adopted under this subdivision and make any
19 necessary changes to those standards based on strategies that have been
20 proven successful in improving student achievement and shall report to the
21 Joint Legislative Education Oversight Committee by April 15, 2006 to
22 determine if any changes are necessary to improve the implementation of
23 successful alternative learning programs and alternative schools.

24 (25) Duty to Report to Joint Legislative Education Oversight Committee. – Upon
25 the request of the Joint Legislative Education Oversight Committee, the
26 ~~State Board Superintendent of Public Instruction~~ shall examine and evaluate
27 issues, programs, policies, and fiscal information, and shall make reports to
28 that Committee. Furthermore, beginning October 15, 1997, and annually
29 thereafter, the ~~State Board Superintendent~~ shall submit reports to that
30 Committee regarding the continued implementation of Chapter 716 of the
31 1995 Session Laws, 1996 Regular Session. Each report shall include
32 information regarding the composition and activity of assistance teams,
33 schools that received incentive awards, schools identified as low-performing,
34 school improvement plans found to significantly improve student
35 performance, personnel actions taken in low-performing schools, and
36 recommendations for additional legislation to improve student performance
37 and increase local flexibility.

38 (25a) [Development of Goals and Annual Report on Improvement in Graduation
39 Rate.] – Prior to the 2010-2011 school year, the ~~State Board of Education~~
40 ~~shall~~ Superintendent of Public Instruction shall:

- 41 a. Develop a growth model establishing annual goals for continuous
42 and substantial improvement in the four-year cohort graduation rate
43 by local school administrative units.
- 44 b. Establish as a short-term goal that local school administrative units
45 meet the annual growth model goals for improvement in the
46 four-year cohort graduation rate beginning with the graduating class
47 of 2011 and continuing annually thereafter.
- 48 c. Establish as long-term minimum goals statewide four-year cohort
49 graduation rates of seventy-four percent (74%) by 2014; eighty
50 percent (80%) by 2016; and ninety percent (90%) by 2018.

1 d. Establish as a long-term goal with benchmarks and recommendations
2 to reach a statewide four-year cohort graduation rate of one hundred
3 percent (100%).

4 The ~~State Board of Education Superintendent~~ shall report to the Joint
5 Legislative Education Oversight Committee by November 15, 2010, and
6 annually thereafter on the goals, benchmarks, and recommendations
7 described in this section. Such goals, benchmarks, and recommendations
8 shall appropriately differentiate for students with disabilities and other
9 specially identified subcategories within each four-year cohort. The report
10 shall include goals and benchmarks by local school administrative unit, the
11 strategies and recommendations for achieving the goals and benchmarks,
12 any evidence or data supporting the strategies and recommendations, and the
13 identity of the persons employed by the ~~State Board of Education~~
14 Department who are responsible for oversight of local school administrative
15 units in achieving the goals and benchmarks.

16 (25b) [More at Four Reports.] –

17 a. The ~~State Board of Education Superintendent~~ of Public Instruction
18 shall submit an annual report no later than March 15 of each year to
19 the Joint Legislative Commission on Governmental Operations, the
20 Joint Legislative Education Oversight Committee, the Senate
21 Appropriations Committee on Education, the House of
22 Representatives Appropriations Subcommittee on Education, the
23 Office of State Budget and Management, and the Fiscal Research
24 Division. The report shall include the following:

- 25 1. The number of children participating in State prekindergarten.
- 26 2. The number of children participating in State prekindergarten
27 who have never been served in other early education
28 programs, such as child care, public or private preschool,
29 Head Start, Early Head Start, or early intervention programs.
- 30 3. The expected State prekindergarten expenditures for the
31 programs and the source of the local contributions.
- 32 4. The results of an annual evaluation of the program.

33 b. The Office of Early Learning shall contract with an independent
34 research organization not affiliated with the Department of Health
35 and Human Services, the Department of Public Instruction, or the
36 Office of the Governor to produce an annual report to include
37 longitudinal review of the More at Four program and academic,
38 behavioral, and other child-specific outcomes. The review shall
39 include a quasi-experimental research design of a representative
40 sample of children who complete the More at Four program every
41 other year and shall report on their sustained progress until the end of
42 grade 6. The review shall also study a representative sample of
43 children who do not enter the More at Four program but who are of
44 the same grade level and demographic as those who complete the
45 program, and their sustained progress shall also be reviewed until the
46 end of grade 6. The review shall be presented to the Joint Legislative
47 Education Oversight Committee by January 31 of every year.

48 (26) Duty to Monitor and Make Recommendations Regarding Professional
49 Development Programs. – The ~~State Board of Education, Superintendent of~~
50 Public Instruction in collaboration with the Board of Governors of The
51 University of North Carolina, shall identify and make recommendations

1 regarding meaningful professional development programs for professional
2 public school employees. The programs shall be aligned with State
3 education goals and directed toward improving student academic
4 achievement. The ~~State Board Superintendent~~ shall annually evaluate and,
5 after consultation with the Board of Governors, make recommendations
6 regarding professional development programs based upon reports submitted
7 by the Board of Governors under G.S. 116-11(12a).

8 (27) Reporting Dropout Rates, Suspensions, Expulsions, and Alternative
9 Placements. – The ~~State Board Superintendent of Public Instruction~~ shall
10 report by March 15 of each year to the Joint Legislative Education Oversight
11 Committee on the numbers of students who have dropped out of school,
12 been suspended, been expelled, or been placed in an alternative program.
13 The data shall be reported in a disaggregated manner and be readily
14 available to the public. The ~~State Board Superintendent~~ shall not include
15 students that have been expelled from school when calculating the dropout
16 rate. The ~~Board Superintendent~~ shall maintain a separate record of the
17 number of students who are expelled from school.

18 (27a) Reducing School Dropout Rates. – The ~~State Board of Education~~
19 ~~Superintendent of Public Instruction~~ shall develop a statewide plan to
20 improve the State's tracking of dropout data so that accurate and useful
21 comparisons can be made over time. The plan shall include, at a minimum,
22 how dropouts are counted and the methodology for calculating the dropout
23 rate, the ability to track students movements among schools and districts,
24 and the ability to provide information on who drops out and why.

25 (28) Duty to Develop Rules for Issuance of Driving Eligibility Certificates. – The
26 ~~State Board of Education Superintendent of Public Instruction~~ shall adopt
27 the following rules to assist schools in their administration of procedures
28 necessary to implement G.S. 20-11 and G.S. 20-13.2:

29 a. To define what is equivalent to a high school diploma for the
30 purposes of G.S. 20-11 and G.S. 20-13.2. These rules shall apply to
31 all educational programs offered in the State by public schools,
32 charter schools, nonpublic schools, or community colleges.

33 b. To establish the procedures a person who is or was enrolled in a
34 public school or in a charter school must follow and the requirements
35 that person shall meet to obtain a driving eligibility certificate.

36 c. To require the person who is required under G.S. 20-11(n) to sign the
37 driving eligibility certificate to provide the certificate if he or she
38 determines that one of the following requirements is met:

39 1. The person seeking the certificate is eligible for the certificate
40 under G.S. 20-11(n)(1) and is not subject to G.S. 20-11(n1).

41 2. The person seeking the certificate is eligible for the certificate
42 under G.S. 20-11(n)(1) and G.S. 20-11(n1).

43 These rules shall apply to public schools and charter schools.

44 d. To provide for an appeal to an appropriate education authority by a
45 person who is denied a driving eligibility certificate. These rules
46 shall apply to public schools and charter schools.

47 e. To define exemplary student behavior and to define what constitutes
48 the successful completion of a drug or alcohol treatment counseling
49 program. These rules shall apply to public schools and charter
50 schools.

1 The ~~State Board Superintendent~~ also shall develop policies as to when it
2 is appropriate to notify the Division of Motor Vehicles that a person who is
3 or was enrolled in a public school or in a charter school no longer meets the
4 requirements for a driving eligibility certificate.

5 The ~~State Board Superintendent~~ shall develop a form for parents,
6 guardians, or emancipated juveniles, as appropriate, to provide their written,
7 irrevocable consent for a school to disclose to the Division of Motor
8 Vehicles that the student no longer meets the conditions for a driving
9 eligibility certificate under G.S. 20-11(n)(1) or G.S. 20-11(n1), if applicable,
10 in the event that this disclosure is necessary to comply with G.S. 20-11 or
11 G.S. 20-13.2. Other than identifying under which statutory subsection the
12 student is no longer eligible, no other details or information concerning the
13 student's school record shall be released pursuant to this consent. This form
14 shall be used for students enrolled in public schools or charter schools.

15 The ~~State Board of Education Superintendent~~ may use funds
16 appropriated for drivers education to cover the costs of driving eligibility
17 certificates.

18 (29) To Issue Special High School Diplomas to Veterans of World War II, Korea,
19 and Vietnam. – The ~~State Board of Education~~ Superintendent of Public
20 Instruction shall issue special high school diplomas to all honorably
21 discharged veterans of World War II, the Korean Conflict, and the Vietnam
22 era who request special diplomas and have not previously received high
23 school diplomas.

24 (30) Duty to Adopt Model Guidelines and Policies for the Establishment of Local
25 Task Forces on Closing the Academic Achievement Gap. – The ~~State Board~~
26 Superintendent of Public Instruction shall adopt a Model for local school
27 administrative units to use as a guideline to establish local task forces on
28 closing the academic achievement gap at the discretion of the local board.
29 The purpose of each task force is to advise and work with its local board of
30 education and administration on closing the gap in academic achievement
31 and on developing a collaborative plan for achieving that goal. The ~~State~~
32 ~~Board~~ Superintendent shall consider the recommendations of the
33 Commission on Improving the Academic Achievement of Minority and
34 At-Risk Students to the 2001 Session of the General Assembly in
35 establishing ~~its~~ the guidelines.

36 (30a) Duty to Assist Schools in Meeting Adequate Yearly Progress. – The ~~State~~
37 ~~Board of Education~~ Superintendent of Public Instruction shall:

- 38 a. Identify which schools are meeting adequate yearly progress with
39 subgroups as specified in the No Child Left Behind Act of 2001;
- 40 b. Study the instructional, administrative, and fiscal practices and
41 policies employed by the schools selected by the ~~State Board of~~
42 ~~Education~~ Superintendent that are meeting adequate yearly progress
43 specified in the No Child Left Behind Act of 2001;
- 44 c. Create assistance models for each subgroup based on the practices
45 and policies used in schools that are meeting adequate yearly
46 progress. The schools of education at the constituent institutions of
47 The University of North Carolina, in collaboration with the
48 University of North Carolina Center for School Leadership
49 Development, shall assist the ~~State Board of Education~~
50 Superintendent in developing these models; and

1 d. Offer technical assistance based on these assistance models to local
2 school administrative units not meeting adequate yearly progress,
3 giving priority to those local school administrative units with high
4 concentrations of schools that are not meeting adequate yearly
5 progress. The ~~State Board of Education~~ Superintendent shall
6 determine the number of local school administrative units that can be
7 served effectively in the first two years. This technical assistance
8 shall include peer assistance and professional development by
9 teachers, support personnel, and administrators in schools with
10 subgroups that are meeting adequate yearly progress.

11 (31) To Adopt Guidelines for Individual Diabetes Care Plans. – The ~~State Board~~
12 Superintendent of Public Instruction shall adopt guidelines for the
13 development and implementation of individual diabetes care plans. The ~~State~~
14 ~~Board~~ Superintendent shall consult with the North Carolina Diabetes
15 Advisory Council established by the Department of Health and Human
16 Services in the development of these guidelines. The ~~State Board~~
17 Superintendent also shall consult with local school administrative unit
18 employees who have been designated as responsible for coordinating their
19 individual unit's efforts to comply with federal regulations adopted under
20 Section 504 of the Rehabilitation Act of 1973, as amended, 29 U.S.C. § 794.
21 In ~~its~~ the development of these guidelines, the ~~State Board~~ Superintendent
22 shall refer to the guidelines recommended by the American Diabetes
23 Association for the management of children with diabetes in the school and
24 day care setting and shall consider recent resolutions by the United States
25 Department of Education's Office of Civil Rights of investigations into
26 complaints alleging discrimination against students with diabetes.

27 The guidelines adopted by the ~~State Board~~ Superintendent shall include:

- 28 a. Procedures for the development of an individual diabetes care plan at
29 the written request of the student's parent or guardian, and involving
30 the parent or guardian, the student's health care provider, the
31 student's classroom teacher, the student if appropriate, the school
32 nurse if available, and other appropriate school personnel.
- 33 b. Procedures for regular review of an individual care plan.
- 34 c. Information to be included in a diabetes care plan, including the
35 responsibilities and appropriate staff development for teachers and
36 other school personnel, an emergency care plan, the identification of
37 allowable actions to be taken, the extent to which the student is able
38 to participate in the student's diabetes care and management, and
39 other information necessary for teachers and other school personnel
40 in order to offer appropriate assistance and support to the student.
41 The ~~State Board~~ Superintendent shall ensure that the information and
42 allowable actions included in a diabetes care plan as required in this
43 subdivision meet or exceed the American Diabetes Association's
44 recommendations for the management of children with diabetes in
45 the school and day care setting.
- 46 d. Information and staff development to be made available to teachers
47 and other school personnel in order to appropriately support and
48 assist students with diabetes.

49 The ~~State Board~~ Superintendent shall ensure that these guidelines are
50 updated as necessary and shall ensure that the guidelines and any subsequent
51 changes are published and disseminated to local school administrative units.

1 (32) Duty to Encourage Early Entry of Motivated Students into Four-Year
2 College Programs. – The ~~State Board of Education~~, Superintendent of Public
3 Instruction, in cooperation with the Education Cabinet, shall work with local
4 school administrative units, the constituent institutions of The University of
5 North Carolina, local community colleges, and private colleges and
6 universities to (i) encourage early entry of motivated students into four-year
7 college programs and to (ii) ensure that there are opportunities at four-year
8 institutions for academically talented high school students to get an early
9 start on college coursework, either at nearby institutions or through distance
10 learning.

11 The ~~State Board of Education~~ Superintendent shall also adopt policies
12 directing school guidance counselors to make ninth grade students aware of
13 the potential to complete the high school courses required for college entry
14 in a three-year period.

15 (33) Duty to Develop Recommended Programs for Use in Schools on Memorial
16 Day. – The ~~State Board of Education~~ Superintendent of Public Instruction
17 shall develop recommended instructional programs that enable students to
18 gain a better understanding of the meaning and importance of Memorial
19 Day. All schools, especially schools that hold school on Memorial Day, shall
20 instruct students on the significance of Memorial Day.

21 (34) Duty to Protect the Health of School-Age Children From Toxicants at
22 School. – The ~~State Board~~ Superintendent of Public Instruction shall address
23 public health and environmental issues in the classroom and on school
24 grounds by doing all of the following:

25 a. Develop guidelines for sealing existing arsenic-treated wood in
26 playground equipment or establish a time line for removing existing
27 arsenic-treated wood on playgrounds and testing the soil on school
28 grounds for contamination caused by the leaching of arsenic-treated
29 wood in other areas where children may be at particularly high risk
30 of exposure.

31 b. Establish guidelines to reduce students' exposure to diesel emissions
32 that can occur as a result of unnecessary school bus idling,
33 nose-to-tail parking, and inefficient route assignments.

34 c. Study methods for mold and mildew prevention and mitigation and
35 incorporate recommendations into the public school facilities
36 guidelines as needed.

37 d. Establish guidelines for Integrated Pest Management consistent with
38 the policy of The North Carolina School Boards Association, Inc., as
39 published in 2004. These guidelines may be updated as needed to
40 reflect changes in technology.

41 e. Establish guidelines for notification of students' parents, guardians,
42 or custodians as well as school staff of pesticide use on school
43 grounds.

44 (35) To Encourage Local Boards of Education to Enter into Agreements
45 Regarding the Joint Use of Facilities for Physical Activity. – The ~~State~~
46 ~~Board of Education~~ Superintendent of Public Instruction shall encourage
47 local boards of education to enter into agreements with local governments
48 and other entities regarding the joint use of their facilities for physical
49 activity. The agreements should delineate opportunities, guidelines, and the
50 roles and responsibilities of the parties, including responsibilities for
51 maintenance and liability.

1 (36) Duty to Charge Tuition for the Governor's School of North Carolina. – The
2 ~~State Board of Education Superintendent of Public Instruction~~ shall
3 implement a five-hundred-dollar (\$500.00) tuition charge for students
4 attending the Governor's School of North Carolina.

5 (37) To Adopt Guidelines for Fitness Testing. – The ~~State Board of Education~~
6 ~~Superintendent of Public Instruction~~ shall adopt guidelines for the
7 development and implementation of evidence-based fitness testing for
8 students statewide in grades kindergarten through eight."

9 **SECTION 13.** G.S. 115C-12.2 is recodified as G.S. 115C-23.1. G.S. 115C-23.1
10 reads as rewritten:

11 **"§ 115C-23.1. Voluntary shared leave.**

12 (a) The ~~State Board of Education, Superintendent of Public Instruction,~~ in cooperation
13 with the State Board of Community Colleges and the State Personnel Commission, shall adopt
14 rules and policies to allow any employee at a public school to share leave voluntarily with an
15 immediate family member who is an employee of a public school, community college, or State
16 agency; and with a coworker's immediate family member who is an employee of a public
17 school, community college, or State agency. For the purposes of this section, the term
18 "immediate family member" means a spouse, parent, child, brother, sister, grandparent, or
19 grandchild. The term includes the step, half, and in-law relationships. The term "coworker"
20 means that the employee donating the leave is employed by the same agency, department,
21 institution, university, local school administrative unit, or community college as the employee
22 whose immediate family member is receiving the leave.

23 (b) The ~~State Board of Education Superintendent of Public Instruction~~ shall adopt rules
24 and policies for the voluntary shared leave program to allow an employee at a public school to
25 donate sick leave to a nonfamily member employee of a public school. A donor of sick leave to
26 a nonfamily member recipient shall not donate more than five days of sick leave per year to any
27 one nonfamily member recipient. The combined total of sick leave donated to a recipient from
28 nonfamily member donors shall not exceed 20 days per year. Donated sick leave shall not be
29 used for retirement purposes, and employees who donate sick leave shall be notified in writing
30 of the State retirement credit consequences of donating sick leave."

31 **SECTION 14.** G.S. 115C-16 is recodified as G.S. 115C-23.2. G.S. 115C-23.2
32 reads as rewritten:

33 **"§ 115C-23.2. Authorization for school uniform pilot program.**

34 The ~~State Board of Education Superintendent of Public Instruction~~ may authorize up to five
35 local school administrative units to implement pilot programs in which students are required to
36 wear uniforms in public schools.

37 Prior to selecting the pilot units, the ~~State Board of Education Superintendent~~ shall develop
38 guidelines for local boards of education to use when establishing requirements for students to
39 wear uniforms in public schools. In developing these guidelines, the ~~State Board~~
40 ~~Superintendent~~ shall consider (i) ways to promote parental and community involvement in the
41 pilot programs, (ii) relevant State and federal constitutional concerns such as freedom of
42 religion and freedom of speech, and (iii) the ability of students to purchase the uniforms.

43 Local boards in the pilot units shall establish requirements, consistent with the ~~State Board's~~
44 ~~Superintendent's~~ guidelines, for students enrolled in any of their schools to wear uniforms at
45 school during the regular school day.

46 No State funds shall be used for the uniforms."

47 **SECTION 15.** G.S. 115C-17 is recodified as G.S. 115C-23.3. G.S. 115C-23.3
48 reads as rewritten:

49 **"§ 115C-23.2. Rulemaking to implement ABC's Plan.**

1 (a) G.S. 150B-21.2(a)(1) shall not apply to proposed rules adopted by the ~~State Board~~
2 ~~of Education-Superintendent of Public Instruction~~ if the proposed rules are directly related to
3 the implementation of this act [1995 (Reg. Sess., 1996), c. 716, s. 18].

4 (b) Notwithstanding G.S. 150B-21.3(b), a permanent rule that is adopted by the ~~State~~
5 ~~Board of Education,Superintendent of Public Instruction~~, is approved by the Rules Review
6 Commission, and is directly related to the implementation of this act, shall become effective
7 five business days after the Commission delivers the rule to the Codifier of Rules, unless the
8 rule specifies a later effective date. If the ~~State Board of Education-Superintendent~~ specifies a
9 later effective date, the rule becomes effective upon that date. A permanent rule that is adopted
10 by the ~~State Board of Education-Superintendent~~ that is directly related to the implementation of
11 this act, but is not approved by the Rules Review Commission, shall not become effective.

12 (c) G.S. 150B-21.4(b1) shall not apply to permanent rules the ~~State Board of Education~~
13 ~~Superintendent of Public Instruction~~ proposes to adopt if those rules are directly related to the
14 implementation of this act [1995 (Reg. Sess., 1996), c. 716, s. 28].

15 (d) The ~~State Board of Education-Superintendent of Public Instruction~~ shall determine
16 whether a proposed rule is directly related to this act based upon a finding that there is a
17 rational relationship between the proposed rule and specific provisions of this act. A proposed
18 rule may create, amend, or repeal a rule. The ~~State Board-Superintendent~~ shall indicate in the
19 notice of proposed text that the rule is directly related to the implementation of this act and that
20 the ~~Board-Superintendent~~ is proceeding under the authority granted by this act.

21 (e) The ~~State Board of Education-Superintendent of Public Instruction~~ shall provide
22 written notice to all boards of county commissioners and all local boards of education of
23 proposed rules that are directly related to the implementation of this act and that would affect
24 the expenditures or revenues of a unit of local government under G.S. 150B-21.4(b). The notice
25 shall state that a copy of the fiscal note may be obtained from the ~~State Board-Superintendent~~."

26 **SECTION 16.** G.S. 115C-37(c) reads as rewritten:

27 "(c) City Board of Education. – The board of education for any city administrative unit
28 shall be appointed or elected as now provided by law. If no provision is now made by the law
29 for the filling of vacancies in the membership of any city board of education, such vacancy may
30 be filled by the governing body of the city or town embraced by said administrative unit. In the
31 event that any such vacancy is not filled in this manner within 30 days, the ~~State Board of~~
32 ~~Education-Superintendent of Public Instruction~~ may fill such vacancy."

33 **SECTION 17.** G.S. 115C-39 reads as rewritten:

34 "**§ 115C-39. Suspension of duties by State Board.**

35 (a) Repealed by Session Laws 2007-498, s. 1, effective August 30, 2007.

36 (b) In the event the ~~State Board of Education-Superintendent of Public Instruction~~ has
37 appointed an interim superintendent under G.S. 115C-105.39 and the ~~State Board~~
38 ~~Superintendent~~ determines that the local board of education has failed to cooperate with the
39 interim superintendent, the ~~State Board-Superintendent~~ shall have the authority to suspend any
40 of the powers and duties of the local board and to act on its behalf under G.S. 115C-105.39."

41 **SECTION 18.** G.S. 115C-40 reads as rewritten:

42 "**§ 115C-40. Board a body corporate.**

43 The board of education of each county in the State shall be a body corporate by the name
44 and style of "The _____ County Board of Education," and the board of education of each city
45 administrative school unit in the State shall be a body corporate by the name and style of "The
46 _____ City Board of Education." The several boards of education, both county and city, shall
47 hold all school property and be capable of purchasing and holding real and personal property,
48 of building and repairing schoolhouses, of selling and transferring the same for school
49 purposes, and of prosecuting and defending suits for or against the corporation.

50 Local boards of education, subject to any paramount powers vested by law in the ~~State~~
51 ~~Board of Education-Superintendent of Public Instruction~~ or any other authorized agency shall

1 have general control and supervision of all matters pertaining to the public schools in their
2 respective local school administrative units; they shall execute the school laws in their units;
3 and shall have authority to make agreements with other boards of education to transfer pupils
4 from one local school administrative unit to another unit when the administration of the schools
5 can be thereby more efficiently and more economically accomplished."

6 **SECTION 18.1.** G.S. 115C-45 (c)(2) reads as rewritten:

7 "(2) An alleged violation of a specified federal law, State law, ~~State Board of~~
8 ~~Education~~ Department of Public Instruction policy, State rule, or local board
9 policy, including policies regarding grade retention of students;"

10 **SECTION 19.** G.S. 115C-47 reads as rewritten:

11 **"§ 115C-47. Powers and duties generally.**

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

14 ...

15 (4) To Regulate Extracurricular Activities. – Local boards of education shall
16 make all rules and regulations necessary for the conducting of
17 extracurricular activities in the schools under their supervision, including a
18 program of athletics, where desired, without assuming liability therefor;
19 provided, that all interscholastic athletic activities shall be conducted in
20 accordance with rules and regulations prescribed by the ~~State Board of~~
21 ~~Education~~ Superintendent of Public Instruction.

22 ...

23 (6) To Regulate Fees, Charges and Solicitations. – Local boards of education
24 shall adopt rules and regulations governing solicitations of, sales to, and
25 fund-raising activities conducted by, the students and faculty members in
26 schools under their jurisdiction, and no fees, charges, or costs shall be
27 collected from students and school personnel without approval of the board
28 of education as recorded in the minutes of said board; provided, this
29 subdivision shall not apply to such textbooks fees as are determined and
30 established by the ~~State Board of Education~~ Superintendent of Public
31 Instruction. All schedules of fees, charges and solicitations approved by
32 local boards of education shall be reported to the Superintendent of Public
33 Instruction.

34 (7) To Accept and Administer Federal or Private Funds. – Local boards of
35 education shall have power and authority to accept, receive and administer
36 any funds or financial assistance given, granted or provided under the
37 provisions of the Elementary and Secondary Education Act of 1965 (Public
38 Law 89-10, 89th Congress, HR 2362) and under the provisions of the
39 Economic Opportunity Act of 1964 (Public Law 88-452, 88th Congress, S.
40 2642), or other federal acts or funds from foundations or private sources, and
41 to comply with all conditions and requirements necessary for the receipt,
42 acceptance and use of said funds. In the administration of such funds, local
43 boards of education shall have authority to enter into contracts with and to
44 cooperate with and to carry out projects with nonpublic elementary and
45 secondary schools, community groups and nonprofit corporations, and to
46 enter into joint agreements for these purposes with other local boards of
47 education. Local boards of education shall furnish such information as shall
48 be requested by the ~~State Board of Education~~ Superintendent of Public
49 Instruction from time to time, relating to any programs related or conducted
50 pursuant to this subdivision.

- 1 (8) To Sponsor or Conduct Educational Research. – Local boards of education
2 are authorized to sponsor or conduct educational research and special
3 projects approved by the Department of Public Instruction ~~and the State~~
4 ~~Board of Education~~ that may improve the school system under their
5 jurisdictions. Such research or projects may be conducted during the summer
6 months and the board may use any available funds for such purposes.
- 7 (9) To Assure Accurate Attendance Records. – When the governing board of
8 any local school administrative unit shall have information that inaccurate
9 school attendance records are being kept, the board concerned shall
10 immediately investigate such inaccuracies and take necessary action to
11 establish and maintain correct records and report its findings and action to
12 the ~~State Board of Education~~ Superintendent of Public Instruction.
- 13 (10) To Assure Appropriate Class Size. – It shall be the responsibility of local
14 boards of education to assure that the class size and teaching load
15 requirements set forth in G.S. 115C-301 are met. Any teacher who believes
16 that the requirements of G.S. 115C-301 have not been met shall make a
17 report to the principal and superintendent, and the superintendent shall
18 immediately determine whether the requirements have in fact not been met.
19 If the superintendent determines the requirements have not been met, he
20 shall make a report to the next local board of education meeting. The local
21 board of education shall take action to meet the requirements of the statute.
22 If the local board cannot organizationally correct the exception and if any of
23 the conditions set out in G.S. 115C-301(g)(1) exist, it shall immediately
24 apply to the ~~State Board of Education~~ Superintendent of Public Instruction
25 for additional personnel or a waiver of the class size requirements, as
26 provided in G.S. 115C-301(g).

27 Upon notification from the ~~State Board of Education~~ Superintendent of
28 Public Instruction that the reported exception does not qualify for an
29 allotment adjustment or a waiver under provisions of G.S. 115C-301, the
30 local board, within 30 days, shall take action necessary to correct the
31 exception.

32 At the end of the second month of each school year, the local board of
33 education, through the superintendent, shall file a report with ~~the State Board~~
34 ~~of Education~~, Superintendent of Public Instruction, in a format prescribed by
35 the ~~State Board of Education~~, Superintendent, describing the organization of
36 each school, the duties of each teacher, the size of each class, and the
37 teaching load of each teacher. As of February 1 each year, local boards of
38 education, through the superintendent, shall report all exceptions to
39 individual class size and daily teaching load maximums that exist at that
40 time.

41 In addition to assuring that the requirements of G.S. 115C-301 are met,
42 each local board of education shall also have the duty to provide an adequate
43 number of classrooms to meet the requirements of that statute.

- 44 ...
- 45 (12) **(For final effective date, see notes)** To Implement the Basic Education
46 Program. – Local boards of education shall implement the Basic Education
47 Program in accordance with rules adopted by the ~~State Board~~
48 Superintendent of Public Instruction. This implementation shall include
49 provision for the efficient teaching of the course content required by the
50 standard course of study.

1 (12) **(For future effective date, see notes)** To Implement the Basic Education
2 Program. – Local boards of education shall implement the Basic Education
3 Program in accordance with rules adopted by the ~~State Board~~
4 Superintendent of Public Instruction. This implementation shall include
5 provision for the efficient teaching of the course content required by the
6 Basic Education Program.

7 ...
8 (21) It is the duty of every local board of education to provide for the prompt
9 monthly payment of all salaries due teachers and other school officials and
10 employees, and of all current bills and other necessary operating expenses.
11 All salaries and bills shall be paid as provided by law for disbursing State
12 and local funds.

13 The local board shall determine salary schedules of employees pursuant
14 to the provisions of G.S. 115C-273, 115C-285(b), 115C-302.1(i), and
15 115C-316(b).

16 The authority for boards of education to issue salary vouchers to all
17 school employees, whether paid from State or local funds, shall be a monthly
18 payroll prepared on forms approved by the ~~State Board of Education~~
19 Superintendent of Public Instruction and containing all information required
20 by the ~~State Board of Education~~ Superintendent. This monthly payroll shall
21 be signed by the principal of each school.

22 ...
23 (32a) To Establish Alternative Learning Programs and Develop Policies and
24 Guidelines. – Each local board of education shall establish at least one
25 alternative learning program and shall adopt guidelines for assigning
26 students to alternative learning programs. These guidelines shall include (i) a
27 description of the programs and services to be provided, (ii) a process for
28 ensuring that an assignment is appropriate for the student and that the
29 student's parents are involved in the decision, and (iii) strategies for
30 providing alternative learning programs, when feasible and appropriate, for
31 students who are subject to long term suspension or expulsion. In developing
32 these guidelines, local boards shall consider the ~~State Board's~~ Superintendent
33 of Public Instruction's standards developed under G.S. 115C-12(24). Upon
34 adoption of policies and guidelines under this subdivision, local boards are
35 encouraged to incorporate them in their safe school plans developed under
36 G.S. 115C-105.47.

37 The General Assembly urges local boards to adopt policies that prohibit
38 superintendents from assigning to any alternative learning program any
39 professional public school employee who has received within the last three
40 years a rating on a formal evaluation that is less than above standard.

41 Notwithstanding this subdivision, each local board shall adopt policies
42 based on the ~~State Board's~~ Superintendent's standards developed under
43 G.S. 115C-12(24). These policies shall apply to any new alternative learning
44 program or alternative school that is implemented beginning with the
45 2006-2007 school year. Local boards of education are encouraged to apply
46 these standards to alternative learning programs and alternative schools
47 implemented before the 2006-2007 school year.

48 Local boards shall assess on a regular basis whether the unit's alternative
49 schools and alternative learning programs comply with the ~~State Board's~~
50 Superintendent's standards developed under G.S. 115C-12(24) and whether
51 they incorporate best practices for improving student academic performance

1 and reducing disruptive behavior, are staffed with professional public school
2 employees who are well trained and provided with appropriate staff
3 development, are organized to provide coordinated services, and provide
4 students with high quality and rigorous academic instruction.

5 ...
6 (33a) To Approve and Use Textbooks Not Adopted by ~~State Board of Education-~~
7 Superintendent of Public Instruction. – Local boards of education shall have
8 the authority to select, procure, and use textbooks not adopted by the ~~State~~
9 ~~Board of Education-Superintendent of Public Instruction~~ as provided in
10 G.S. 115C-98(b1).

11 ...
12 (36) To Report All Acts of School Violence. – Local boards of education shall
13 report all acts of school violence to the ~~State Board of Education~~
14 Superintendent of Public Instruction in accordance with G.S. 115C-12(21).

15 ...
16 (45) To Report Certain Incidents of Seclusion and Restraint. – Local boards of
17 education shall maintain a record of incidents reported under
18 G.S. 115C-391.1(j)(4) and shall provide this information annually to the
19 ~~State Board of Education-Superintendent of Public Instruction.~~

20 ...
21 (58) To Inform the Public About the North Carolina School Report Cards Issued
22 by the ~~State Board of Education-Superintendent of Public Instruction.~~ –
23 Each local board of education shall ensure that the report card issued for it
24 by the ~~State Board of Education-Superintendent of Public Instruction~~
25 receives wide distribution to the local press or otherwise.

26"

27 **SECTION 20.** G.S. 115C-66 reads as rewritten:

28 **"§ 115C-66. Administrative units classified.**

29 Each county of the State shall be classified as a county school administrative unit, the
30 schools of which, except in city administrative units, shall be under the general supervision and
31 control of a county board of education with a county superintendent as the administrative
32 officer.

33 A city school administrative unit shall be classified as an area within a county or adjacent
34 parts of two or more contiguous counties which has been or may be approved by the ~~State~~
35 ~~Board of Education-Superintendent of Public Instruction~~ as such a unit for purposes of school
36 administration. The general administration and supervision of a city administrative unit shall be
37 under the control of a board of education with a city superintendent as the administrative
38 officer.

39 All local school administrative units, whether city or county, shall be dealt with by the State
40 school authorities in all matters of school administration in the same way.

41 For purposes of eligibility for federal grant funds, the Department of Health and Human
42 Services is hereby classified as a public authority, which is the school administrative agency for
43 the schools that it operates, and shall be considered as such by the State school authorities in
44 the administration and distribution of federal grant funds."

45 **SECTION 21.** G.S. 115C-67 reads as rewritten:

46 **"§ 115C-67. Merger of units in same county.**

47 City school administrative units may be consolidated and merged with contiguous city
48 school administrative units and with county school administrative units upon approval by the
49 ~~State Board of Education-Superintendent of Public Instruction~~ of a plan for consolidation and
50 merger submitted by the boards of education involved and bearing the approval of the board of
51 county commissioners.

1 County and city boards of education desiring to consolidate and merge their school
2 administrative units may do so by entering into a written plan which shall set forth the
3 conditions of merger. The provisions of the plan shall be consistent with the General Statutes
4 and shall contain, but not be limited to, the following:

- 5 (1) The name by which the merged school administrative unit shall be identified
6 and known.
- 7 (2) The effective date of the merger.
- 8 (3) The establishment and maintenance of a board of education which shall
9 administer all the public schools of the newly created unit, including:
 - 10 a. The termination of any terms of office proposed in the reorganization
11 of the board.
 - 12 b. The method of constituting and continuing the board of education;
13 the manner of selection of board members, including (i) the number
14 of members of the board, (ii) the method of their election or
15 appointment, (iii) whether members shall be nominated, elected, or
16 appointed from districts or at large, (iv) the manner of determining
17 the nominee, and (v) whether the election shall be partisan or
18 nonpartisan; the length of the members' terms of office; the dates of
19 induction into office; the organization of the board; the procedure for
20 filling vacancies; and the compensation to be paid members of the
21 board for expenses incurred in performance of their duties. To the
22 extent that the method conflicts with G.S. 115C-35, G.S. 115C-37, or
23 with any local act concerning any of the units being merged and
24 consolidated, the plan of merger and consolidation shall prevail.
- 25 (4) The authority, powers, and duties of the board of education with respect to
26 the employment of personnel, the preparation of budgets, and any other
27 related matters which may be particularly applicable to the merged unit not
28 inconsistent with the General Statutes.
- 29 (5) The transfer of all facilities, properties, structures, funds, contracts, deeds,
30 titles, and other obligations, assets and liabilities to the board of education of
31 the merged unit.
- 32 (6) Whether or not there shall be continued in force any supplemental school tax
33 which may be in effect in either or all local school administrative units
34 involved.
- 35 (7) A public hearing, which shall have been announced at least 10 days prior to
36 the hearing, on the proposed plan of merger.
- 37 (8) A statement as to whether the question of merger, in accordance with the
38 projected plan, is to be contingent upon approval of the voters in the affected
39 area.
- 40 (9) Any other condition or prerequisite to merger, together with any other
41 appropriate subject or function that may be necessary for the orderly
42 consolidation and merger of the local school administrative units involved.

43 The plan referred to above shall be mutually agreed upon by the city and county boards of
44 education involved and shall be accompanied by a certification that the plan was approved by
45 the board of education on a given day and that the action has been duly recorded in the minutes
46 of said board, together with a certification to the effect that the public hearing required above
47 was announced and held. The plan, together with the required certifications, shall then be
48 submitted to the board of county commissioners for its concurrence and approval. After such
49 approval has been received, the plan shall be submitted to the ~~State Board of Education~~
50 Superintendent of Public Instruction for the approval of said ~~State Board Superintendent~~
51 and the plan shall not become effective until such approval is granted. Upon approval by the State

1 ~~Board of Education, Superintendent,~~ the plan of consolidation and merger shall become final
2 and shall be deemed to have been made by authority of law and shall not be changed or
3 amended except by an act of the General Assembly. The written plan of agreement shall be
4 placed in the custody of the board of education operating and administering the public schools
5 in the merged unit and a copy filed with the Secretary of State.

6 The plan may be, but it is not required that it be, submitted for the approval of the voters of
7 the geographic area affected in a referendum or election called for such purpose, and such
8 elections or referendums if held shall be held under the provisions governing elections or
9 referendums as set forth in G.S. 115C-507, with authority of the board of county
10 commissioners to have such election or referendum conducted by the board of elections of the
11 county.

12 Upon approval of the plan of consolidation or merger by the ~~State Board of Education,~~
13 Superintendent of Public Instruction, or upon approval of the plan of consolidation or merger
14 by the voters in a referendum or election called for such purpose, and as soon as a provisional
15 or interim board of education of the merged unit, or a permanent board of education of the
16 merged unit, enters in and upon the duties of the administration of the public schools of the
17 consolidated or merged unit, then the former boards of education and all public officers of the
18 former boards of education of the separate units thus merged shall stand abolished, and said
19 separate boards of education or administrative units thus merged shall stand dissolved and shall
20 cease to exist for any and all purposes. All consolidations and mergers of county and city
21 boards of education and of county and city school administrative units heretofore agreed to and
22 finally approved, and all consolidation or merger proceedings entered into prior to June 9,
23 1969, are hereby declared to be effective, legal and according to law notwithstanding any
24 defect in the merger or consolidation proceedings and notwithstanding any dissolution of the
25 separate boards of education and public officers of the former, separate school units."

26 **SECTION 22.** G.S. 115C-68(a) reads as rewritten:

27 "(a) Boards of education of contiguous counties or boards of education in a group of
28 counties in which each county is contiguous with at least one other county in the group, and
29 any city school administrative unit located in counties to be merged, may merge school
30 administrative units upon approval by the ~~State Board of Education~~ Superintendent of Public
31 Instruction of a written plan for merger submitted by the boards of education involved and
32 bearing the approval of the tax-levying body for the school units. The plan shall be consistent
33 with the General Statutes, shall contain provisions covering those items listed in G.S. 115C-67
34 (providing for the merger of units in the same county), and shall contain any other provision
35 deemed necessary or appropriate by the ~~State Board of Education~~ Superintendent of Public
36 Instruction or the local boards of education for the merger of school units in two or more
37 counties."

38 **SECTION 23.** G.S. 115C-68.1 reads as rewritten:

39 **"§ 115C-68.1. Merger of units by the board of commissioners.**

40 ...

41 (d) For the purpose of this section, local funding per average daily membership means
42 the budgeted local expense per average daily membership. The ~~State Board of Education~~
43 Superintendent of Public Instruction shall establish guidelines for the computation of this
44 amount and the amount shall be set out in the plan for consolidation and merger.

45 (e) If the ~~State Board of Education~~ Superintendent of Public Instruction fails to approve
46 a plan submitted to it under this section, such failure to approve does not preclude the approval
47 of the plan by the General Assembly by local act."

48 **SECTION 24.** G.S. 115C-68.2 reads as rewritten:

49 **"§ 115C-68.2. Merger of units by the local boards of education.**

50 If a city board of education notifies the ~~State Board of Education~~ Superintendent of Public
51 Instruction that it is dissolving itself, the ~~State Board of Education~~ Superintendent shall adopt a

1 plan of consolidation and merger of that city school administrative unit with the county school
2 administrative unit in the county in which the city unit is located; provided, however, if a city
3 school administrative unit located in more than one county notifies the ~~State Board of~~
4 ~~Education-Superintendent of Public Instruction~~ that it is dissolving itself, the ~~State Board~~
5 ~~Superintendent~~ shall adopt a plan that divides the city unit along the county line and
6 consolidates and merges the part of the city unit in each county with the county unit in that
7 county and the plans shall take effect on the same day. The plans shall be prepared and
8 approved in accordance with G.S. 115C-67 as provided by general law, and G.S. 115C-68 as
9 provided by general law, as applicable, except that the county and city boards of education and
10 the boards of commissioners shall not participate by preparing, entering into, submitting, or
11 agreeing to a plan, and the plan shall not be contingent upon approval by the voters."

12 **SECTION 25.** G.S. 115C-71 reads as rewritten:

13 **"§ 115C-71. Districts formed from portions of contiguous counties.**

14 School districts may be formed out of contiguous counties by agreement of the county
15 boards of education of the respective counties subject to the approval of the ~~State Board of~~
16 ~~Education-Superintendent of Public Instruction.~~ Rules for the organization, support and
17 operation of districts so formed are subject to the agreement of the boards of education
18 concerned, and as a guide to the working out of such agreements the formulas contained in
19 G.S. 115C-510 should be followed as far as applicable."

20 **SECTION 26.** G.S. 115C-72(a) reads as rewritten:

21 **"§ 115C-72. Consolidation of districts and discontinuance of schools.**

22 (a) Local boards of education shall have the power and authority to close or consolidate
23 schools located in the same district, and with the approval of the ~~State Board of Education,~~
24 ~~Superintendent of Public Instruction,~~ to consolidate school districts or other school areas over
25 which the board has full control, whenever and wherever in its judgment the closing or
26 consolidation will better serve the educational interest of the local school administrative unit or
27 any part of it.

28 In determining whether two or more public schools shall be consolidated, or in determining
29 whether or not a school shall be closed and the pupils transferred therefrom, local boards of
30 education of the several counties shall observe and be bound by the following rules:

- 31 (1) In any question involving the closing or consolidation of any public school,
32 the local board of education of the school administrative unit in which such
33 school is located shall cause a thorough study of such school to be made,
34 having in mind primarily the welfare of the students to be affected by a
35 proposed closing or consolidation and including in such study, among other
36 factors, geographic conditions, anticipated increase or decrease in school
37 enrollment, the inconvenience or hardship that might result to the pupils to
38 be affected by such closing or consolidation, the cost of providing additional
39 school facilities in the event of such closing or consolidation, and such other
40 factors as the board shall consider germane. Before the entry of any order of
41 closing or consolidation, the local board of education shall provide for a
42 public hearing in regard to such proposed closing or consolidation, at which
43 hearing the public shall be afforded an opportunity to express their views.
44 Upon the basis of the study so made and after such hearing, said board may,
45 in the exercise of its discretion, approve the closing or consolidation
46 proposed.
- 47 (2) The provisions of this section shall not deprive any local board of education
48 of the authority to assign or enroll any and all pupils in schools in
49 accordance with the provisions of G.S. 115C-366(b) and 115C-367 to
50 115C-370."

51 **SECTION 27.** G.S. 115C-73 reads as rewritten:

1 **"§ 115C-73. Enlarging tax districts and city units by permanently attaching contiguous**
2 **property.**

3 The county boards of education with the approval of the ~~State Board of Education~~
4 Superintendent of Public Instruction may transfer from nontax territory and attach permanently
5 to local tax districts or to city school administrative units, real property contiguous to said local
6 tax districts or city school administrative units, upon the written petition of the owners thereof
7 and the taxpayers of the families living on such real property, and there shall be levied upon the
8 property of each individual in the area so attached, including landowners and tenants, the same
9 tax as is levied upon other property in said district or unit: Provided, that such transfer shall be
10 subject to the approval of the board of education of such city unit: Provided, the petition must
11 be signed by a majority of the persons who are the owners thereof and a majority of the
12 taxpayers of the families living on such real property on the date the petition is filed with the
13 county board of education: Provided, further, that a person or corporation owning only an
14 easement in real property shall not be considered an owner of said property within
15 contemplation of this section: Provided, further that no right of action or defense founded upon
16 the invalidity of such transfer shall be asserted, nor shall the validity of such transfer be open to
17 question in any court upon any ground whatever, except in an action or proceeding commenced
18 within 60 days after the approval of such transfer is given by the ~~State Board of Education-~~
19 Superintendent of Public Instruction.

20 Any qualified voter residing in the area attached shall be permitted to vote in any election
21 for members of the board of education having jurisdiction over the attached area."

22 **SECTION 28.** G.S. 115C-75(a)(2) reads as rewritten:

23 "(2) A "high school" is a school that includes all or part of grades nine through 12
24 and that offers at least the minimum high school course of study prescribed
25 by the ~~State Board of Education-~~ Superintendent of Public Instruction."

26 **SECTION 29.** G.S. 115C-81 reads as rewritten:

27 **"§ 115C-81. Basic Education Program.**

28 (a) The General Assembly believes that all children can learn. It is the intent of the
29 General Assembly that the mission of the public school community is to challenge with high
30 expectations each child to learn, to achieve, and to fulfill his or her potential. With that mission
31 as ~~its~~ a guide, the ~~State Board of Education-~~ Superintendent of Public Instruction shall adopt a
32 Basic Education Program for the public schools of the State. Before it adopts or revises the
33 Basic Education Program, the ~~State Board-~~ Superintendent shall consult with an Advisory
34 Committee, including at least eight members of local boards of education, that the ~~State Board~~
35 Superintendent appoints from a list of nominees submitted by the North Carolina School
36 Boards Association.

37 The ~~State Board-~~ Superintendent shall implement the Basic Education Program within funds
38 appropriated for that purpose by the General Assembly and by units of local government. It is
39 the intent of the General Assembly that until the Basic Education Program is fully funded, the
40 implementation of the Basic Education Program shall be the focus of State educational funding.
41 It is the goal of the General Assembly that the Basic Education Program be fully funded and
42 completely operational in each local school administrative unit by July 1, 1995.

43 It is further a goal of the General Assembly to provide supplemental funds to low-wealth
44 counties to allow those counties to enhance the instructional program and student achievement.

45 ...

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

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

50 (2) The ~~State Board of Education-~~ Superintendent of Public Instruction shall
51 develop and maintain a recommended list of alcohol and drug use prevention

1 education materials that include components for teacher training and
2 ongoing assessment and evaluation to verify success and ensure the use of
3 up-to-date information and strategies.

4 ...

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

10 (5) Local boards of education may select supplemental alcohol and drug use
11 prevention education materials from the list maintained by the ~~State Board~~
12 ~~of Education-Superintendent of Public Instruction~~, or develop their own
13 supplemental materials to be approved by the ~~State Board of Education-~~
14 ~~Superintendent of Public Instruction~~.

15 ...

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

19 ...

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

24 ...

25 (a4) Conflict Resolution and Mediation Models: The ~~State Board of Education~~
26 ~~Superintendent of Public Instruction~~ shall develop a list of recommended conflict resolution
27 and mediation materials, models, and curricula that address responsible decision making, the
28 causes and effects of school violence and harassment, cultural diversity, and nonviolent
29 methods for resolving conflict, including peer mediation and shall make the list available to
30 local school administrative units and school buildings by the beginning of the 1994-95 school
31 year. In developing this list, the ~~Board-Superintendent~~ shall emphasize materials, models, and
32 curricula that currently are being used in North Carolina and that the ~~Board-Superintendent~~
33 determines to be effective. The ~~Board-Superintendent~~ shall include at least one model that
34 includes instruction and guidance for the voluntary implementation of peer mediation programs
35 and one model that provides instruction and guidance for teachers concerning the integration of
36 conflict resolution and mediation lessons into the existing classroom curriculum.

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

40 (1) A core curriculum for all students that takes into account the special needs of
41 children;

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

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

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

48 (5) A program of remedial education;

49 (6) Required support programs;

50 (7) A definition of the instructional day;

51 (8) Class size recommendations and requirements;

- 1 (9) Prescribed staffing allotment ratios;
- 2 (10) Material and equipment allotment ratios;
- 3 (11) Facilities guidelines that reflect educational program appropriateness,
- 4 long-term cost efficiency, and safety considerations; and
- 5 (12) Any other information the ~~Board Superintendent~~ considers appropriate and
- 6 necessary.

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

12 The ~~State Board Superintendent~~ shall not require any student to prepare a high school
13 graduation project as a condition of graduation from high school; local boards of education
14 may, however, require their students to complete a high school graduation project.

15 ...

16 (d) The standard course of study as it exists on January 1, 1985, and as subsequently
17 revised by the ~~State Board Superintendent~~, shall remain in effect until its components have
18 been fully incorporated and implemented as a part of the Basic Education Program.

19 (e) Repealed by Session Laws 1995, c. 534, s. 2.

20 (e1) School Health Education Program to Be Developed and Administered.

21 ...

- 22 (2) The ~~State Board of Education Superintendent of Public Instruction~~ shall
23 supervise the development and operation of a statewide comprehensive
24 school health education program including curriculum development,
25 in-service training provision and promotion of collegiate training, learning
26 material review, and assessment and evaluation of local programs in the
27 same manner as for other programs. The ~~State Board of Education~~
28 ~~Superintendent~~ shall adopt objectives for the instruction of the subject areas
29 listed in subdivision (1) of this subsection that are appropriate for each grade
30 level. In addition, the ~~State Board Superintendent~~ shall approve textbooks
31 and other materials incorporating these objectives that local school
32 administrative units may purchase with State funds. The ~~State Board of~~
33 ~~Education Superintendent~~, through the Department of Public Instruction,
34 shall, on a regular basis, review materials related to these objectives, and
35 distribute these reviews to local school administrative units for their
36 information.

37 ...

- 38 (5) The ~~State Board of Education Superintendent of Public Instruction~~ shall
39 make available to all local school administrative units for review by the
40 parents and legal guardians of students enrolled at that unit any
41 State-developed objectives for instruction, any approved textbooks, the list
42 of reviewed materials, and any other State-developed or approved materials
43 that pertain to or are intended to impart information or promote discussion or
44 understanding in regard to the prevention of sexually transmitted diseases,
45 including HIV/AIDS, to the avoidance of out-of-wedlock pregnancy, or to
46 the reproductive health and safety education curriculum. The review period
47 shall extend for at least 60 days before use.

48 ...

- 49 (11) Each local school administrative unit shall provide a comprehensive school
50 health education program that meets all the requirements of this subsection
51 and all the objectives established by the ~~State Board Superintendent~~. Each

- 1 local board of education may expand on the subject areas to be included in
2 the program and on the instructional objectives to be met.
- 3 (e2) Honors-Level Courses in Healthful Living Education to be Developed and
4 Administered. – ~~The State Board of Education~~ Superintendent of Public Instruction shall
5 develop or identify academically rigorous honors-level courses in healthful living education
6 that can be offered at the high school level. These honors-level courses shall be more rigorous
7 than standard-level courses, include advanced content, provide multiple opportunities for
8 students to take greater responsibility for their learning, and require higher quality work from
9 the students than standard courses.
- 10 (f) Establishment and Maintenance of Kindergartens. –
- 11 (1) Local boards of education shall provide for their respective local school
12 administrative unit kindergartens as a part of the public school system for all
13 children living in the local school administrative unit who are eligible for
14 admission pursuant to subdivision (2) of this subsection provided that funds
15 are available from State, local, federal or other sources to operate a
16 kindergarten program as provided in this subsection.
- 17 All kindergarten programs so established shall be subject to the
18 supervision of the Department of Public Instruction and shall be operated in
19 accordance with the standards adopted by the ~~State Board of Education,~~
20 ~~upon recommendation of the~~ Superintendent of Public Instruction.
- 21 Among the standards to be adopted by the ~~State Board of Education~~
22 Superintendent of Public Instruction shall be a provision that the ~~Board~~
23 Superintendent will allocate funds for the purpose of operating and
24 administering kindergartens to each school administrative unit in the State
25 based on the average daily membership for the best continuous three out of
26 the first four school months of pupils in the kindergarten program during the
27 last school year in that respective school administrative unit. Such
28 allocations are to be made from funds appropriated to the ~~State Board of~~
29 ~~Education~~ Department of Public Instruction for the kindergarten program.
- 30 ...
- 31 (3) Notwithstanding any other provision of law to the contrary, subject to the
32 approval of the ~~State Board of Education,~~ Superintendent of Public
33 Instruction, any local board of education may elect not to establish and
34 maintain a kindergarten program. Any funds allocated to a local board of
35 education which does not operate a kindergarten program may be reallocated
36 by the ~~State Board of Education,~~ within the discretion of the Board,
37 Superintendent of Public Instruction to a county or city board of education
38 which will operate such a program.
- 39 (g) Civic Literacy. –
- 40 ...
- 41 (4) The ~~State Board of Education~~ Superintendent of Public Instruction shall
42 require that any high school level curriculum-based tests developed and
43 administered statewide beginning with academic year 1990-91 include
44 questions related to the Declaration of Independence, the United States
45 Constitution and its amendments, and the most important of the Federalist
46 Papers.
- 47 (5) The State Department of Public Instruction and the local boards of
48 education, as appropriate, shall establish curriculum content and provide for
49 teacher training to ensure that the intent and provisions of this subsection are
50 carried out. The curriculum content established shall include a review of the
51 contributions made by Americans of all races.

1 (g1) Modifications to the social studies curriculum to instruct students on participation in
2 the democratic process and to give them hands-on experience in participating in the democratic
3 process:

4 (1) ~~The State Board of Education~~ Superintendent of Public Instruction shall
5 modify the high school social studies curriculum to include instruction in
6 civic and citizenship education. ~~The State Board of Education~~
7 Superintendent is strongly encouraged to include, at a minimum, the
8 following components in the high school civic and citizenship education
9 curriculum:

- 10 a. That students write to a local, State, or federal elected official about
11 an issue that is important to them;
12 b. Instruction on the importance of voting and otherwise participating in
13 the democratic process, including instruction on voter registration
14 and preregistration;
15 c. Information about current events and governmental structure; and
16 d. Information about the democratic process and how laws are made.

17 (2) ~~The State Board of Education~~ Superintendent of Public Instruction shall
18 modify the middle school social studies curriculum to include instruction in
19 civic and citizenship education. ~~The State Board of Education~~
20 Superintendent is strongly encouraged to include, at a minimum, the
21 following components in the middle school civic and citizenship education
22 curriculum:

- 23 a. A tour of representative local government facilities such as the local
24 jail, the courthouse, or a town hall, to help students understand the
25 way their community is governed;
26 b. That students choose and analyze a community problem and offer
27 public policy recommendations on the problem to local officials; and
28 c. Information about getting involved in community groups.

29 ...
30 ~~The State Board of Education~~ Superintendent of Public Instruction shall determine the other
31 components of personal financial literacy that will be covered in the curriculum. ~~The State~~
32 ~~Board~~ Superintendent shall also review the high school standard course of study to determine
33 into which courses and grade levels the personal financial literacy curriculum shall be
34 integrated.

35"

36 **SECTION 30.** G.S. 115C-81.2 reads as rewritten:

37 **"§ 115C-81.2. Comprehensive plan for reading achievement.**

38 (a) ~~The State Board of Education~~ Superintendent of Public Instruction shall develop a
39 comprehensive plan to improve reading achievement in the public schools. The plan shall be
40 fully integrated with ~~State Board~~ the Superintendent's plans to improve student performance
41 and promote local flexibility and efficiency. The plan shall be based on reading instructional
42 practices for which there is strong evidence of effectiveness in existing empirical scientific
43 research studies on reading development. The plan shall be developed with the active
44 involvement of teachers, college and university educators, parents of students, and other
45 interested parties. The plan shall, if appropriate, include revision of the standard course of
46 study, revision of teacher certification standards, and revision of teacher education program
47 standards.

48 (b) ~~The State Board of Education~~ Superintendent of Public Instruction shall critically
49 evaluate and revise the standard course of study so as to provide school units with guidance in
50 the implementation of balanced, integrated, and effective programs of reading instruction. The
51 General Assembly believes that the first, essential step in the complex process of learning to

1 read is the accurate pronunciation of written words and that phonics, which is the knowledge of
2 relationships of the symbols of the written language and the sounds of the spoken language, is
3 the most reliable approach to arriving at the accurate pronunciation of a printed word.
4 Therefore, these programs shall include early and systematic phonics instruction. The ~~State~~
5 ~~Board-Superintendent~~ shall provide opportunities for teachers, parents, and other interested
6 parties to participate in this evaluation and revision.

7 (c) In order to reflect changes to the standard course of study and to emphasize
8 balanced, integrated, and effective programs of reading instruction that include early and
9 systematic phonics instruction, the ~~State Board of Education, Superintendent of Public~~
10 ~~Instruction~~, in collaboration with the Board of Governors of The University of North Carolina
11 and with the North Carolina Association of Independent Colleges and Universities, shall
12 review, evaluate, and revise current teacher certification standards and teacher education
13 programs within the institutions of higher education that provide coursework in reading
14 instruction.

15 (d) Local boards of education are encouraged to review and revise existing board
16 policies, local curricula, and programs of professional development in order to reflect changes
17 to the standard course of study and to emphasize balanced, integrated, and effective programs
18 of reading instruction that include early and systematic phonics instruction.

19 (e) Repealed by Session Laws 1997-18, s. 15(g)."

20 **SECTION 31.** G.S. 115C-81.3 reads as rewritten:

21 "**§ 115C-81.3. Instruction in American Sign Language.**

22 (a) The ~~State Board of Education-Superintendent of Public Instruction~~ shall encourage
23 schools to offer American Sign Language classes in high schools as a modern foreign language.

24 (b) The ~~State Board of Education-Superintendent of Public Instruction~~ shall adopt and
25 implement standards for the certification of teachers of American Sign Language and shall set
26 standards for teacher preparation programs that prepare students for certification as American
27 Sign Language teachers."

28 **SECTION 32.** G.S. 115C-81.4 reads as rewritten:

29 "**§ 115C-81.4. Science safety requirements.**

30 (a) Prior to July 1, 2010, and annually thereafter, each local board of education shall
31 certify to the ~~State Board of Education-Superintendent of Public Instruction~~ that its high school
32 and middle school science laboratories are equipped with appropriate personal protective
33 equipment for students and teachers.

34 (b) Each local board of education shall ensure that its high schools and middle schools
35 comply with all ~~State Board of Education-Superintendent of Public Instruction~~ policies related
36 to science laboratory safety."

37 **SECTION 33.** G.S. 115C-84.2 reads as rewritten:

38 "**§ 115C-84.2. School calendar.**

39 (a) School Calendar. – Each local board of education shall adopt a school calendar
40 consisting of 215 days all of which shall fall within the fiscal year. A school calendar shall
41 include the following:

42 (1) **(Temporary amendment of this subdivision applicable only to 2009-2010**
43 **school year, see note)** A minimum of either 180 days or 1,000 hours of
44 instruction covering at least nine calendar months. The local board shall
45 designate when the 180 instructional days or 1,000 hours shall occur. The
46 number of instructional hours in an instructional day may vary according to
47 local board policy and does not have to be uniform among the schools in the
48 administrative unit. Local boards may approve school improvement plans
49 that include days with varying amounts of instructional time. If school is
50 closed early due to inclement weather, the day and the scheduled amount of
51 instructional hours may count towards the required minimum to the extent

1 allowed by ~~State Board~~ the Superintendent of Public Instruction's policy.
2 The school calendar shall include a plan for making up days and
3 instructional hours missed when schools are not opened due to inclement
4 weather.

5 If, due to inclement weather, a local board of education complies with
6 this subdivision by scheduling 1,000 hours of instruction on less than 180
7 days, the local school administrative unit is deemed to have a minimum of
8 180 days of instruction, teachers employed for a 10-month term are deemed
9 to have been employed for 180 instructional days, and all other employees
10 shall be compensated as if they had worked their regularly scheduled hours
11 for 180 instructional days.

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

24 (1a) Repealed by Session Laws 2004-180, s. 1, effective August 9, 2004.

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

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

29 (4) Five days, as designated by the local board, for use as teacher workdays.
30 These days shall be protected to allow teachers to complete instructional and
31 classroom administrative duties. The local school administrative unit shall
32 not impose any additional tasks on these days. The local board shall
33 schedule one of these days at the beginning of the school year and one at the
34 end of each academic quarter.

35 (5) The remaining days scheduled by the local board in consultation with each
36 school's principal for use as teacher workdays, additional instructional days,
37 or other lawful purposes. Before consulting with the local board, each
38 principal shall work with the school improvement team to determine the
39 days to be scheduled and the purposes for which they should be scheduled.
40 Days may be scheduled and planned for different purposes for different
41 personnel and there is no requirement to schedule the same dates for all
42 personnel. In order to make up days for school closing because of inclement
43 weather, the local board may designate any of the days in this subdivision as
44 additional make-up days to be scheduled after the last day of student
45 attendance.

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

50 Local boards shall designate at least seven days scheduled under subdivisions (4) and (5) of
51 this subsection as days on which teachers may take accumulated vacation leave. Local boards

1 may designate the remaining days scheduled in subdivisions (4) and (5) of this subsection as
2 days on which teachers may take accumulated vacation leave, but local boards shall give
3 teachers at least 14 calendar days' notice before requiring a teacher to work instead of taking
4 vacation leave on any of these days. A teacher may elect to waive this notice requirement for
5 one or more of these days.

6 ...

7 (c) Emergency Conditions. – During any period of emergency in any section of the
8 State where emergency conditions make it necessary, the ~~State Board of Education~~
9 Superintendent of Public Instruction may order general, and if necessary, extended recesses or
10 adjournment of the public schools.

11 (d) Opening and Closing Dates. – Local boards of education shall determine the dates
12 of opening and closing the public schools under subdivision (a)(1) of this section. Except for
13 year-round schools, the opening date for students shall not be before August 25, and the closing
14 date for students shall not be after June 10. On a showing of good cause, the ~~State Board of~~
15 Education-Superintendent of Public Instruction may waive this requirement to the extent that
16 school calendars are able to provide sufficient days to accommodate anticipated makeup days
17 due to school closings. A local board may revise the scheduled closing date if necessary in
18 order to comply with the minimum requirements for instructional days or instructional time.
19 For purposes of this subsection, the term "good cause" means either that:

- 20 (1) schools in any local school administrative unit in a county have been closed
21 eight days per year during any four of the last 10 years because of severe
22 weather conditions, energy shortages, power failures, or other emergency
23 situations; or
24 (2) schools in any local school administrative unit in a county have been closed
25 for all or part of eight days per year during any four of the last 10 years
26 because of severe weather conditions. For purposes of this subdivision, a
27 school shall be deemed to be closed for part of a day if it is closed for two or
28 more hours.

29 The ~~State Board-Superintendent~~ also may waive this requirement for an educational
30 purpose. The term "educational purpose" means a local school administrative unit establishes a
31 need to adopt a different calendar for (i) a specific school to accommodate a special program
32 offered generally to the student body of that school, (ii) a school that primarily serves a special
33 population of students, or (iii) a defined program within a school. The ~~State Board~~
34 Superintendent may grant the waiver for an educational purpose for that specific school or
35 defined program to the extent that the ~~State Board-Superintendent~~ finds that the educational
36 purpose is reasonable, the accommodation is necessary to accomplish the educational purpose,
37 and the request is not an attempt to circumvent the opening and closing dates set forth in this
38 subsection. The waiver requests for educational purposes shall not be used to accommodate
39 system-wide class scheduling preferences.

40 The required opening and closing dates under this subsection shall not apply to any school
41 that a local board designated as having a modified calendar for the 2003-2004 school year or to
42 any school that was part of a planned program in the 2003-2004 school year for a system of
43 modified calendar schools, so long as the school operates under a modified calendar.

44 (e) Nothing in this section prohibits a local board of education from offering
45 supplemental or additional educational programs or activities outside the calendar adopted
46 under this section."

47 **SECTION 33A.** G.S. 115C-85 reads as rewritten:

48 "**§ 115C-85. Textbook needs are determined by course of study.**

49 When the ~~State Board of Education has adopted, upon the recommendation of the~~
50 Superintendent of Public Instruction, Instruction has adopted a standard course of study at each

1 instructional level in the elementary school and the secondary school, setting forth what
2 subjects shall be taught at each level, it shall proceed to select and adopt textbooks.

3 As used in this part, "textbook" means systematically organized material comprehensive
4 enough to cover the primary objectives outlined in the standard course of study for a grade or
5 course. Formats for textbooks may be print or nonprint, including hardbound books, softbound
6 books, activity-oriented programs, classroom kits, and technology-based programs that require
7 the use of electronic equipment in order to be used in the learning process.

8 Textbooks adopted in accordance with the provisions of this Part shall be used by the public
9 schools of the State except as provided in G.S. 115C-98(b1)."

10 **SECTION 34.** G.S. 115C-86 reads as rewritten:

11 "**§ 115C-86. ~~State Board of Education~~ Superintendent of Public Instruction to select and**
12 **adopt textbooks.**

13 The ~~Board~~ Superintendent shall select and adopt for a period determined to be most
14 advantageous to the State public school system for the exclusive use in the public schools of
15 North Carolina the basic textbooks or series of books needed for instructional purposes at each
16 instructional level on all subject matter required by law to be taught in elementary and
17 secondary schools of North Carolina."

18 **SECTION 35.** G.S. 115C-87 reads as rewritten:

19 "**§ 115C-87. Appointment of Textbook Commission.**

20 Shortly after assuming office, the Governor shall appoint a Textbook Commission of 23
21 members who shall hold office for four years, or until their successors are appointed and
22 qualified. The members of the Commission shall be appointed by the Governor upon
23 recommendation of the Superintendent. Five of these members shall be teachers or principals in
24 grades K-5; five shall be teachers or principals in grades 6-8; four shall be superintendents,
25 teachers, or principals in grades 9-12; one shall be a superintendent of a local school
26 administrative unit, three shall be parents of students in grades K-5 at the time of appointment;
27 three shall be parents of students in grades 6-8 at the time of appointment; and two shall be
28 parents of students in grades 9-12 at the time of appointment. The Governor shall fill all
29 vacancies by appointment for the unexpired term. The Commission shall elect a chairman,
30 subject to the approval of the Superintendent. The Commission shall meet four times a year or
31 at the call of the chair. The members shall be entitled to compensation for each day spent on the
32 work of the Commission as approved by the ~~Board~~ Superintendent and to reimbursement for
33 travel and subsistence expense incurred in the performance of their duties at the rates specified
34 in G.S. 138-5(a). Compensation shall be paid from funds available to the ~~State Board of~~
35 ~~Education~~ Superintendent of Public Instruction."

36 **SECTION 36.** G.S. 115C-88 reads as rewritten:

37 "**§ 115C-88. Commission to evaluate textbooks offered for adoption.**

38 ...

39 (b) Each member shall examine carefully and file a written evaluation of each proposed
40 textbook for which the member is responsible.

41 The evaluation report shall give special consideration to the suitability of the textbook to
42 the instructional level for which it is offered, the content or subject matter, whether the
43 textbook is aligned with the Standard Course of Study, and other criteria prescribed by the
44 ~~Board~~ Superintendent of Public Instruction.

45 Each evaluation report shall be signed by the member making the report and filed with the
46 ~~Board~~ Superintendent not later than a day fixed by the ~~Board~~ Superintendent when the call for
47 adoption is made."

48 **SECTION 37.** G.S. 115C-89 reads as rewritten:

49 "**§ 115C-89. Selection of textbooks by ~~Board~~ Superintendent.**

50 ~~At the next meeting of the Board after the reports have been filed, the~~ The Textbook
51 Commission and the ~~Board~~ Superintendent shall jointly examine the reports. From the books

1 evaluated the Board shall select those that it thinks will meet the teaching requirements of the
2 State public schools in the instructional levels for which they are offered. The ~~Board~~
3 Superintendent shall request sealed bids from the publishers on all the books being considered.

4 The ~~Board-Superintendent~~ shall make all necessary rules and regulations concerning
5 requests for bids, notification to publishers of calls for adoption, execution and delivery of
6 contracts, requirement of performance bonds, cancellation clauses, and such other material
7 matters as may affect the validity of the contracts."

8 **SECTION 38.** G.S. 115C-90 reads as rewritten:

9 **"§ 115C-90. Adoption of textbooks and contracts with publishers.**

10 The publishers' sealed bids shall be opened in the presence of ~~two persons designated by the~~
11 ~~State Board of Education and one person~~ three persons designated by the Superintendent of
12 Public Instruction. The ~~Board-Superintendent~~ may then adopt the books required by the
13 courses of study and enter into contracts with the publisher of adopted books. It may refuse to
14 adopt any of the books offered at the prices bid and call for new bids. When bids are accepted
15 and a contract entered into, the contract may require, in the ~~Board's~~Superintendent's discretion,
16 that the total sales of each book in the State of North Carolina be reported annually to the
17 ~~Board-Superintendent~~.

18 All textbook contracts shall include a clause granting to the ~~State Board of Education~~
19 Superintendent the license to produce Braille, large print, and audio-cassette tape copies of the
20 textbooks for use in the State public schools. Also, the General Assembly urges the ~~State Board~~
21 ~~of Education-Superintendent~~ to request such a license from textbook publishers with whom a
22 contract was entered into prior to August 1, 1987."

23 **SECTION 39.** G.S. 115C-91 reads as rewritten:

24 **"§ 115C-91. Continuance and discontinuance of contracts with publishers.**

25 When an existing or future contract expires, the ~~Board-Superintendent~~ may, with the
26 publisher's approval, continue the contract for any particular book or books for a period not less
27 than one or more than five years. If a publisher desires to terminate a contract that has been
28 extended beyond the original contract period, he shall give notice to the ~~Board-Superintendent~~
29 90 days prior to May 1. The ~~Board-Superintendent~~ may then proceed to a new adoption."

30 **SECTION 40.** G.S. 115C-92 reads as rewritten:

31 **"§ 115C-92. Procedure for change of textbook.**

32 ~~The Superintendent may at any time communicate to the Board~~ If the Superintendent finds
33 that a particular book is unsatisfactory for the schools, whereupon the ~~Board-Superintendent~~
34 may call for a new selection and adoption. If the ~~Board-Superintendent~~ votes decides to change
35 a textbook, it shall give the publisher 90 days' notice prior to May 1, after which it may adopt a
36 new book or books on the subject for which a book is sought."

37 **SECTION 41.** G.S. 115C-93 reads as rewritten:

38 **"§ 115C-93. Advice from and suits by Attorney General.**

39 The form and legality of contracts between the ~~Board-Superintendent~~ and publishers of
40 textbooks shall be subject to the approval of the Attorney General.

41 When requested by the ~~Board-Superintendent~~, the Attorney General shall bring suit against
42 any publisher who fails to keep his contract as to prices, distribution, adequate supply of books
43 in the edition adopted, or in any other way violates the terms of his contract. The suit shall be
44 brought for an amount sufficient to enforce the contract or to compensate the State for any loss
45 sustained by the publisher's failure to keep his contract."

46 **SECTION 42.** G.S. 115C-95 reads as rewritten:

47 **"§ 115C-95. Sale of books at lower price reduces price to State.**

48 Every contract made by the ~~Board-Superintendent~~ of Public Instruction with the publisher
49 of any school textbook on the State-adopted list shall be deemed to have written therein a
50 condition providing that if that publisher, during the life of his contract with this State,
51 contracts with any other governmental unit or places that textbook on sale anywhere in the

1 United States for a price less than that stipulated in his contract with the State of North
2 Carolina, the publisher shall immediately furnish that textbook to this State at a price not
3 greater than that for which the book is furnished, sold, or placed on sale anywhere else in the
4 nation."

5 **SECTION 43.** G.S. 115C-96 reads as rewritten:

6 "**§ 115C-96. Powers and duties of the ~~State Board of Education~~ Superintendent of Public**
7 **Instruction in regard to textbooks.**

8 The children of the public elementary and secondary schools of the State shall be provided
9 with free basic textbooks within the appropriation of the General Assembly for that purpose. To
10 implement this directive, the ~~State Board of Education~~ Superintendent of Public Instruction
11 shall evaluate annually the amount of money necessary to provide textbooks based on the
12 actual cost and availability of textbooks and shall request sufficient appropriations from the
13 General Assembly.

14 The ~~State Board of Education~~ Superintendent shall administer a fund and establish rules
15 and regulations necessary to:

- 16 (1) Acquire by contract such basic textbooks as are or may be on the adopted list
17 of the State of North Carolina which the ~~Board~~ Superintendent finds
18 necessary to meet the needs of the State public school system and to carry
19 out the provisions of this Part.
- 20 (2) Provide a system of distribution of these textbooks and distribute the books
21 that are provided without using any depository or warehouse facilities other
22 than those operated by the ~~State Board of Education~~ Superintendent of
23 Public Instruction.
- 24 (3) Provide for the free use, with proper care and return, of elementary and
25 secondary basic textbooks. The title of said books shall be vested in the
26 State."

27 **SECTION 44.** G.S. 115C-97 reads as rewritten:

28 "**§ 115C-97. ~~State Board of Education~~ Superintendent of Public Instruction authorized to**
29 **discontinue handling supplementary and library books.**

30 The ~~State Board of Education~~ Superintendent of Public Instruction may discontinue the
31 adoption of supplementary textbooks and, at the expiration of existing contracts, may
32 discontinue the purchase, warehousing, and distribution of supplementary textbooks. The
33 ~~Board~~ Superintendent may also discontinue the purchase and resale of library books. Funds
34 appropriated to the ~~State Board of Education~~ Department of Public Instruction for
35 supplementary textbooks shall be transferred to the State Public School Fund for allotment to
36 each local school administrative unit, based on its average daily membership, for the purchase
37 of supplementary textbooks, library books, periodicals, and other instructional materials."

38 **SECTION 45.** G.S. 115C-98 reads as rewritten:

39 "**§ 115C-98. Local boards of education to provide for local operation of the textbook**
40 **program, the selection and procurement of other instructional materials, and**
41 **the use of nonadopted textbooks.**

42 (a) Local boards of education shall adopt rules not inconsistent with the policies of the
43 ~~State Board of Education~~ Superintendent of Public Instruction concerning the local operation of
44 the textbook program.

45 (b) Local boards of education shall adopt written policies concerning the procedures to
46 be followed in their local school administrative units for the selection and procurement of
47 supplementary textbooks, library books, periodicals, audiovisual materials, and other
48 supplementary instructional materials needed for instructional purposes in the public schools of
49 their units.

50 Local boards of education shall have sole authority to select and procure supplementary
51 instructional materials, whether or not the materials contain commercial advertising, to

1 determine if the materials are related to and within the limits of the prescribed curriculum, and
2 to determine when the materials may be presented to students during the school day.
3 Supplementary materials and contracts for supplementary materials are not subject to approval
4 by the ~~State Board of Education~~, Superintendent of Public Instruction.

5 Supplementary books and other instructional materials shall neither displace nor be used to
6 the exclusion of basic textbooks.

7 (b1) A local board of education may establish a community media advisory committee to
8 investigate and evaluate challenges from parents, teachers, and members of the public to
9 textbooks and supplementary instructional materials on the grounds that they are educationally
10 unsuitable, pervasively vulgar, or inappropriate to the age, maturity, or grade level of the
11 students. The ~~State Board of Education~~, Superintendent of Public Instruction shall review ~~its~~ the
12 rules and policies concerning these challenges and shall establish guidelines to be followed by
13 community media advisory committees.

14 The local board, at all times, has sole authority and discretion to determine whether a
15 challenge has merit and whether challenged material should be retained or removed.

16 (b2) Local boards of education may:

17 (1) Select, procure, and use textbooks that have not been adopted by the ~~State~~
18 ~~Board of Education~~, Superintendent of Public Instruction for use throughout
19 the local school administrative unit for selected grade levels and courses;
20 and

21 (2) Approve school improvement plans developed under G.S. 115C-105.27 that
22 include provisions for using textbooks that have not been adopted by the
23 ~~State Board of Education~~, Superintendent of Public Instruction for selected
24 grade levels and courses.

25 All textbook contracts made under this subsection shall include a clause granting to the
26 local board of education the license to produce braille, large print, and audiocassette tape copies
27 of the textbooks for use in the local school administrative unit.

28 (c) Funds allocated by the ~~State Board of Education~~, Superintendent of Public
29 Instruction or appropriated in the current expense or capital outlay budgets of the local school
30 administrative units, may be used for the above-stated purposes."

31 **SECTION 46.** G.S. 115C-100 reads as rewritten:

32 **"§ 115C-100. Rental fees for textbooks prohibited; damage fees authorized.**

33 No local board of education may charge any pupil a rental fee for the use of textbooks. A
34 pupil's parents or legal guardians may be charged damage fees for abuse or loss of textbooks
35 under rules adopted by the ~~State Board of Education~~, Superintendent of Public Instruction. All
36 money collected from the sale of textbooks purchased with State funds under the provisions of
37 this Part shall be paid annually as collected to the ~~State Board of Education~~, Superintendent."

38 **SECTION 47.** G.S. 115C-101 reads as rewritten:

39 **"§ 115C-101. Duties and authority of superintendents of local school administrative units.**

40 The superintendent of each local school administrative unit, as an official agent of the ~~State~~
41 ~~Board of Education~~, Superintendent of Public Instruction, shall administer the provisions of this
42 Part and the rules and regulations of the ~~Board~~ Superintendent insofar as they apply to his unit.
43 The superintendent of each local school administrative unit shall have authority to require the
44 cooperation of principals and teachers so that the children may receive the best possible
45 service, and so that all the books and moneys may be accounted for properly. If any principal or
46 teacher fails to comply with the provisions of this section, his superintendent shall withhold his
47 salary vouchers until the duties imposed by this section have been performed.

48 If any superintendent fails to comply with the provisions of this section, the State
49 ~~Superintendent, as secretary to the State Board of Education~~, Superintendent shall notify the
50 ~~State Board of Education~~ and the State Treasurer. The ~~State Board~~ and the State Superintendent
51 shall withhold the superintendent's salary vouchers, and the State Treasurer shall make no

1 payment until the State Superintendent notifies him that the provisions of this section have been
2 complied with."

3 **SECTION 48.** G.S. 115C-102 reads as rewritten:

4 **"§ 115C-102. Right to purchase; disposal of textbooks and materials.**

5 (a) Any parent, guardian, or person in loco parentis may purchase any instructional
6 material needed for any child in the public schools of the State from the board of education of
7 the local school administrative unit in which the child is enrolled or, in the case of basic
8 textbooks, from the ~~State Board of Education~~ Superintendent of Public Instruction.

9 (b) Notwithstanding Article 3A of Chapter 143 of the General Statutes, G.S. 143-49(4),
10 or any other provision of law, the ~~State Board of Education~~ Superintendent of Public
11 Instruction may adopt rules authorizing local boards of education to dispose of discontinued
12 instructional material, including State-adopted textbooks."

13 **SECTION 49.** G.S. 115C-102.5 reads as rewritten:

14 **"§ 115C-102.5. Commission on School Technology created; membership.**

15 (a) There is created the Commission on School Technology. The Commission shall be
16 located administratively in the Department of Public Instruction.

17 The purpose of the Commission shall be to advise the ~~State Board of Education~~
18 Superintendent of Public Instruction on the development of a State School Technology Plan
19 that (i) ensures the effective use of technology is built into the North Carolina Public School
20 System for the purpose of preparing a globally competitive workforce and citizenry for the 21st
21 century and (ii) ensures equity and access to school technology for all segments of the public
22 school population in North Carolina.

23 The Commission shall meet at least twice each fiscal year and shall provide input and
24 feedback on the State School Technology Plan prior to approval.

25 ...

26 (d1) The ~~Chair of the State Board of Education~~ Superintendent of Public Instruction shall
27 select the Commission member or members who shall serve as chair or cochairs of the
28 Commission.

29 (e) The Department of Public Instruction shall provide requested professional and
30 clerical staff to the Commission."

31 **SECTION 50.** G.S. 115C-102.6 reads as rewritten:

32 **"§ 115C-102.6. Duty to propose a State school technology plan.**

33 The ~~State Board of Education~~ Superintendent of Public Instruction shall propose a State
34 school technology plan that ensures the effective use of technology is built into the North
35 Carolina Public School System for the purpose of preparing a globally competitive workforce
36 and citizenry for the 21st century. The Commission on School Technology will advise the ~~State~~
37 ~~Board of Education~~ Superintendent on the State School Technology Plan and its components."

38 **SECTION 51.** G.S. 115C-102.6A(c)(7) reads as rewritten:

39 **"§ 115C-102.6A. Elements of the State school technology plan.**

40 (c) Components of the State school technology plan shall include at least the following:

41 ...

42 (7) Recommendations to the ~~State Board of Education~~ Superintendent of Public
43 Instruction of requirements for preservice teacher training on the integration
44 of teaching and school technology."

45 **SECTION 52.** G.S. 115C-102.6B reads as rewritten:

46 **"§ 115C-102.6B. Approval of State school technology plan.**

47 (a) The ~~State Board of Education~~ Superintendent of Public Instruction shall review,
48 revise as needed, and approve the State School Technology Plan at a minimum every two years
49 in the odd-numbered year, beginning in 2011. The plan shall be updated more often, as
50 required, as in cases where significant changes occur related to ~~Board~~ the Superintendent's
51 goals, curriculum standards, and available technology.

1 (b) The ~~Board-Superintendent~~ shall submit the plan to the State Chief Information
2 Officer for approval of the technical components of the plan set out in G.S. 115C-102.6A(1)
3 through (4). At least one-fourth of the members of any technical committee that reviews the
4 plan for the State Chief Information Officer shall be people actively involved in primary or
5 secondary education.

6 The ~~Board-Superintendent~~ shall report annually by February 1 of each year to the Joint
7 Legislative Education Oversight Committee on the status of the State School Technology Plan.

8 (c) Repealed by Session Laws 2009-451, s. 7.31, effective July 1, 2009."

9 **SECTION 53.** G.S. 115C-102.6C reads as rewritten:

10 **"§ 115C-102.6C. Approval of local school system technology plans.**

11 (a) Each local board of education shall develop a local school system technology plan
12 that is aligned with and meets the requirements of the State school technology plan. In
13 developing a local school system technology plan, a local board of education is encouraged to
14 incorporate this plan into its strategic planning and to bring together stakeholders from various
15 areas of the local school administrative unit, including curriculum leaders, teachers,
16 administrators, representatives from technology services and instructional technology, and
17 finance, as well as other departments of the unit as required. In addition, the local board is
18 encouraged to coordinate its planning with other agencies of State and local government,
19 including other local school administrative units.

20 The Department of Public Instruction shall assist the local boards of education in
21 developing the instructional and technological aspects of the plan.

22 Each local board of education shall submit the local plan it develops to the Department of
23 Public Instruction for evaluation of the parts of the technological and instructional aspects of
24 the plan. The ~~State Board of Education, Superintendent of Public Instruction,~~ after
25 consideration of the evaluations of the Department of Public Instruction, shall approve all local
26 plans that comply with the requirements of the State school technology plan.

27 (b) After a local school system technology plan is approved by the ~~State Board of~~
28 ~~Education, Superintendent of Public Instruction,~~ all State funds spent by the local board of
29 education for any aspect of school technology shall be used to implement the local school
30 system technology plan.

31 (c) State School Technology Fund dollars that are allocated to the local school
32 administrative unit to implement the plan shall not be expended until the plan has been
33 approved by the ~~State Board of Education, Superintendent of Public Instruction.~~"

34 **SECTION 54.** G.S. 115C-102.6D reads as rewritten:

35 **"§ 115C-102.6D. Establishment of the State School Technology Fund; allocation and use**
36 **of funds.**

37 (a) There is established under the control and direction of the ~~State Board of Education~~
38 Department of Public Instruction the State School Technology Fund. This fund shall be a
39 nonreverting special revenue fund consisting of any monies appropriated to it by the General
40 Assembly and any monies credited to it under G.S. 20-81.12 from the sale of School
41 Technology special license plates.

42 (b) Funds in the State School Technology Fund shall be allocated to local school
43 administrative units as directed by the General Assembly. Funds allocated to each local school
44 administrative unit shall be credited with interest by the State Treasurer pursuant to
45 G.S. 147-69.2 and G.S. 147-69.3.

46 (c) Repealed by Session Laws 2009-451, s. 7.31, effective July 1, 2009.

47 (d) No local school administrative unit may access technology-related funds until the
48 ~~State Board of Education-Superintendent of Public Instruction~~ has approved its school
49 technology plan."

50 **SECTION 55.** G.S. 115C-102.7 reads as rewritten:

1 **"§ 115C-102.7. Monitoring and evaluation of State and local school system technology**
2 **plans; reports.**

3 (a) The Department of Public Instruction shall monitor and evaluate the development
4 and implementation of the State and local school system technology plans. The evaluation shall
5 consider the effects of technology on student learning, the effects of technology on students'
6 workforce readiness, the effects of technology on teacher productivity, and the
7 cost-effectiveness of the technology.

8 (a1) Repealed by Session Laws 1997-18, s. 15(k).

9 (b) Repealed by Session Laws 2009-451, s. 7.31, effective July 1, 2009.

10 (c) The Department of Public Instruction shall randomly check local school system
11 technology plans to ensure that local school administrative units are implementing their plans
12 as approved. The Department shall report to the ~~State Board of Education~~ Superintendent of
13 Public Instruction on which local school administrative units are not complying with their
14 plans. The report shall include the reasons these local school administrative units are out of
15 compliance and a recommended plan of action to support each of these local school
16 administrative units in carrying out their plans."

17 **SECTION 56.** G.S. 115C-105.20 reads as rewritten:

18 **"§ 115C-105.20. School-Based Management and Accountability Program.**

19 (a) The General Assembly believes that all children can learn. It is the intent of the
20 General Assembly that the mission of the public school community is to challenge with high
21 expectations each child to learn, to achieve, and to fulfill his or her potential. With that mission
22 as its a guide, the ~~State Board of Education~~ Superintendent of Public Instruction shall develop a
23 School-Based Management and Accountability Program. The primary goal of the Program
24 shall be to improve student performance.

25 (b) In order to support local boards of education and schools in the implementation of
26 this Program, the ~~State Board of Education~~ Superintendent of Public Instruction shall adopt
27 guidelines, including guidelines to:

28 (1) Assist local boards and schools in the development and implementation of
29 school-based management under Part 2 of this Article.

30 (2) Recognize the schools that meet or exceed their goals.

31 (3) Identify low-performing schools under G.S. 115C-105.37, and create
32 assistance teams that the ~~Board~~ Superintendent may assign to schools
33 identified as low-performing under G.S. 115C-105.37. The assistance teams
34 should consist of currently practicing teachers and staff, representatives of
35 institutions of higher education, school administrators, and others the ~~State~~
36 ~~Board~~ Superintendent considers appropriate.

37 (4) Enable assistance teams to make appropriate recommendations under
38 G.S. 115C-105.38.

39 (5) Establish a process to resolve disputes between local boards and schools in
40 the development and implementation of school improvement plans under
41 G.S. 115C-105.27. This process shall provide for final resolution of the
42 disputes."

43 **SECTION 57.** G.S. 115C-105.25(b)(6) reads as rewritten:

44 "(b) Subject to the following limitations, local boards of education may transfer and may
45 approve transfers of funds between funding allotment categories:

46 (6) Funds allocated for vocational education may be transferred only in
47 accordance with any rules that the ~~State Board of Education~~ Superintendent
48 of Public Instruction considers appropriate to ensure compliance with federal
49 regulations."

50 **SECTION 58.** G.S. 115C-105.26 reads as rewritten:

51 **"§ 115C-105.26. Waivers of State laws, rules, or policies.**

1 (a) When included as part of a school improvement plan accepted under
2 G.S. 115C-105.27, local boards of education shall submit requests for waivers of State laws,
3 rules, or policies to the ~~State Board of Education~~ Superintendent of Public Instruction. A
4 request for a waiver shall (i) identify the school making the request, (ii) identify the State laws,
5 rules, or policies that inhibit the school's ability to improve student performance, (iii) set out
6 with specificity the circumstances under which the waiver may be used, and (iv) explain how
7 the requested waiver will permit the school to improve student performance. Except as
8 provided in subsection (c) of this section, the ~~State Board~~ Superintendent shall grant waivers
9 only for the specific schools for which they are requested and shall be used only under the
10 specific circumstances for which they are requested.

11 (b) When requested as part of a school improvement plan, the ~~State Board of Education~~
12 Superintendent of Public Instruction may grant waivers of:

- 13 (1) State laws pertaining to class size and teacher certification; and
- 14 (2) State rules and policies, except those pertaining to public school State salary
15 schedules and employee benefits for school employees, the instructional
16 program that must be offered under the Basic Education Program, the system
17 of employment for public school teachers and administrators set out in
18 G.S. 115C-287.1 and G.S. 115C-325, health and safety codes, compulsory
19 attendance, the minimum lengths of the school day and year, and the
20 Uniform Education Reporting System.

21 (c) The ~~State Board~~ Superintendent also may grant requests received from local boards
22 for waivers of State laws, rules, or policies that affect the organization, duties, and assignment
23 of central office staff only. However, none of the duties to be performed under G.S. 115C-436
24 may be waived.

25 (c1) The ~~State Board~~ Superintendent also may grant requests received from local boards
26 for waivers of State laws, rules, or policies that require that each local school administrative
27 unit provide at least one alternative school or at least one alternative learning program.

28 (d) Notwithstanding subsections (b) and (c) of this section, the ~~State Board~~
29 Superintendent shall not grant waivers of G.S. 115C-12(16)b. regarding the placement of
30 State-allotted office support personnel, teacher assistants, and custodial personnel on the salary
31 schedule adopted by the ~~State Board~~ Superintendent.

32 (e) Notwithstanding subsection (b) of this section, the ~~State Board~~ Superintendent may
33 grant requests received from local boards for waivers of State laws, rules, or policies pertaining
34 to the placement of principals on the State salary schedule for public school administrators in
35 order to provide financial incentives to encourage principals to accept employment in a school
36 that has been identified as low-performing under G.S. 115C-105.37. The ~~State Board~~
37 Superintendent shall act on requests under this subsection ~~at the first Board meeting following~~
38 within a month of receipt of each request.

39 (f) ~~Except as provided in subsection (e) of this section, the State Board~~ The
40 Superintendent shall act within 60 days of receipt of all requests for waivers under this section.

41 (g) The ~~State Board~~ Superintendent shall, on a regular basis, review all waivers it has
42 granted to determine whether any rules should be repealed or modified or whether the ~~Board~~
43 Superintendent should recommend to the General Assembly the repeal or modification of any
44 laws."

45 **SECTION 59.** G.S. 115C-105.20 reads as rewritten:

46 "**§ 115C-105.27. Development and approval of school improvement plans.**

47 (a) In order to improve student performance, each school shall develop a school
48 improvement plan that takes into consideration the annual performance goal for that school that
49 is set by the ~~State Board~~ Superintendent of Public Instruction under G.S. 115C-105.35 and the
50 goals set out in the mission statement for the public schools adopted by the ~~State Board of~~
51 Education Superintendent. The principal of each school, representatives of the assistant

1 principals, instructional personnel, instructional support personnel, and teacher assistants
2 assigned to the school building, and parents of children enrolled in the school shall constitute a
3 school improvement team to develop a school improvement plan to improve student
4 performance. Representatives of the assistant principals, instructional personnel, instructional
5 support personnel, and teacher assistants shall be elected by their respective groups by secret
6 ballot. Unless the local board of education has adopted an election policy, parents shall be
7 elected by parents of children enrolled in the school in an election conducted by the parent and
8 teacher organization of the school or, if none exists, by the largest organization of parents
9 formed for this purpose. Parents serving on school improvement teams shall reflect the racial
10 and socioeconomic composition of the students enrolled in that school and shall not be
11 members of the building-level staff. Parental involvement is a critical component of school
12 success and positive student achievement; therefore, it is the intent of the General Assembly
13 that parents, along with teachers, have a substantial role in developing school improvement
14 plans. To this end, school improvement team meetings shall be held at a convenient time to
15 assure substantial parent participation.

16 All school improvement plans shall be, to the greatest extent possible, data-driven. School
17 improvement teams shall use the Education Value Added Assessment System (EVAAS) or a
18 compatible and comparable system approved by the ~~State Board of Education, Superintendent,~~
19 to analyze student data to identify root causes for problems and to determine actions to address
20 them. School improvement plans shall contain clear, unambiguous targets, explicit indicators
21 and actual measures, and expeditious time frames for meeting the measurement standards.

22 ...
23 (d) The local board of education shall accept or reject the school improvement plan.
24 The local board shall not make any substantive changes in any school improvement plan that it
25 accepts. If the local board rejects a school improvement plan, the local board shall state with
26 specificity its reasons for rejecting the plan; the school improvement team may then prepare
27 another plan, present it to the principals, assistant principals, instructional personnel,
28 instructional support personnel, and teacher assistants assigned to the school building for a
29 vote, and submit it to the local board to accept or reject. If no school improvement plan is
30 accepted for a school within 60 days after its initial submission to the local board, the school or
31 the local board may ask to use the process to resolve disagreements recommended in the
32 guidelines developed by the ~~State Board Superintendent of Public Instruction~~ under
33 G.S. 115C-105.20(b)(5). If this request is made, both the school and local board shall
34 participate in the process to resolve disagreements. If there is no request to use that process,
35 then the local board may develop a school improvement plan for the school. The General
36 Assembly urges the local board to utilize the school's proposed school improvement plan to the
37 maximum extent possible when developing such a plan.

38"

39 **SECTION 60.** G.S. 115C-105.31 reads as rewritten:

40 "**§ 115C-105.31. Creation of the Task Force on School-Based Management.**

41 (a) There is created the Task Force on School-Based Management under the ~~State~~
42 ~~Board of Education, Department of Public Instruction.~~

43 The Task Force shall be composed of 21 members appointed as follows:

44 (1) The Superintendent of Public Instruction;

45 (2) One member of the State Board of ~~Education, Education;~~

46 ~~(2a) one~~ (2a) One parent of a public school child, and two at-large members appointed
47 by the ~~State Board of Education, Superintendent of Public Instruction;~~

48 (3) Two members of the Senate appointed by the President Pro Tempore of the
49 Senate;

50 (4) Two members of the House of Representatives appointed by the Speaker of
51 the House of Representatives;

- 1 (5) One member of a local board of education appointed by the President Pro
2 Tempore of the Senate after receiving recommendations from The North
3 Carolina State School Boards Association, Inc.;
- 4 (6) One member of a local board of education appointed by the Speaker of the
5 House of Representatives after receiving recommendations from The North
6 Carolina State School Boards Association, Inc.;
- 7 (7) One local school superintendent appointed by the President Pro Tempore of
8 the Senate after receiving recommendations from the North Carolina
9 Association of School Administrators;
- 10 (8) One local school superintendent appointed by the Speaker of the House of
11 Representatives after receiving recommendations from the North Carolina
12 Association of School Administrators;
- 13 (9) One school principal appointed by the President Pro Tempore of the Senate
14 after receiving recommendations from the Tar Heel Association of
15 Principals/Assistant Principals and the Division of Administrators of the
16 North Carolina Association of Educators;
- 17 (10) One school principal appointed by the Speaker of the House of
18 Representatives after receiving recommendations from the Tar Heel
19 Association of Principals/Assistant Principals and the Division of
20 Administrators of the North Carolina Association of Educators;
- 21 (11) One school teacher appointed by the President Pro Tempore of the Senate
22 after receiving recommendations from the North Carolina Association of
23 Educators, Inc., the North Carolina Federation of Teachers, and the
24 Professional Educators of North Carolina, Inc.;
- 25 (12) One school teacher appointed by the Speaker of the House of
26 Representatives after receiving recommendations from the North Carolina
27 Association of Educators, Inc., the North Carolina Federation of Teachers,
28 and the Professional Educators of North Carolina, Inc.;
- 29 (13) One representative of business and industry appointed by the Governor;
- 30 (14) One representative of institutions of higher education appointed by the
31 Board of Governors of The University of North Carolina;
- 32 (15) One county commissioner appointed by the ~~State Board of Education~~
33 Superintendent of Public Instruction after receiving recommendations from
34 the North Carolina Association of County Commissioners; and
- 35 (16) The Secretary of Health and Human Services or the Secretary's designee.

36 Members of the Task Force shall serve for two-year terms.

37 All members of the Task Force shall be voting members. Vacancies in the appointed
38 membership shall be filled by the officer who made the initial appointment. The Task Force on
39 School-Based Management shall select a member of the Task Force to serve as chair of the
40 Task Force.

41 Members of the Task Force shall receive travel and subsistence expenses in accordance
42 with the provisions of G.S. 120-3.1, G.S. 138-5, and G.S. 138-6.

43 (b) The Task Force shall:

- 44 (1) Advise the ~~State Board of Education~~ Superintendent of Public Instruction
45 and Secretary of Health and Human Services on the development of
46 guidelines for local boards of education and schools to implement
47 school-based management as part of the School-Based Management and
48 Accountability Program;
- 49 (2) Advise the ~~State Board of Education~~ Superintendent of Public Instruction
50 and the Secretary of Health and Human Services on how to assist the public

- 1 schools and residential schools so as to facilitate the implementation of
2 school-based management;
- 3 (3) Advise the ~~State Board of Education~~ Superintendent of Public Instruction
4 and Secretary of Health and Human Services about publications to be
5 produced by the Department of Public Instruction on the development and
6 implementation of school improvement plans;
- 7 (4) Report annually to the ~~State Board of Education~~ Superintendent of Public
8 Instruction on the implementation of school-based management in the public
9 schools on the first Friday in December. This report may contain a summary
10 of recommendations for changes to any law, rule, and policy that would
11 improve school-based management.

12 (c) The Department of Public Instruction ~~shall, with the approval of the State Board of~~
13 ~~Education,~~ shall provide staff to the Task Force at the request of the Task Force.

14 (d) The ~~State Board of Education~~ Superintendent of Public Instruction shall appoint a
15 Director of the Task Force on School-Based Management."

16 **SECTION 61.** G.S. 115C-105.32 reads as rewritten:

17 **"§ 115C-105.32. Parent involvement programs and conflict resolution programs as part**
18 **of school improvement plans.**

19 A school is encouraged to include a comprehensive parent involvement program as part of
20 its school improvement plan under G.S. 115C-105.27. The ~~State Board of Education~~
21 Superintendent of Public Instruction shall develop a list of recommended strategies that it
22 determines to be effective, which building level committees may use to establish parent
23 involvement programs designed to meet the specific needs of their schools. ~~The Board shall~~
24 ~~make the list available to local school administrative units and school buildings by the~~
25 ~~beginning of the 1994-95 school year.~~

26 A school is encouraged to review its need for a comprehensive conflict resolution program
27 as part of the development of its school improvement plan under G.S. 115C-105.27. If a school
28 determines that this program is needed, it may select from the list developed by the ~~State Board~~
29 ~~of Education~~ Superintendent of Public Instruction under G.S. 115C-81(a4) or may develop its
30 own materials and curricula to be approved by the local board of education."

31 **SECTION 62.** G.S. 115C-105.33 reads as rewritten:

32 **"§ 115C-105.33. Safe and orderly schools.**

33 A school improvement team or a parent organization at a school may ask the local board of
34 education to provide assistance in promoting or restoring safety and an orderly learning
35 environment at a school. The school improvement team or parent organization shall file a copy
36 of this request with the ~~State Board~~ Superintendent of Public Instruction. If the local board
37 fails to provide adequate assistance to the school, then the school improvement team or parent
38 organization may ask the ~~State Board~~ Superintendent to provide an assistance team to the
39 school.

40 The ~~State Board~~ Superintendent may provide an assistance team, established under
41 G.S. 115C-105.38, to a school in order to promote or restore safety and an orderly learning
42 environment at that school if one of the following applies:

- 43 (1) The local board of education or superintendent requests that the ~~State Board~~
44 Superintendent provide an assistance team to a school and the ~~State Board~~
45 Superintendent determines that the school needs assistance.
- 46 (2) The ~~State Board~~ Superintendent determines within 10 days after its receipt
47 of the request for assistance from a school improvement team or parent
48 organization of a school that the school needs assistance and that the local
49 board has failed to provide adequate assistance to that school.

50 If an assistance team is assigned to a school under this section, the team shall spend a
51 sufficient amount of time at the school to assess the problems at the school, assist school

1 personnel with resolving those problems, and work with school personnel and others to develop
2 a long-term plan for restoring and maintaining safety and an orderly learning environment at
3 the school. The assistance team also shall make recommendations to the local board of
4 education and the superintendent on actions the board and the superintendent should consider
5 taking to resolve problems at the school. These recommendations shall be in writing and are
6 public records. If an assistance team is assigned to a school under this section, the powers given
7 to the ~~State Board Superintendent~~ and the assistance team under G.S. 115C-105.38 and
8 G.S. 115C-105.39 shall apply as if the school had been identified as low-performing under this
9 Article."

10 **SECTION 63.** G.S. 115C-105.35 reads as rewritten:

11 **"§ 115C-105.35. Annual performance goals.**

12 (a) The School-Based Management and Accountability Program shall (i) focus on
13 student performance in the basics of reading, mathematics, and communications skills in
14 elementary and middle schools, (ii) focus on student performance in courses required for
15 graduation and on other measures required by the ~~State Board Superintendent of Public~~
16 Instruction in the high schools, and (iii) hold schools accountable for the educational growth of
17 their students. To those ends, the ~~State Board Superintendent~~ shall design and implement an
18 accountability system that sets annual performance standards for each school in the State in
19 order to measure the growth in performance of the students in each individual school. During
20 the 2004-2005 school year and at least every five years thereafter, the ~~State Board~~
21 Superintendent shall evaluate the accountability system and, if necessary, modify the testing
22 standards to assure the testing standards continue to reasonably reflect the level of performance
23 necessary to be successful at the next grade level or for more advanced study in the content
24 area.

25 As part of this evaluation, the ~~Board Superintendent~~ shall, where available, review the
26 historical trend data on student academic performance on State tests. To the extent that the
27 historical trend data suggest that the current standards for student performance may not be
28 appropriate, the ~~State Board Superintendent~~ shall adjust the standards to assure that they
29 continue to reflect the State's high expectations for student performance.

30 (b) For purposes of this Article, the ~~State Board Superintendent~~ shall include a "closing
31 the achievement gap" component in ~~its~~ the measurement of educational growth in student
32 performance for each school. The "closing the achievement gap" component shall measure and
33 compare the performance of each subgroup in a school's population to ensure that all subgroups
34 as identified by the ~~State Board Superintendent~~ are meeting State standards.

35 (c) The ~~State Board Superintendent~~ shall consider incorporating into the School-Based
36 Management and Accountability Program a character and civic education component which
37 may include a requirement for student councils."

38 **SECTION 64.** G.S. 115C-105.36 reads as rewritten:

39 **"§ 115C-105.36. Performance recognition.**

40 (a) The personnel in schools that achieve a level of expected growth greater than one
41 hundred percent (100%) at a level to be determined by the ~~State Board of Education~~
42 Superintendent of Public Instruction are eligible for financial awards in amounts set by the
43 ~~State Board Superintendent~~. Schools and personnel shall not be required to apply for these
44 awards. For the purpose of this section, "personnel" includes the principal, assistant principal,
45 instructional personnel, instructional support personnel, and teacher assistants (i) serving
46 students in one or more of the grades kindergarten through 12 or (ii) assigned to a public school
47 prekindergarten program that is located within a public elementary school and is designed to
48 prepare students for kindergarten at that school.

49 (b) The ~~State Board Superintendent~~ shall establish a procedure to allocate the funds for
50 these awards to the local school administrative units in which the eligible schools are located.
51 Funds shall become available for expenditure July 1 of each fiscal year. Funds shall remain

1 available until November 30 of the subsequent fiscal year for expenditure for awards to the
2 personnel. Each local school administrative unit is encouraged to make these awards to each
3 eligible person no later than the first regular teacher payroll following the local unit's receipt of
4 the funds, and shall make these awards to each eligible person no later than the second regular
5 teacher payroll following the local unit's receipt of the funds."

6 **SECTION 65.** G.S. 115C-105.37 reads as rewritten:

7 "**§ 115C-105.37. Identification of low-performing schools.**

8 (a) ~~The State Board of Education~~ Superintendent of Public Instruction shall design and
9 implement a procedure to identify low-performing schools on an annual basis. Low-performing
10 schools are those in which there is a failure to meet the minimum growth standards, as defined
11 by the ~~State Board, Superintendent,~~ and a majority of students are performing below grade
12 level.

13 (a1) By July 10 of each year, each local school administrative unit shall do a preliminary
14 analysis of test results to determine which of its schools the ~~State Board~~ Superintendent may
15 identify as low-performing under this section. The superintendent then shall proceed under
16 G.S. 115C-105.39. In addition, within 30 days of the initial identification of a school as
17 low-performing by the local school administrative unit or the ~~State Board, Superintendent,~~
18 whichever occurs first, the superintendent shall submit to the local board a preliminary plan for
19 addressing the needs of that school, including how the superintendent and other central office
20 administrators will work with the school and monitor the school's progress. Within 30 days of
21 its receipt of this plan, the local board shall vote to approve, modify, or reject this plan. Before
22 the board makes this vote, it shall make the plan available to the public, including the personnel
23 assigned to that school and the parents and guardians of the students who are assigned to the
24 school, and shall allow for written comments. The board shall submit the plan to the ~~State~~
25 ~~Board-Superintendent~~ within five days of the board's vote. The ~~State Board-Superintendent~~
26 shall review the plan expeditiously and, if appropriate, may offer recommendations to modify
27 the plan. The local board shall consider any recommendations made by the ~~State Board-~~
28 ~~Superintendent.~~

29 (b) Each school that the ~~State Board-Superintendent~~ identifies as low-performing shall
30 provide written notification to the parents of students attending that school. The written
31 notification shall include a statement that the ~~State Board of Education-Superintendent~~ has
32 found that the school has "failed to meet the minimum growth standards, as defined by the
33 ~~State Board, Superintendent,~~ and a majority of students in the school are performing below
34 grade level." This notification also shall include information about the plan developed under
35 subsection (a1) of this section and a description of any additional steps the school is taking to
36 improve student performance."

37 **SECTION 66.** G.S. 115C-105.37A reads as rewritten:

38 "**§ 115C-105.37A. Continually low-performing schools; definition; assistance and**
39 **intervention; reassignment of students.**

40 (a) Definition of Continually Low-Performing Schools. – A continually low-performing
41 school is a school that has received State-mandated assistance and has been designated by the
42 ~~State Board-Superintendent of Public Instruction~~ as low performing for at least two of three
43 consecutive years. If the ~~State Board-Superintendent~~ identifies a school as continually low
44 performing:

45 (1) The school improvement team at that school shall review its school
46 improvement plan to ensure consistency with the plan adopted pursuant to
47 G.S. 115C-105.38(b)(3), and

48 (2) The plan must be reviewed and approved by the ~~State Board of Education-~~
49 ~~Superintendent.~~

50 (b) Assistance to Schools That Are Low Performing for Two Years. – If a school that
51 has received State-mandated assistance is designated by the ~~State Board-Superintendent~~ as low

1 performing for two consecutive years or for two of three consecutive years, the ~~State Board~~
2 ~~Superintendent~~ shall provide a series of progressive assistance and intervention strategies to
3 that school. These strategies shall be designed to improve student achievement and to maintain
4 student achievement at appropriate levels and may include, to the extent that funds are
5 available for this purpose, assistance such as reductions in class size, extension of teacher and
6 assistant principal contracts, extension of the instructional year, and grant-based assistance.

7 (c) Intervention in Schools That Are Low Performing for Three or More Years. – The
8 ~~State Board of Education Superintendent of Public Instruction~~ shall develop and implement a
9 series of actions for providing assistance and intervention to schools that have previously
10 received State- mandated assistance and have been designated by the ~~State Board~~
11 ~~Superintendent~~ as low performing for three or more consecutive years or for at least three out
12 of four years. These actions shall be the least intrusive actions that are consistent with the need
13 to improve student achievement at each such school and shall be adapted to the unique
14 characteristics of each such school and the effectiveness of other actions developed or
15 implemented to improve student achievement at each such school."

16 **SECTION 67.** G.S. 115C-105.38 reads as rewritten:

17 "**§ 115C-105.38. Assistance teams; review by ~~State Board~~ Superintendent of Public**
18 **Instruction.**

19 (a) The ~~State Board of Education Superintendent of Public Instruction~~ may assign an
20 assistance team to any school identified as low-performing under this Article or to any other
21 school that requests an assistance team and that the ~~State Board Superintendent~~ determines
22 would benefit from an assistance team. The ~~State Board Superintendent~~ shall give priority to
23 low-performing schools in which the educational performance of the students is declining. The
24 Department of Public Instruction shall, with the approval of the ~~State Board~~, shall provide staff
25 as needed and requested by an assistance team.

26 (b) When assigned to an identified low-performing school, an assistance team shall:

- 27 (1) Review and investigate all facets of school operations and assist in
28 developing recommendations for improving student performance at that
29 school.
- 30 (2) Evaluate at least semiannually the personnel assigned to the school and
31 make findings and recommendations concerning their performance.
- 32 (3) Collaborate with school staff, central offices, and local boards of education
33 in the design, implementation, and monitoring of a plan that, if fully
34 implemented, can reasonably be expected to alleviate problems and improve
35 student performance at that school.
- 36 (4) Make recommendations as the school develops and implements this plan.
- 37 (5) Review the school's progress.
- 38 (6) Report, as appropriate, to the local board of education, the community, and
39 the ~~State Board Superintendent~~ on the school's progress. If an assistance
40 team determines that an accepted school improvement plan developed under
41 G.S. 115C-105.27 is impeding student performance at a school, the team
42 may recommend to the local board that it vacate the relevant portions of that
43 plan and direct the school to revise those portions.

44 (b1) Report to the ~~State Board of Education Superintendent of Public Instruction~~ if a
45 school and its local board of education are not responsive to the team's recommendations. A
46 copy of that report shall be made available to the local board, and the local board shall have an
47 opportunity to respond. Notwithstanding G.S. 115C-36 and other provisions of this Chapter, if
48 the ~~State Board Superintendent~~ confirms that the school and local board have failed to take
49 appropriate steps to improve student performance at that school, the ~~State Board~~
50 ~~Superintendent~~ shall assume all powers and duties previously conferred upon that local board
51 and that school and shall have general control and supervision of all matters pertaining to that

1 school until student performance at the school meets or exceeds the standards set for the school.
2 The ~~State Board Superintendent~~ may, as it considers appropriate, delegate any powers and
3 duties to that local board or school before the school meets or exceeds those standards.

4 (c) If a school fails to improve student performance after assistance is provided under
5 this section, the assistance team may recommend that the assistance continues or that the ~~State~~
6 ~~Board Superintendent~~ take further action under G.S. 115C-105.39.

7 (d) The ~~State Board Superintendent~~ shall annually review the progress made in
8 identified low-performing schools."

9 **SECTION 68.** G.S. 115C-105.38A reads as rewritten:

10 **"§ 115C-105.38A. Teacher competency assurance.**

11 (a) General Knowledge Test. –

12 (1) ~~Each assistance team assigned to a low performing school during the~~
13 ~~1997-98 school year shall review the team's evaluations of certified staff~~
14 ~~members to determine which staff members have been designated by the~~
15 ~~team as Category 3 teachers. The assistance team shall then determine~~
16 ~~whether lack of general knowledge contributed to the Category 3~~
17 ~~designation. If the assistance team determines that a certified staff member's~~
18 ~~lack of general knowledge contributed to that staff member being designated~~
19 ~~as a Category 3 teacher, the assistance team shall submit the staff member's~~
20 ~~name to the State Board. Upon receipt of the notification, the State Board~~
21 ~~shall require that the certified staff members identified by the assistance~~
22 ~~teams demonstrate their general knowledge by acquiring a passing score on~~
23 ~~a test designated by the State Board. The State Board shall administer the~~
24 ~~general knowledge test required under this subdivision at the end of the~~
25 ~~1997-98 school year.~~

26 (2) During the 1998-99 school year and thereafter, either the principal assigned
27 to a low-performing school or the assistance team assigned to a
28 low-performing school may recommend to the ~~State Board Superintendent~~
29 that a certified staff member take a general knowledge test. A principal or an
30 assistance team may make this recommendation if the principal or the
31 assistance team determines that the certified staff member's performance is
32 impaired by the staff member's lack of general knowledge. After receipt of
33 the notification, but prior to the end of the fiscal year, the ~~State Board~~
34 ~~Superintendent~~ shall require that all certified staff members identified under
35 this subdivision demonstrate their general knowledge by acquiring a passing
36 score on a test designated by the ~~State Board Superintendent~~.

37 (b) Repealed by Session Laws 1998-5, s. 1.

38 (c) Remediation. – Certified staff members who do not acquire a passing score on the
39 test required under subsection (a) of this section shall engage in a remediation plan based upon
40 the deficiencies identified by the test, or an assistance team, or a principal. The remediation
41 plan for deficiencies of individual certified staff members shall consist of up to a semester of
42 university or community college training or coursework or other similar activity to correct the
43 deficiency. The remediation shall be developed by the ~~State Board of Education Superintendent~~
44 ~~of Public Instruction~~ in consultation with the Board of Governors of The University of North
45 Carolina. The ~~State Board Superintendent~~ shall reimburse the institution providing the
46 remediation any tuition and fees incurred under this section. If the remediation plan requires
47 that the staff member engage in a full-time course of study or training, the staff member shall
48 be considered on leave with pay.

49 (d) Retesting; Dismissal. – Upon completion of the remediation plan required under
50 subsection (c) of this section, the certified staff member shall take the general knowledge test a

1 second time. If the certified staff member fails to acquire a passing score on the second test, the
2 ~~State Board Superintendent~~ shall begin a dismissal proceeding under G.S. 115C-325(q)(2a).

3 (e) Repealed by Session Laws 1998-5, s.1.

4 (f) Other Actions Not Precluded. – Nothing in this section shall be construed to restrict
5 or postpone the following actions:

6 (1) The dismissal of a principal under G.S. 115C-325(q)(1);

7 (2) The dismissal of a teacher, assistant principal, director, or supervisor under
8 G.S. 115C-325(q)(2);

9 (3) The dismissal or demotion of a career employee for any of the grounds listed
10 under G.S. 115C-325(e);

11 (4) The nonrenewal of a school administrator's or probationary teacher's contract
12 of employment; or

13 (5) The decision to grant career status.

14 (g) Repealed by Session Laws 1998-5, s. 1."

15 **SECTION 69.** G.S. 115C-105.39 reads as rewritten:

16 **"§ 115C-105.39. Dismissal or removal of personnel; appointment of interim**
17 **superintendent.**

18 (a) Within 30 days of the initial identification of a school as low-performing, whether
19 by the local school administrative unit under G.S. 115C-105.37(a1) or by the ~~State Board~~
20 ~~Superintendent of Public Instruction~~ under G.S. 115C-105.37(a), the superintendent shall take
21 one of the following actions concerning the school's principal: (i) recommend to the local board
22 that the principal be retained in the same position, (ii) recommend to the local board that the
23 principal be retained in the same position and a plan of remediation should be developed, (iii)
24 recommend to the local board that the principal be transferred, or (iv) proceed under
25 G.S. 115C-325 to dismiss or demote the principal. The principal may be retained in the same
26 position without a plan for remediation only if the principal was in that position for no more
27 than two years before the school is identified as low-performing. The principal shall not be
28 transferred to another principal position unless (i) it is in a school classification in which the
29 principal previously demonstrated at least 2 years of success, (ii) there is a plan to evaluate and
30 provide remediation to the principal for at least one year following the transfer to assure the
31 principal does not impede student performance at the school to which the principal is being
32 transferred; and (iii) the parents of the students at the school to which the principal is being
33 transferred are notified. The principal shall not be transferred to another low-performing school
34 in the local school administrative unit. If the superintendent intends to recommend demotion or
35 dismissal, the superintendent shall notify the local board. Within 15 days of (i) receiving
36 notification that the superintendent intends to proceed under G.S. 115C-325, or (ii) its decision
37 concerning the superintendent's recommendation, but no later than September 30, the local
38 board shall submit to the ~~State Board Superintendent~~ a written notice of the action taken and
39 the basis for that action. If the ~~State Board Superintendent~~ does not assign an assistance team to
40 that school or if the ~~State Board Superintendent~~ assigns an assistance team to that school and
41 the superintendent proceeds under G.S. 115C-325 to dismiss or demote the principal, then the
42 ~~State Board Superintendent~~ shall take no further action. If the ~~State Board Superintendent~~
43 assigns an assistance team to the school and the superintendent is not proceeding under
44 G.S. 115C-325 to dismiss or demote the principal, then the ~~State Board Superintendent~~ shall
45 ~~vote to~~ accept, reject, or modify the local board's recommendations. The ~~State Board~~
46 ~~Superintendent~~ shall notify the local board of ~~its~~ ~~the~~ action within five days. If the ~~State Board~~
47 ~~Superintendent~~ rejects or modifies the local board's recommendations and does not recommend
48 dismissal of the principal, the ~~State Board's Superintendent's~~ notification shall include
49 recommended action concerning the principal's assignment or terms of employment. Upon
50 receipt of the ~~State Board's Superintendent's~~ notification, the local board shall implement the
51 ~~State Board's Superintendent's~~ recommended action concerning the principal's assignment or

1 terms of employment unless the local board asks the ~~State Board Superintendent~~ to reconsider
2 that recommendation. The ~~State Board Superintendent~~ shall provide an opportunity for the
3 local board to be heard before the ~~State Board Superintendent~~ acts on the local board's request
4 for a reconsideration. The ~~State Board Superintendent~~ shall ~~vote to~~ affirm or modify ~~its~~ his or
5 her original recommended action and shall notify the local board of ~~its~~ that action within five
6 days. Upon receipt of the ~~State Board's Superintendent's~~ notification, the local board shall
7 implement the ~~State Board's Superintendent's~~ final recommended action concerning the
8 principal's assignment or terms of employment. If the ~~State Board Superintendent~~ rejects or
9 modifies the local board's action and recommends dismissal of the principal, the ~~State Board~~
10 ~~Superintendent~~ shall proceed under G.S. 115C-325(q)(1).

11 (b) The ~~State Board Superintendent~~ shall proceed under G.S. 115C-325(q)(2) for the
12 dismissal of teachers, assistant principals, directors, and supervisors assigned to a school
13 identified as low-performing in accordance with G.S. 115C-325(q)(2).

14 (c) The ~~State Board Superintendent~~ may appoint an interim superintendent in a local
15 school administrative unit:

- 16 (1) Upon the identification of more than half the schools in that unit as
17 low-performing under G.S. 115C-105.37; or
- 18 (2) Upon the recommendation from an assistance team assigned to a school
19 located in that unit that has been identified as low-performing under
20 G.S. 115C-105.37. This recommendation shall be based upon a finding that
21 the superintendent has failed to cooperate with the assistance team or has
22 otherwise hindered that school's ability to improve.

23 The ~~State Board Superintendent~~ may assign any of the powers and duties of the local
24 superintendent and the local finance officer to the interim superintendent that the ~~Board~~
25 ~~Superintendent~~ considers are necessary or appropriate to improve student performance in the
26 local school administrative unit. The interim superintendent shall perform all of these assigned
27 powers and duties. The ~~State Board of Education Superintendent~~ may terminate the contract of
28 any local superintendent entered into on or after July 1, 1996, when it appoints an interim
29 superintendent. The Administrative Procedure Act shall apply to that decision. Neither party to
30 that contract is entitled to damages.

31 (d) In the event the ~~State Board Superintendent~~ has appointed an interim superintendent
32 and the ~~State Board Superintendent~~ determines that the local board of education has failed to
33 cooperate with the interim superintendent or has otherwise hindered the ability to improve
34 student performance in that local school administrative unit or in a school in that unit, the ~~State~~
35 ~~Board Superintendent~~ may suspend any of the powers and duties of the local board of
36 education that the ~~State Board Superintendent~~ considers are necessary or appropriate to
37 improve student performance in the local school administrative unit. The ~~State Board~~
38 ~~Superintendent~~ shall perform all of these assigned powers and duties for a period of time to be
39 specified by the ~~State Board Superintendent~~.

40 (e) If the ~~State Board Superintendent~~ suspends any of the powers and duties of the local
41 board of education under subsection (d) of this section and subsequently determines it is
42 necessary to change the governance of the local school administrative unit in order to improve
43 student performance, the ~~State Board Superintendent~~ may recommend this change to the
44 General Assembly, which shall consider, at its next session, the future governance of the
45 identified local school administrative unit."

46 **SECTION 70.** G.S. 115C-105.40 reads as rewritten:

47 **"§ 115C-105.40. Student academic performance standards.**

48 The ~~State Board of Education Superintendent~~ of Public Instruction shall develop a plan to
49 create rigorous student academic performance standards for kindergarten through eighth grade
50 and student academic performance standards for courses in grades 9-12. The performance
51 standards shall align, whenever possible, with the student academic performance standards

1 developed for the National Assessment of Educational Progress (NAEP). The plan also shall
2 include clear and understandable methods of reporting individual student academic
3 performance to parents."

4 **SECTION 71.** G.S. 115C-105.41 reads as rewritten:

5 **"§ 115C-105.41. Students who have been placed at risk of academic failure; personal**
6 **education plans.**

7 Local school administrative units shall identify students who are at risk for academic failure
8 and who are not successfully progressing toward grade promotion and graduation, beginning no
9 later than the fourth grade. Identification shall occur as early as can reasonably be done and can
10 be based on grades, observations, State assessments, and other factors, including reading on
11 grade level, that impact student performance that teachers and administrators consider
12 appropriate, without having to await the results of end-of-grade or end-of-course tests. No later
13 than the end of the first quarter, or after a teacher has had up to nine weeks of instructional time
14 with a student, a personal education plan for academic improvement with focused intervention
15 and performance benchmarks shall be developed or updated for any student at risk of academic
16 failure who is not performing at least at grade level, as identified by the State end-of-grade test
17 and other factors noted above. Focused intervention and accelerated activities should include
18 research-based best practices that meet the needs of students and may include coaching,
19 mentoring, tutoring, summer school, Saturday school, and extended days. Local school
20 administrative units shall provide these activities free of charge to students. Local school
21 administrative units shall also provide transportation free of charge to all students for whom
22 transportation is necessary for participation in these activities.

23 Local school administrative units shall give notice of the personal education plan and a
24 copy of the personal education plan to the student's parent or guardian. Parents should be
25 included in the implementation and ongoing review of personal education plans.

26 Local school administrative units shall certify that they have complied with this section
27 annually to the ~~State Board of Education~~ Superintendent of Public Instruction. The ~~State Board~~
28 ~~of Education~~ Superintendent shall periodically review data on the progress of identified
29 students and report to the Joint Legislative Education Oversight Committee.

30 No cause of action for monetary damages shall arise from the failure to provide or
31 implement a personal education plan under this section."

32 **SECTION 72.** G.S. 115C-105.46 reads as rewritten:

33 **"§ 115C-105.46. ~~State Board of Education~~ Superintendent of Public Instruction's**
34 **responsibilities.**

35 In order to implement this Article, the ~~State Board of Education~~ Superintendent of Public
36 Instruction:

- 37 (1) Shall adopt guidelines for developing local plans under G.S. 115C-105.47.
- 38 (2) Shall provide, in cooperation with the Board of Governors of The University
39 of North Carolina, ongoing technical assistance to the local school
40 administrative units in the development, implementation, and evaluation of
41 their local plans under G.S. 115C-105.47.
- 42 (3) May require a local board of education to withhold the salary of any
43 administrator or other employee of a local school administrative unit who
44 delays or refuses to prepare and implement local safe school plans in
45 accordance with G.S. 115C-105.47.
- 46 (4) May revoke the certificate of the superintendent, pursuant to
47 G.S. 115C-274(c), for failure to fulfill the superintendent's duties under a
48 local safe school plan.
- 49 (5) Shall adopt policies that define who is an at-risk student."

50 **SECTION 73.** G.S. 115C-105.47 reads as rewritten:

51 **"§ 115C-105.47. Local safe school plans.**

1 (a) Each local board of education shall develop a local school administrative unit safe
2 school plan designed to provide that every school in the local school administrative unit is safe,
3 secure, and orderly, that there is a climate of respect in every school, and that appropriate
4 personal conduct is a priority for all students and all public school personnel. The board shall
5 include parents, the school community, representatives of the community, and others in the
6 development or review of this plan. The plan may be developed by or in conjunction with other
7 committees.

8 (b) Each plan shall include each of the following components:

- 9 (1) Clear statements of the standard of behavior expected of students at different
10 grade levels and of school personnel and clear statements of the
11 consequences that will result from one or more violations of those standards.
12 There shall be a statement of consequences for students under the age of 13
13 who physically assault and seriously injure a teacher or other individual on
14 school property or at a school-sponsored or school-related activity. The
15 consequences may include placement in an alternative setting.
- 16 (2) A clear statement of the responsibility of the superintendent for coordinating
17 the adoption and the implementation of the plan, evaluating principals'
18 performance regarding school safety, monitoring and evaluating the
19 implementation of safety plans at the school level, and coordinating with
20 local law enforcement and court officials appropriate aspects of
21 implementation of the plan. The statement of responsibility shall provide
22 appropriate disciplinary consequences that may occur if the superintendent
23 fails to carry out these responsibilities. These consequences may include a
24 reprimand in the superintendent's personnel file or withholding of the
25 superintendent's salary, or both.
- 26 (3) A clear statement of the responsibility of the school principal for restoring, if
27 necessary, and maintaining a safe, secure, and orderly school environment
28 and of the consequences that may occur if the principal fails to meet that
29 responsibility. The principal's duties shall include exhibiting appropriate
30 leadership for school personnel and students, providing for alternative
31 placements for students who are seriously disruptive, reporting all criminal
32 acts under G.S. 115C-288(g), and providing appropriate disciplinary
33 consequences for disruptive students. The consequences to the principal that
34 may occur shall include a reprimand in the principal's personnel file and
35 disciplinary proceedings under G.S. 115C-325.
- 36 (4) Clear statements of the roles of other administrators, teachers, and other
37 school personnel in restoring, if necessary, and maintaining a safe, secure,
38 and orderly school environment.
- 39 (5) Procedures for identifying and serving the needs of students who are at risk
40 of academic failure or of engaging in disruptive or disorderly behavior.
- 41 (6) Mechanisms for assessing the needs of disruptive and disorderly students
42 and students who are at risk of academic failure, and providing them with
43 services to assist them in achieving academically and in modifying their
44 behavior, and removing them from the classroom when necessary.
- 45 (7) Measurable objectives for improving school safety and order.
- 46 (8) Measures of the effectiveness of efforts to assist students at risk of academic
47 failure or of engaging in disorderly or disruptive behavior. The measures
48 shall include an analysis of the effectiveness of procedures adopted under
49 G.S. 115C-105.48 for students referred to alternative schools and alternative
50 learning programs.

- 1 (9) Professional development clearly matched to the goals and objectives of the
2 plan. This professional development shall include a component to train
3 appropriate school personnel in the management of disruptive or dangerous
4 student behavior. Appropriate school personnel may include, but is not
5 limited to, teachers, teacher assistants, school administrators, bus drivers,
6 school resource officers, school psychologists, and school counselors. The
7 training shall include instruction in positive management of student
8 behavior, effective communication for defusing and deescalating disruptive
9 or dangerous behavior, and safe and appropriate use of seclusion and
10 restraint. The appropriate personnel with priority for the training shall
11 include those staff members who are most likely to be called upon to prevent
12 or address disruptive or dangerous student behavior. Each local board of
13 education shall include in this component of its safe school plan procedures
14 to evaluate the effectiveness of this training in preventing or addressing
15 disruptive or dangerous student behavior. Local boards of education are
16 encouraged to use available sources of discretionary revenue to implement
17 the plan to train personnel in the management of disruptive or dangerous
18 student behavior. Local boards may only be required to implement the
19 behavior management training component of the plan to the extent that funds
20 have been appropriated for this purpose by the General Assembly or by local
21 units of government. By January 1, 2006, local boards of education shall
22 amend their safe school plans to include this training component.
- 23 (10) A plan to work effectively with local law enforcement officials and court
24 officials to ensure that schools are safe and laws are enforced.
- 25 (11) A plan to provide access to information to the school community, parents,
26 and representatives of the local community on the ongoing implementation
27 of the local plan, monitoring of the local plan, and the integration of
28 educational and other services for students into the total school program.
- 29 (12) The name and role description of the person responsible for implementation
30 of the plan.
- 31 (13) Direction to school improvement teams within the local school
32 administrative unit to consider the special conditions at their schools and to
33 incorporate into their school improvement plans the appropriate components
34 of the local plan for:
- 35 a. maintaining safe and orderly schools; and
36 b. addressing the needs of students who are at risk of academic failure
37 or who are disruptive or both.
- 38 (13a) A clear statement of the services that will be provided to students who are
39 assigned to an alternative school or an alternative learning program.
- 40 (14) A clear and detailed statement of the planned use of federal, State, and local
41 funds allocated for at-risk students and alternative schools and alternative
42 learning programs.
- 43 (15) Any other information the local board considers necessary or appropriate to
44 implement this Article.

45 A local board may develop its plan under this section by conducting a comprehensive
46 review of its existing policies, plans, statements, and procedures to determine whether they: (i)
47 are effective; (ii) have been updated to address recent changes in the law; (iii) meet the current
48 needs of each school in the local school administrative unit; and (iv) address the components
49 required to be included in the local plan. The board then may consolidate and supplement any
50 previously developed policies, plans, statements, and procedures that the board determines are

1 effective and updated, meet the current needs of each school, and meet the requirements of this
2 subsection.

3 Once developed, the board shall submit the local plan to the ~~State Board of Education~~
4 Superintendent of Public Instruction and shall ensure the plan is available and accessible to
5 parents and the school community. The board shall provide annually to the ~~State Board~~
6 Superintendent information that demonstrates how the At-Risk Student Services/Alternative
7 Schools Funding allotment has been used to (i) prevent academic failure and (ii) promote
8 school safety.

9 (c) A local board may amend the plan as often as it considers necessary or appropriate."

10 **SECTION 74.** G.S. 115C-105.47A reads as rewritten:

11 **"§ 115C-105.47A. Proposals to establish alternative learning programs or alternative**
12 **schools.**

13 (a) Before establishing any alternative learning program or alternative school, the local
14 board of education shall develop a proposal to implement the program or school that includes
15 all of the following:

- 16 (1) The educational and behavioral goals for students assigned to the program or
17 school.
- 18 (2) The policies and procedures for the operation of the program or school based
19 on the ~~State Board's Superintendent of Public Instruction's~~ standards adopted
20 under G.S. 115C-12(24). The policies and procedures shall address the
21 assignment of students to the program or school.
- 22 (3) Identified strategies that will be used to improve student achievement and
23 behavior.
- 24 (4) Documentation that similar programs and schools in or out of the State, or
25 both, have demonstrated success in improving the academic achievement
26 and behavior of students assigned to them.
- 27 (5) The estimated actual cost of operating the program or school. To the extent
28 practicable, this shall include the cost of:
 - 29 a. Staffing the program or school with teachers who have at least four
30 years' teaching experience and who have received an overall rating of
31 at least above standard on a formal evaluation and are certified in the
32 areas and grade levels being taught;
 - 33 b. Providing optimum learning environments, resources and materials,
34 and high quality, ongoing professional development that will ensure
35 students who are placed in the program or school are provided
36 enhanced educational opportunities in order to achieve their full
37 potential;
 - 38 c. Providing support personnel, including school counselors,
39 psychiatrists, clinical psychologists, social workers, nurses, and other
40 professionals to help students and their families work out complex
41 issues and problems;
 - 42 d. Maintaining safe and orderly learning environments; and
 - 43 e. Providing transitional supports for students exiting the program or
44 school and reentering the referring school.
- 45 (6) Documented support of school personnel and the community for the
46 implementation of the program or school.

47 (b) After the local board completes the proposal under subsection (a) of this section, the
48 board shall submit the proposal to the ~~State Board of Education~~ Superintendent of Public
49 Instruction for its review. The ~~State Board Superintendent~~ shall review the proposal
50 expeditiously and, if appropriate, may offer recommendations to modify the proposal. The local

1 board shall consider any recommendations made by the ~~State Board~~ Superintendent before
2 implementing the alternative learning program or alternative school."

3 **SECTION 75.** G.S. 115C-106.2 reads as rewritten:

4 **"§ 115C-106.2. Purposes.**

5 (a) The purposes of this Article are to (i) ensure that all children with disabilities ages
6 three through 21 who reside in this State have available to them a free appropriate public
7 education that emphasizes special education and related services designed to meet their unique
8 needs and prepares them for further education, employment, and independent living; (ii) ensure
9 that the rights of these children and their parents are protected; and (iii) enable the State Board
10 of Education and local educational agencies to provide for the education of all children with
11 disabilities.

12 (b) In addition to the purposes listed in subsection (a) of this section, the purpose of this
13 Article is to enable the ~~State Board of Education~~ Superintendent of Public Instruction and local
14 educational agencies to implement IDEA in this State. If this Article is silent or conflicts with
15 IDEA, and if IDEA has specific language that is mandatory, then IDEA controls.

16 (c) Notwithstanding any other section of this Article, the ~~State Board of Education~~
17 Superintendent may set standards for the education of children with disabilities that are higher
18 than those required by IDEA."

19 **SECTION 76.** G.S. 115C-106.3(4) reads as rewritten:

20 **"§ 115C-106.3. Definitions.**

21 The following definitions apply in this Article:

22 ...

23 (4) "Free appropriate public education" means special education and related
24 services that:

- 25 a. Are provided at public expense, under public supervision and
26 direction, and without charge;
- 27 b. Meet the standards of the ~~State Board~~; Superintendent of Public
28 Instruction;
- 29 c. Include an appropriate preschool, elementary school, or secondary
30 school education in the State; and
- 31 d. Are provided in conformity with an individualized education
32 program."

33 **SECTION 77.** G.S. 115C-107.1(c) reads as rewritten:

34 "(c) If funds are made available, the ~~State Board~~ Superintendent of Public Instruction
35 and the Secretary of Health and Human Services may adopt an agreement to allow the
36 continuation of early intervention services for children with a disability who are at least three
37 years old but before they enter kindergarten or are eligible to enter kindergarten. If an
38 agreement is adopted under this subsection, then a free appropriate public education is not
39 required to be provided to any child with a disability who continues to receive early
40 intervention services in accordance with that agreement."

41 **SECTION 78.** G.S. 115C-107.2 reads as rewritten:

42 **"§ 115C-107.2. Duties of ~~State Board of Education~~. Superintendent of Public Instruction.**

43 (a) The ~~State Board of Education~~ Superintendent of Public Instruction shall adopt rules
44 to ensure that:

- 45 (1) The requirements of this Article and IDEA are met.
- 46 (2) All educational programs under the supervision of any local educational
47 agency for children with disabilities meet all of the following requirements:
 - 48 a. The programs are under the general supervision of individuals in the
49 State who are responsible for educational programs for children with
50 disabilities.

- 1 b. The programs meet the ~~State Board's~~ Superintendent's educational
2 standards.
- 3 c. With respect to homeless children, the programs meet the
4 requirements of 20 U.S.C. § 1431, McKinney-Vento Homeless
5 Assistance Act.
- 6 (b) The rules adopted under subsection (a) of this section shall include rules that:
- 7 (1) Establish standards for the programs of special education to be administered
8 by local educational agencies and by the ~~State Board~~. Superintendent.
- 9 (2) Ensure that children with disabilities are educated in the least restrictive
10 environment.
- 11 (3) Ensure that local school administrative units make available special
12 education and related services to all preschool children with disabilities
13 whose parents request these services.
- 14 (4) Provide for public hearings, adequate notice of these hearings, and an
15 opportunity for comment from the general public before the adoption of the
16 rules required by this Article.
- 17 (5) Are required in order to receive federal funding under IDEA.
- 18 (6) Provide that, where a local educational agency finds that appropriate
19 services are available from other public agencies or private organizations,
20 the local educational agency may contract for those services rather than
21 provide them directly.
- 22 (7) Enable local educational agencies to identify, evaluate, place, and make
23 other educational decisions for children with disabilities.
- 24 (8) Provide procedural safeguards for children with disabilities and their parents.
- 25 (9) Designate a person in the Department of Public Instruction who is charged
26 with receiving and responding to notices or other legal documents under Part
27 1D of this Article.
- 28 (10) Support and facilitate local educational agency and school-level system
29 improvement designed to enable children with disabilities to meet the
30 challenging State student academic achievement standards.
- 31 (c) Rules adopted under this section shall be consistent with IDEA and shall comply
32 with G.S. 115C-12(19). Local educational agencies, parents, and other individuals concerned
33 with the education of children with disabilities shall be consulted in the development of rules
34 adopted under this Article.
- 35 (d) The ~~State Board~~ Superintendent shall develop forms for local educational agencies
36 to use in order to comply with this Article. The forms must comply with G.S. 115C-12(19) and
37 may be in an electronic format.
- 38 (e) The ~~State Board~~ Superintendent shall provide technical assistance to local
39 educational agencies at their request.
- 40 (f) The ~~State Board~~ Superintendent shall develop any plans that meet the criteria of
41 IDEA and are required to be submitted to the United States Department of Education.
- 42 (g) The ~~State Board~~ Superintendent shall make available to hearing officers training
43 related to IDEA and its legal interpretations in order to facilitate hearings and reviews under
44 G.S. 115C-109.6."

45 **SECTION 79.** G.S. 115C-107.3 reads as rewritten:

46 **"§ 115C-107.3. Child find.**

47 (a) The ~~Board~~ Superintendent of Public Instruction shall require an annual census of all
48 children with disabilities residing in the State, subdivided for "identified" and "suspected"
49 children with disabilities, to be taken in each school year. Suspected children are those in the
50 formal process of being evaluated or identified as children with disabilities. The census shall be

1 conducted annually and shall be completed by October 15, submitted to the Governor and
2 General Assembly and made available to the public by January 15 annually.

3 (b) In taking the census, the ~~Board-Superintendent~~ requires the cooperation,
4 participation, and assistance of all local educational agencies. Therefore, each local educational
5 agency shall cooperate and participate with and assist the ~~Board-Superintendent~~ in conducting
6 the census.

7 (c) The census shall include the number of children identified and suspected with
8 disabilities, their age, the nature of their disability, their county or city of residence, their local
9 school administrative unit residence, whether they are being provided special educational or
10 related services and if so by what local educational agency, the identity of each local
11 educational agency having children with disabilities in its care, custody, management,
12 jurisdiction, control, or programs, the number of children with disabilities being served by each
13 local educational agency, and any other information or data that the ~~Board-Superintendent~~
14 requires. The census shall be of children with disabilities between the ages three through 21 but
15 is not required to include children with disabilities that have graduated from high school."

16 **SECTION 80.** G.S. 115C-107.4 reads as rewritten:

17 **"§ 115C-107.4. Monitoring and enforcement.**

18 (a) The ~~State Board-Superintendent~~ of Public Instruction shall monitor all local
19 educational agencies to determine compliance with this Article and IDEA. The ~~State Board~~
20 ~~Superintendent~~ also shall monitor the effectiveness of IEPs in meeting the educational needs of
21 children with disabilities.

22 (b) The ~~State Board-Superintendent~~ shall implement an effective and efficient system of
23 incentives and sanctions for local educational agencies in order to improve results for children
24 with disabilities and meet the requirements of this Article and IDEA. The system, which must
25 be based on a continuum of recognition and sanctions, shall:

- 26 (1) Identify and recognize local educational agencies that achieve or exceed
27 targets and indicators as determined by the ~~State Board-Superintendent~~,
28 demonstrate significant improvement over time, and show growth on targets
29 and indicators as determined by each local educational agency.
- 30 (2) Provide consequences for local educational agencies that are substantially
31 noncompliant with statutory and regulatory requirements under this Article
32 and IDEA.

33 (c) The system of incentives developed under subsection (b) of this section may include
34 commendations, public recognition, allocation of grant funds if available, and any other
35 incentives as considered appropriate by the ~~State Board-Superintendent~~.

36 (d) The system of sanctions developed under subsection (b) of this section shall include
37 the following:

- 38 (1) Level One – Needs Assistance: When the ~~State Board-Superintendent~~
39 determines (i) a local school educational agency has been in noncompliance
40 for two years and (ii) that agency needs assistance in implementing the
41 requirements of this Article and IDEA, the ~~State Board-Superintendent~~ shall
42 take one or more of the following actions:
- 43 a. The ~~Board-Superintendent~~ may direct the local educational agency to
44 allocate additional time and resources for technical assistance and
45 guidance related to areas of noncompliance.
- 46 b. The ~~Board-Superintendent~~ may impose special conditions on that
47 agency's application for IDEA funds and receipt of State funds.
- 48 c. The ~~Board-Superintendent~~ may direct how that local educational
49 agency utilizes IDEA and State funds to address the remaining
50 findings of noncompliance. The local educational agency must track

- 1 the use of these funds to show how the funds are targeted to address
2 areas of noncompliance.
- 3 (2) Level Two – Needs Intervention: If the ~~State Board Superintendent~~
4 determines (i) that the local educational agency has been in noncompliance
5 for three years and (ii) that agency needs assistance in implementing this
6 Article and IDEA, the following apply:
- 7 a. The ~~Board Superintendent~~ may take any of the actions described in
8 subdivision (1) of this subsection.
- 9 b. The ~~Board Superintendent~~ shall withhold, in whole or in part, any
10 further payments of IDEA and State funds to the agency.
- 11 c. The ~~Board Superintendent~~ shall require the agency to enter into a
12 compliance agreement.
- 13 (3) Level Three – Needs Substantial Intervention: In addition to the sanctions
14 described in subdivisions (1) and (2) of this subsection, if at any time the
15 ~~State Board Superintendent~~ determines a local educational agency (i) needs
16 substantial intervention in implementing the requirements of this Article and
17 IDEA, or (ii) has established a substantial failure to comply with this Article
18 and IDEA, the ~~Board Superintendent~~ shall take one or more of the following
19 actions:
- 20 a. The ~~Board Superintendent~~ shall direct the agency to implement a
21 compliance agreement, billed to that agency.
- 22 b. The ~~Board Superintendent~~ shall recover IDEA and State funds.
- 23 c. The ~~Board Superintendent~~ shall refer the agency for appropriate
24 enforcement under State or federal law.
- 25 (e) In addition to the consequences required under subsections (b) and (d) of this
26 section, the ~~State Board Superintendent~~ shall develop sanctions for local educational agencies
27 that fail to implement a corrective action or hearing decision."

28 **SECTION 81.** G.S. 115C-107.5 reads as rewritten:

29 **"§ 115C-107.5. Annual reports.**

30 The ~~State Board Superintendent of Public Instruction~~ shall report annually to the Joint
31 Legislative Education Oversight Committee on the implementation of this Article and the
32 educational performance of children with disabilities. Each annual report shall include a copy
33 of the following documents that were submitted, received, or made public during the year: (i)
34 the most recent State performance plan and any amendments to that plan submitted to the
35 Secretary of Education, (ii) compliance and monitoring reports submitted to the Secretary of
36 Education, (iii) the annual report submitted to the Secretary of Education on the performance of
37 the State under its performance plan, and (iv) any other information required under IDEA to be
38 made available to the public. In addition, the annual report shall include an analysis of the
39 educational performance of children with disabilities in the State and a summary of disputes
40 under Part 1D of this Chapter. The report shall be filed no later than October 15 each year and
41 may be filed electronically."

42 **SECTION 82.** G.S. 115C-107.6 reads as rewritten:

43 **"§ 115C-107.6. Duties of local educational agencies.**

44 (a) Each local educational agency, in providing for the education of children with
45 disabilities within its jurisdiction, must comply with IDEA and the rules adopted by the ~~State~~
46 ~~Board Superintendent of Public Instruction~~ under this Article. In addition, each local
47 educational agency shall have in effect policies, procedures, and programs that are consistent
48 with this Article, IDEA, and rules adopted by the ~~State Board Superintendent~~.

49 (b) No child with disabilities shall be prevented from attending the public schools of the
50 local educational agency in which the child resides or from which the child receives services or
51 from attending any other public program of free appropriate public education based solely on

1 the fact that the child has a disability. If it appears the child should receive a program of free
2 appropriate public education in a program operated by or under the supervision of the
3 Department of Health and Human Services or the Department of Juvenile Justice and
4 Delinquency Prevention, the local school administrative unit shall confer with the appropriate
5 Department of Health and Human Services or Department of Juvenile Justice and Delinquency
6 Prevention staff for their participation and determination of the appropriateness of placement in
7 that program and development of the child's individualized education program.

8 (c) No matriculation or tuition fees or other fees or charges shall be required or asked of
9 children with disabilities or their parents except those fees or charges that are required
10 uniformly of all public school pupils. The provision of a free appropriate public education
11 within the facilities of the Department of Health and Human Services and the Department of
12 Juvenile Justice and Delinquency Prevention may not prevent that Department from charging
13 for other services or treatment.

14 (d) Each child with a disability shall be educated in accordance with that child's IEP and
15 in the least restrictive environment for that child.

16 (e) Each local educational agency may use the forms developed under
17 G.S. 115C-107.2(d)."

18 **SECTION 83.** G.S. 115C-108.1 reads as rewritten:

19 "**§ 115C-108.1. ~~State Board~~ Department of Public Instruction lead agency.**

20 (a) The ~~Board Superintendent of Public Instruction~~ shall cause all local educational
21 agencies to provide special education and related services to children with disabilities in their
22 care, custody, management, jurisdiction, control, or programs.

23 (b) The jurisdiction of the ~~Board Superintendent~~ with respect to the design and content
24 of special education programs or related services for children with disabilities extends to and
25 over the Department of Health and Human Services, the Department of Juvenile Justice and
26 Delinquency Prevention, and the Department of Correction.

27 (c) All provisions of this Article that are specifically applicable to local school
28 administrative units also are applicable to the Department of Health and Human Services, the
29 Department of Juvenile Justice and Delinquency Prevention, and the Department of Correction,
30 and their divisions and agencies; all duties, responsibilities, rights, and privileges specifically
31 imposed on or granted to local school administrative units by this Article also are imposed on
32 or granted to the Department of Health and Human Services, the Department of Juvenile
33 Justice and Delinquency Prevention, and the Department of Correction, and their divisions and
34 agencies. However, with respect to children with disabilities who are residents or patients of
35 any State-operated or State-supported residential treatment facility, including a school for the
36 deaf, school for the blind, mental hospital or center, mental retardation center, or in a facility
37 operated by the Department of Juvenile Justice and Delinquency Prevention, the Department of
38 Correction, or any of their divisions and agencies, the ~~Board Superintendent of Public~~
39 Instruction may contract with the Department of Health and Human Services, the Department
40 of Juvenile Justice and Delinquency Prevention, and the Department of Correction for the
41 provision of special education and related services and the power to review, revise, and approve
42 any plans for special education and related services to those residents.

43 (d) The Departments of Health and Human Services, Correction, and Juvenile Justice
44 and Delinquency Prevention shall submit to the ~~Board Superintendent of Public Instruction~~
45 their plans for the education of children with disabilities in their care, custody, or control. The
46 ~~Board Superintendent~~ may grant specific exemptions for programs administered by the
47 Department of Health and Human Services, the Department of Juvenile Justice and
48 Delinquency Prevention, or the Department of Correction when compliance by them with the
49 ~~Board's Superintendent's~~ standards would, in the ~~Board's Superintendent's~~ judgment, impose
50 undue hardship on that department and when other procedural due process requirements,
51 substantially equivalent to those required under this Article and IDEA, are assured in programs

1 of special education and related services furnished to children with disabilities served by that
2 department. Further, the ~~Board-Superintendent~~ shall recognize that inpatient and residential
3 special education programs within the Departments of Health and Human Services, Correction,
4 and Juvenile Justice and Delinquency Prevention may require more program resources than
5 those necessary for optimal operation of these programs in local school administrative units.

6 (e) The ~~Board-Superintendent of Public Instruction~~ shall support and encourage joint
7 and collaborative special education planning and programming at local levels to include local
8 school administrative units and the programs and agencies of the Departments of Health and
9 Human Services, Correction, and Juvenile Justice and Delinquency Prevention."

10 **SECTION 84.** G.S. 115C-108.2 reads as rewritten:

11 **"§ 115C-108.2. Interlocal cooperation.**

12 The ~~Board, Department of Public Instruction~~, any two or more local educational agencies,
13 and any other agency and any State department, agency, or division having responsibility for
14 the education, treatment, or habilitation of children with disabilities may enter into interlocal
15 cooperative undertakings under Part 1 of Article 20 of Chapter 160A of the General Statutes or
16 into undertakings with a State agency such as the Departments of Public Instruction, Health and
17 Human Services, Juvenile Justice and Delinquency Prevention, or Correction, or their
18 divisions, agencies, or units, for the purpose of providing for the special education and related
19 services, treatment, or habilitation of these children within the jurisdiction of the agency or
20 unit, and shall do so when it is unable to provide the appropriate public special education or
21 related services for these children. In entering into such undertakings, the local agency and
22 State department, agency, or division shall also contract to provide the special education or
23 related services that are educationally appropriate to the children with disabilities for whose
24 benefit the undertaking is made and provide these services by or in the local agency unit or
25 State department, agency, or division located in the place most convenient to these children."

26 **SECTION 85.** G.S. 115C-109.1 reads as rewritten:

27 **"§ 115C-109.1. Handbook for parents.**

28 The ~~State Board of Education-Superintendent of Public Instruction~~ shall make available to
29 parents a handbook of procedural safeguards. This handbook for parents shall be made
30 available at least once each school year, except that a copy also shall be given to the parent (i)
31 upon the initial referral or parental request for an evaluation; (ii) upon the first occurrence of
32 the filing of a petition under G.S. 115C-109.6 and IDEA; (iii) upon the parent's request; and
33 (iv) upon any revision to the content of the handbook. This handbook for parents shall include a
34 full explanation of the procedural safeguards under this Article and IDEA, be written in the
35 native language of the parent unless it clearly is not feasible to do so, be written in an easily
36 understood manner, and include information required under IDEA to be included.

37 The ~~State Board-Superintendent~~ shall place a current copy of the handbook for parents on
38 ~~its~~ the Superintendent's Internet Web site."

39 **SECTION 86.** G.S. 115C-109.2(b) reads as rewritten:

40 "(b) Notwithstanding subsection (a) of this section, for a child with a disability who has
41 reached the age of majority under State law and who has not been determined to be
42 incompetent but is determined to not have the ability to provide informed consent with respect
43 to his or her education program, the ~~State Board-Superintendent of Public Instruction~~ shall
44 establish procedures for appointing the parent of the child, or if the parent is not available,
45 another appropriate individual, to represent the educational interests of the child throughout the
46 period of eligibility under this section."

47 **SECTION 87.** G.S. 115C-109.4 reads as rewritten:

48 **"§ 115C-109.4. Mediation.**

49 ...

50 (c) The ~~State Board-Superintendent of Public Instruction~~ may establish procedures to
51 offer to parties that do not choose to use the mediation process an opportunity to meet with a

1 disinterested party, as provided under IDEA, who can encourage the use and explain the
2 benefits of the mediation process to the parties. This meeting must be at a time and location
3 convenient to the parents.

4 (d) The ~~State Board Superintendent~~ shall maintain a list of qualified mediators who are
5 knowledgeable in laws and regulations relating to the provision of special education and related
6 services. When mediation is requested, the Exceptional Children Division of the Department of
7 Public Instruction shall assign a mediator from this list of mediators.

8"

9 **SECTION 88.** G.S. 115C-109.6 reads as rewritten:

10 **"§ 115C-109.6. Impartial due process hearings.**

11 ...

12 (h) In addition to the petition, the parties shall simultaneously serve a copy of all
13 pleadings, agreements, and motions under this Part with the person designated by the ~~State~~
14 ~~Board Superintendent of Public Instruction~~ under G.S. 115C-107.2(b)(9). The Office of
15 Administrative Hearings shall simultaneously serve a copy of all orders and decisions under
16 this Part with the person designated by the ~~State Board Superintendent~~ under
17 G.S. 115C-107.2(b)(9).

18 (i) Nothing in this section shall be construed to preclude a parent from filing a separate
19 due process petition on an issue separate from a petition already filed.

20 (j) The ~~State Board Superintendent~~, through the Exceptional Children Division, and
21 the State Office of Administrative Hearings shall develop and enter into a binding
22 memorandum of understanding to ensure compliance with the statutory and regulatory
23 procedures and timelines applicable under IDEA to due process hearings and to hearing
24 officers' decisions, and to ensure the parties' due process rights to a fair and impartial hearing.
25 This memorandum of understanding shall be amended if subsequent changes to IDEA are
26 made. The procedures and timelines shall be made part of the ~~Board's Superintendent's~~
27 procedural safeguards that are made available to parents and the public under G.S. 115C-109.1
28 and G.S. 115C-109.5."

29 **SECTION 89.** G.S. 115C-109.7 reads as rewritten:

30 **"§ 115C-109.7. Resolution session.**

31 ...

32 (d) If a resolution is reached to resolve the dispute at a meeting under subsection (a) of
33 this section, the parties shall execute a legally binding agreement that is:

34 ...

35 (3) Filed with the person designated by the ~~State Board Superintendent of Public~~
36 ~~Instruction~~ to receive notices and with the Office of Administrative
37 Hearings.

38 (e) If the parties execute an agreement under subsection (d) of this section, either party
39 may void the agreement by providing written notice within three business days of the
40 agreement's execution to the person designated by the ~~State Board Superintendent~~ to receive
41 notices, the Office of Administrative Hearings, and the other party. Notwithstanding subsection
42 (c) of this section, upon receipt of this notice, the impartial hearing under G.S. 115C-109.6 may
43 occur and all of the applicable timelines for that hearing shall commence."

44 **SECTION 90.** G.S. 115C-109.9 reads as rewritten:

45 **"§ 115C-109.9. Review by review officer; appeals.**

46 (a) Any party aggrieved by the findings and decision of a hearing officer under
47 G.S. 115C-109.6 or G.S. 115C-109.8 may appeal the findings and decision within 30 days after
48 receipt of notice of the decision by filing a written notice of appeal with the person designated
49 by the ~~State Board Superintendent of Public Instruction~~ under G.S. 107.2(b)(9) to receive
50 notices. The ~~State Board Superintendent~~, through the Exceptional Children Division, shall
51 appoint a Review Officer from a pool of review officers approved by the ~~State Board of~~

1 ~~Education—Superintendent.~~ The Review Officer shall conduct an impartial review of the
2 findings and decision appealed under this section. The Review Officer conducting this review
3 shall make an independent decision upon completion of the review. The decision of the Review
4 Officer becomes final unless an aggrieved party brings a civil action under subsection (d) of
5 this section. A copy of the decision shall be served upon each party, and a copy shall be
6 furnished to the attorneys of record and the Office of Administrative Hearings. The written
7 notice shall contain a statement informing the parties of the right to file a civil action and the
8 30-day limitation period for filing a civil action under subsection (d) of this section.

9 (b) A Review Officer shall be an educator or other professional who is knowledgeable
10 about special education and who possesses other qualifications as may be established by the
11 ~~State Board of Education—Superintendent of Public Instruction.~~ No person may be appointed as
12 a Review Officer if that person is an employee of the ~~State Board of Education,~~ the Department
13 of Public ~~Instruction,~~ Instruction or the local educational agency that has been involved in the
14 education or care of the child whose parents have filed the petition.

15 (c) The ~~State Board—Superintendent of Public Instruction~~ may enforce the final decision
16 of the administrative law judge under G.S. 115C-109.6, if not appealed under this section, or
17 the final decision of the Review Officer, by ordering a local educational agency:

- 18 (1) To provide a child with appropriate education;
- 19 (2) To place a child in a private school that is approved to provide special
20 education and that can provide the child an appropriate education; or
- 21 (3) To reimburse parents for reasonable private school placement costs in
22 accordance with this Article and IDEA when it is determined that the local
23 educational agency did not offer or provide the child with appropriate
24 education and the private school in which the parent placed the child was an
25 approved school and did provide the child an appropriate education.

26"

27 **SECTION 91.** G.S. 115C-110.1 reads as rewritten:

28 "**§ 115C-110.1. Teacher qualifications.**

29 The ~~Board—Superintendent of Public Instruction~~ shall adopt rules covering the qualifications
30 of and standards for licensure of teachers, teacher assistants, speech-language pathologists,
31 school psychologists, and others involved in the education and training of children with
32 disabilities."

33 **SECTION 92.** G.S. 115C-111.1 reads as rewritten:

34 "**§ 115C-111.1. Out-of-state students; eligibility for State funds.**

35 Notwithstanding any policy or rule adopted by the ~~State Board of Education,~~
36 Superintendent of Public Instruction, if a local school administrative unit provides services to a
37 student under a current IEP from another state while a determination is being made regarding
38 the student's eligibility for services as a child with disabilities in North Carolina, the local
39 school administrative unit is entitled to receive State funding to serve the student while the
40 determination is being made. If the student is later determined not to qualify for services in
41 North Carolina, the local school administrative unit is not required to repay State funds
42 received while the determination is being made."

43 **SECTION 93.** G.S. 115C-111.3 reads as rewritten:

44 "**§ 115C-111.3. Cost of education of children in group homes, foster homes, etc.**

45 ...

46 (b) The ~~State Board of Education—Superintendent of Public Instruction~~ shall use State
47 and federal funds appropriated for children with disabilities to establish a reserve fund to
48 reimburse local boards of education for the education costs of children assigned to group homes
49 or other facilities as provided in subsection (a) of this section. Local school administrative units
50 may submit a Special State Reserve Program application for foster home or group home

1 children whose special education and related services costs exceed the per child group home
2 allocation.

3"

4 **SECTION 94.** G.S. 115C-111.5 reads as rewritten:

5 **"§ 115C-111.5. Allocation of federal funds.**

6 Whenever any federal monies for the special education and related services for children
7 with disabilities are made available, these funds shall be allocated according to a formula
8 designed by the ~~Board~~ Superintendent of Public Instruction consistent with federal laws and
9 regulations. This formula shall ensure equitable distribution of resources and shall be
10 implemented as funds are made available from federal and State appropriations."

11 **SECTION 96.** G.S. 115C-112.1 reads as rewritten:

12 **"§ 115C-112.1. Establishment; organization; powers and duties.**

13 (a) There is hereby established an Advisory Council to the ~~State Board of Education~~
14 Superintendent of Public Instruction to be called the Council on Educational Services for
15 Exceptional Children.

16 (b) The Council shall consist of a minimum of 24 members to be appointed as follows:
17 four ex officio members; one individual with a disability and one representative of a private
18 school appointed by the Governor; one member of the Senate and one parent of a child with a
19 disability between the ages of birth and 26 appointed by the President Pro Tempore of the
20 Senate; one member of the House of Representatives and one parent of a child with a disability
21 appointed by the Speaker of the House of Representatives; and 14 members appointed by the
22 ~~State Board of Education~~ Superintendent of Public Instruction. The ~~State Board~~
23 Superintendent shall appoint members who represent individuals with disabilities, teachers,
24 local school administrative units, institutions of higher education that prepare special education
25 and related services personnel, administrators of programs for children with disabilities, charter
26 schools, parents of children with disabilities, a State or local official who carries out activities
27 under the federal McKinney-Vento Homeless Assistance Act, vocational, community, or
28 business organizations concerned with the provision of transition services, and others as
29 required by IDEA. The majority of members on the Council shall be individuals with
30 disabilities or parents of children with disabilities. The Council shall designate a chairperson
31 from among its members. The designation of the chairperson is subject to the approval of the
32 ~~State Board of Education~~ Superintendent. The ~~Board~~ Superintendent shall adopt rules to carry
33 out this subsection.

34 Ex officio members of the Council shall be the following:

- 35 (1) The Secretary of Health and Human Services or the Secretary's designee.
- 36 (2) The Secretary of Juvenile Justice and Delinquency Prevention or the
37 Secretary's designee.
- 38 (3) The Secretary of Correction or the Secretary's designee.
- 39 (4) The Superintendent of Public Instruction or the Superintendent's designee.

40 The term of appointment for all members except those appointed by the ~~State Board of~~
41 Education Superintendent is two years. The term for members appointed by the Superintendent
42 ~~State Board of Education~~ is four years. No person shall serve more than two consecutive
43 four-year terms.

44 Each Council member shall serve without pay, but shall receive travel allowances and per
45 diem in the same amount provided for members of the North Carolina General Assembly.

46 (c) The Council shall meet in offices provided by the Department of Public Instruction
47 on a date to be agreed upon by the members of the Council from meeting to meeting. The
48 Council shall meet no less than once every three months. The Department of Public Instruction
49 shall provide the necessary secretarial and clerical staff and supplies to accomplish the
50 objectives of the Council.

51 (d) The Council shall:

- 1 (1) Advise the ~~Board~~ Superintendent of Public Instruction with respect to unmet
2 needs within the State in the education of children with disabilities.
- 3 (2) Comment publicly on rules, policies, and procedures proposed by the ~~Board~~
4 Superintendent regarding the education of children with disabilities.
- 5 (3) Assist the ~~Board~~ Superintendent in developing evaluations and reporting on
6 data to the Secretary of Education under the federal Individuals with
7 Disabilities Education Act (IDEA), as amended.
- 8 (4) Advise the ~~State Board~~ Superintendent in developing corrective action plans
9 to address findings identified in federal monitoring reports required under
10 the federal Individuals with Disabilities Education Act (IDEA), as amended.
- 11 (5) Advise the ~~State Board~~ Superintendent in developing and implementing
12 policies relating to the coordination of services for children with disabilities.
- 13 (6) Carry out any other responsibility as designated by federal law or the ~~State~~
14 Board Superintendent."

15 **SECTION 97.** G.S. 115C-150 reads as rewritten:

16 **"§ 115C-150. ~~State Board~~ Superintendent of Public Instruction to adopt rules.**

17 The ~~State Board of Education~~ Superintendent of Public Instruction shall adopt rules to
18 ensure that local school administrative units provide an appropriate education for drug and
19 alcohol addicted children."

20 **SECTION 98.** G.S. 115C-150.6 reads as rewritten:

21 **"§ 115C-150.6. ~~State Board of Education~~ Superintendent of Public Instruction's
22 responsibilities.**

23 In order to implement this Article, the ~~State Board of Education~~ Superintendent of Public
24 Instruction shall:

- 25 (1) Develop and disseminate guidelines for developing local plans under
26 G.S. 115C-150.7(a). These guidelines should address identification
27 procedures, differentiated curriculum, integrated services, staff development,
28 program evaluation methods, and any other information the ~~State Board~~
29 Superintendent considers necessary or appropriate.
- 30 (2) Provide ongoing technical assistance to the local school administrative units
31 in the development, implementation, and evaluation of their local plans
32 under G.S. 115C-150.7."

33 **SECTION 99.** G.S. 115C-150.7 reads as rewritten:

34 **"§ 115C-150.7. Local plans.**

35 ...
36 (c) Upon its approval of the plan developed under this section, the local board shall
37 submit the plan to the ~~State Board of Education~~ Superintendent of Public Instruction for its
38 review and comments. The local board shall consider the comments it receives from the ~~State~~
39 Board Superintendent before it implements the plan.

40 (d) A plan shall remain in effect for no more than three years; however, the local board
41 may amend the plan as often as it considers necessary or appropriate. Any changes to a plan
42 shall be submitted to the ~~State Board of Education~~ Superintendent of Public Instruction for its
43 review and comments. The local board shall consider the ~~State Board's~~ Superintendent's
44 comments before it implements the changes."

45 **SECTION 100.** G.S. 115C-151 reads as rewritten:

46 **"§ 115C-151. Statement of purpose.**

47 It is the intent of the General Assembly that vocational and technical education be an
48 integral part of the educational process. The ~~State Board of Education~~ Superintendent of Public
49 Instruction shall administer through local boards of education a comprehensive program of
50 vocational and technical education that shall be available to all students, with priority given to
51 students in grades eight through 12, who desire it in the public secondary schools and middle

1 schools of this State. The purposes of vocational and technical education in North Carolina
2 public secondary schools shall be:

- 3 (1) Occupational Skill Development. – To prepare individuals for paid or unpaid
4 employment in recognized occupations, new occupations, and emerging
5 occupations.
- 6 (2) Preparation for Advanced Education. – To prepare individuals for
7 participation in advanced or highly skilled vocational and technical
8 education.
- 9 (3) Career Development; Introductory. – To assist individuals in the making of
10 informed and meaningful occupational choices.

11 It is also legislative intent to authorize the ~~State Board of Education~~ Superintendent of
12 Public Instruction to support appropriate vocational and technical education instruction and
13 related services for individuals who have special vocational and technical education needs
14 which can be fulfilled through a comprehensive vocational and technical education program as
15 designated by the Superintendent's State Board of Education policy or federal vocational and
16 technical education legislation."

17 **SECTION 101.** G.S. 115C-152 reads as rewritten:

18 **"§ 115C-152. Definitions.**

19 The ~~State Board of Education~~ Superintendent of Public Instruction shall provide
20 appropriate definitions to vocational and technical education programs, services, and activities
21 in grades 6-12 not otherwise included in this Part. As used in this Part, unless the context
22 requires otherwise:

- 23 (1) "Career development; introductory" means an instructional program, service,
24 or activity designed to familiarize individuals with the broad range of
25 occupations for which special skills are required and the requisites for
26 careers in such occupations.
- 27 (2) "Comprehensive vocational and technical education" means instructional
28 programs, services, or activities directly related to preparation for and
29 placement in employment, for advanced technical preparation, or for the
30 making of informed and meaningful educational and occupational choices.
- 31 (3) "Occupational skill development" means a program, service, or activity
32 designed to prepare individuals for paid or unpaid employment as
33 semiskilled or skilled workers, technicians, or professional-support
34 personnel in recognized occupations and in new and emerging occupations
35 including occupations or a trade, technical, business, health, office,
36 homemaking, homemaking-related, agricultural, marketing, and other
37 nature. Instruction is designed to fit individuals for initial employment in a
38 specific occupation or a cluster of closely related occupations in an
39 occupational field. This instruction includes education in technology,
40 manipulative skills, theory, auxiliary information, application of academic
41 skills, and other associated knowledges.
- 42 (4) "Preparation for advanced education" means a program, service, or activity
43 designed to prepare individuals for participation in advanced or highly
44 skilled post-secondary and technical education programs leading to
45 employment in specific occupations or a cluster of closely related
46 occupations and for participation in vocational and technical education
47 teacher education programs."

48 **SECTION 102.** G.S. 115C-153 reads as rewritten:

49 **"§ 115C-153. Administration of vocational and technical education.**

50 The ~~State Board of Education~~ Superintendent of Public Instruction shall be the sole State
51 agency for the State administration of vocational and technical education at all levels, shall be

1 designated as the ~~State Board Superintendent~~ of Vocational and Technical Education, and shall
2 have all necessary authority to cooperate with any and all federal agencies in the administration
3 of national acts assisting vocational and technical education, to administer any legislation
4 pursuant thereto enacted by the General Assembly of North Carolina, and to cooperate with
5 local boards of education in providing vocational and technical education programs, services,
6 and activities for youth and adults residing in the areas under their jurisdiction."

7 **SECTION 103.** G.S. 115C-154 reads as rewritten:

8 "**§ 115C-154. Duties of the ~~State Board of Education~~, Superintendent of Public**
9 **Instruction.**

10 In carrying out ~~its~~ his or her duties, the ~~State Board of Education~~ Superintendent of Public
11 Instruction shall develop and implement any policies, rules, regulations, and procedures as
12 necessary to ensure vocational and technical education programs of high quality. The ~~State~~
13 ~~Board of Education~~ Superintendent shall prepare a Master Plan for Vocational and Technical
14 Education. The plan, to be updated periodically, shall ensure minimally that:

- 15 (1) Articulation shall occur with institutions, agencies, councils, and other
16 organizations having responsibilities for work force preparedness.
- 17 (2) Business, industrial, agricultural, and lay representatives, including parents
18 of students enrolled in Vocational and Technical Education courses,
19 organized as advisory committees have been utilized in the development of
20 decisions affecting vocational and technical education programs and
21 services.
- 22 (3) Public hearings are conducted annually to afford the public an opportunity to
23 express their views concerning the ~~State Board's~~ Superintendent's plan and
24 to suggest changes in the plan.
- 25 (4) The plan describes the State's policy for vocational and technical education
26 and the system utilized for the delivery of vocational and technical education
27 programs, services, and activities. The policy shall include priorities of
28 curriculum, integration of vocational and academic education, technical
29 preparation, and youth apprenticeships.
- 30 (5) A professionally and occupationally qualified staff is employed and
31 organized in a manner to assure efficient and effective State leadership for
32 vocational and technical education. Provisions shall be made for such
33 functions as: planning, administration, supervision, personnel development,
34 curriculum development, vocational student organization and coordination
35 research and evaluation, and such others as the ~~State Board~~ Superintendent
36 may direct.
- 37 (6) An appropriate supply of qualified personnel is trained for program
38 expansion and replacements through cooperative arrangements with
39 institutions of higher education and other institutions or agencies, including
40 where necessary financial support of programs and curriculums designed for
41 the preparation of vocational administrators, supervisors, coordinators,
42 instructors, and support personnel.
- 43 (7) Minimum standards shall be prescribed for personnel employed at the State
44 and local levels.
- 45 (8) Local boards of education submit to the ~~State Board of Education~~
46 Superintendent of Public Instruction a local plan for vocational and technical
47 education that has been prepared in accordance with the procedures set forth
48 in the Master Plan for Vocational and Technical Education.
- 49 (9) Appropriate minimum standards for vocational and technical education
50 programs, services, and activities shall be established, promulgated,
51 supervised, monitored, and maintained. These standards shall specify

1 characteristics such as program objectives, competencies, course sequence,
2 program duration, class size, supervised on-the-job experiences, vocational
3 student organization, school-to-work transition programs, qualifications of
4 instructors, and all other standards necessary to ensure that all programs
5 conducted by local school administrative units shall be of high quality,
6 relevant to student needs, and coordinated with employment opportunities.

- 7 (10) A system of continuing qualitative and quantitative evaluation of all
8 vocational and technical education programs, services, and activities
9 supported under the provisions of this Part shall be established, maintained,
10 and utilized periodically. One component of the system shall be follow-up
11 studies of employees and former students of vocational and technical
12 education programs who have been out of school for one year, and for five
13 years to ascertain the effectiveness of instruction, services, and activities."

14 **SECTION 104.** G.S. 115C-154.1 reads as rewritten:

15 **"§ 115C-154.1. Approval of local vocational and technical education plans or**
16 **applications.**

17 The ~~State Board of Education~~ Superintendent of Public Instruction shall not approve any
18 local vocational and technical education plans or applications unless:

- 19 (1) The programs are in accordance with the purposes of G.S. 115C-151;
20 (2) The vocational programs and courses are not duplicated within a local
21 school administrative unit, unless the unit has data to justify the duplication
22 or the unit has a plan to redirect the duplicative programs within three years;
23 (3) For all current job skill programs, there is a documented need, based on
24 labor market data or follow-up data, or there is a plan to redirect the program
25 within two years;
26 (4) New vocational programs show documented need based on student demand,
27 or for new job skill programs, based on student and labor market demand;
28 and
29 (5) All programs are responsive to technological advances, changing
30 characteristics of the work force, and the academic, technical, and attitudinal
31 development of students.

32 Local programs using the cooperative vocational and technical education method shall be
33 approved subject to students enrolled being placed in employment commensurate with the
34 respective program criteria."

35 **SECTION 105.** G.S. 115C-154.2 reads as rewritten:

36 **"§ 115C-154.2. Vocational and technical education equipment standards.**

37 The ~~State Board of Education~~ Superintendent of Public Instruction shall develop equipment
38 standards for each vocational and technical education program level and shall assist local
39 school administrative units in determining the adequacy of equipment for each vocational and
40 technical education program available in each local school administrative unit.

41 The ~~State Board~~ Superintendent shall also develop a plan to assure that minimum
42 equipment standards for each program are met to the extent that State, local, and federal funds
43 are available for that purpose. The ~~State Board~~ Superintendent shall consider all reasonable and
44 prudent means to meet these minimum equipment standards and to ensure a balanced
45 vocational and technical education program for students in the public schools."

46 **SECTION 106.** G.S. 115C-155 reads as rewritten:

47 **"§ 115C-155. Acceptance of benefits of federal vocational acts.**

48 The State of North Carolina, through the ~~State Board of Education~~, Superintendent of
49 Public Instruction, may accept all the provisions and benefits of acts passed by the Congress of
50 the United States providing federal funds for vocational and technical education programs:
51 Provided, however, that the ~~State Board of Education~~ Superintendent shall not accept those

1 funds upon any condition that the public schools of this State shall be operated contrary to any
2 provision of the Constitution or statutes of this State."

3 **SECTION 107.** G.S. 115C-156 reads as rewritten:

4 **"§ 115C-156. State funds for vocational and technical education.**

5 It is the intent of the General Assembly of North Carolina to appropriate funds for each
6 fiscal year to support the purposes of vocational and technical education as set forth in
7 G.S. 115C-151. From funds appropriated, the ~~State Board of Education~~ Superintendent of
8 Public Instruction shall establish a sum of money for State administration of vocational and
9 technical education and shall allocate the remaining sum on an equitable basis to local school
10 administrative units, except that a contingency fund is established to correct excess deviations
11 that may occur during the regular school year. In the administration of State funds, the ~~State~~
12 ~~Board of Education~~ Superintendent shall adopt such policies and procedures as necessary to
13 ensure that the funds appropriated are used for the purpose stated in this Part and consistent
14 with the policy set forth in the Master Plan for Vocational Education."

15 **SECTION 108.** G.S. 115C-157 reads as rewritten:

16 **"§ 115C-157. Responsibility of local boards of education.**

17 Each local school administrative unit, shall provide free appropriate vocational and
18 technical education instruction, activities, and services in accordance with the provisions of this
19 Part for all youth, with priority given to youth in grades eight through 12, who elect the
20 instruction and shall have responsibility for administering the instruction, activities, and
21 services in accordance with federal and State law and ~~State Board of Education~~ the
22 Superintendent of Public Instruction's policies."

23 **SECTION 109.** G.S. 115C-158 reads as rewritten:

24 **"§ 115C-158. Federal funds division.**

25 The division between secondary and post-secondary educational systems and institutions of
26 federal funds for which the ~~State Board~~ Superintendent of Vocational and Technical Education
27 has responsibility shall, within discretionary limits established by law, require the concurrence
28 of the ~~State Board of Education and~~ Superintendent of Public Instruction and the State Board of
29 Community Colleges on and after January 1, 1981. The portion of the approved State Plan for
30 post-secondary vocational and technical education required by G.S. 115C-154 shall be as
31 approved by the State Board of Community Colleges."

32 **SECTION 110.** G.S. 115C-160 reads as rewritten:

33 **"§ 115C-160. Definitions.**

34 The ~~State Board of Education~~ Superintendent of Public Instruction shall provide
35 appropriate definitions necessary to this part of vocational and technical education instruction
36 not otherwise included in this Part. As used in this Part, unless the context requires otherwise:

- 37 (1) The term "building trades training" means the development of vocational
38 skills through the construction of dwellings or other buildings and related
39 activities by students in vocational and technical education programs.
- 40 (2) The term "production work" means production activities and services
41 performed by vocational and technical education classes under contract with
42 a second party for remuneration."

43 **SECTION 111.** G.S. 115C-161 reads as rewritten:

44 **"§ 115C-161. Duties of the ~~State Board of Education~~ Superintendent of Public**
45 **Instruction.**

46 The ~~State Board of Education~~ Superintendent of Public Instruction is authorized and
47 directed to establish, maintain, and implement such policies, rules, regulations, and procedures
48 not in conflict with State law or other ~~State Board~~ policies of the Superintendent as necessary to
49 assist local boards of education in the conduct of production work experiences performed in
50 connection with ~~approved State Board of Education~~ vocational and technical education
51 programs ~~programs~~ approved by the Superintendent."

1 **SECTION 112.** G.S. 115C-164 reads as rewritten:

2 "**§ 115C-164. Building trades training.**

3 In the establishment and implementation of production work experience policies, the ~~State~~
4 ~~Board of Education-Superintendent of Public Instruction~~ shall be guided as follows:

5 (1) Local boards of education may use supplementary tax funds or other local
6 funds available for the support of vocational and technical education to
7 purchase and develop suitable building sites on which dwellings or other
8 buildings are to be constructed by vocational and technical education trade
9 classes of each public school operated by local boards of education. Local
10 boards of education may use these funds for each school to pay the fees
11 necessary in securing and recording deeds to these properties for each public
12 school operated by local boards of education and to purchase all materials
13 needed to complete the construction of buildings by vocational and technical
14 education trade classes and for development of site and property by other
15 vocational and technical education classes. Local boards of education may
16 use these funds to acquire skilled services, including electrical, plumbing,
17 heating, sewer, water, transportation, grading, and landscaping needed in the
18 construction and completion of buildings, that cannot be supplied by the
19 students in vocational and technical education trade classes.

20 (2) Local boards of education may, in conjunction with or in lieu of subdivision
21 (1) of this section, contract with recognized building trades educational
22 foundations or associations in the purchase of land for the construction and
23 development of buildings: Provided however, that all contracts shall be in
24 accordance with the requirements set forth by the ~~State Board of Education-~~
25 ~~Superintendent of Public Instruction.~~"

26 **SECTION 113.** G.S. 115C-174.11 reads as rewritten:

27 "**§ 115C-174.11. Components of the testing program.**

28 (a) Assessment Instruments for First and Second Grades. – The ~~State Board of~~
29 ~~Education-Superintendent of Public Instruction~~ shall adopt and provide to the local school
30 administrative units developmentally appropriate individualized assessment instruments
31 consistent with the Basic Education Program for the first and second grades, rather than
32 standardized tests. Local school administrative units may use these assessment instruments
33 provided to them by the ~~State Board-Superintendent~~ for first and second grade students, and
34 shall not use standardized tests except as required as a condition of receiving federal grants.

35 (b) Repealed by Session Laws 2009-451, s. 7.20(c), effective July 1, 2009.

36 (c) Annual Testing Program.

37 (1) The ~~State Board of Education-Superintendent of Public Instruction~~ shall
38 adopt the tests for grades three through 12 that are required by federal law or
39 as a condition of a federal grant. These tests shall be designed to measure
40 progress toward reading, communication skills, and mathematics for grades
41 three through eight, and toward competencies for grades nine through 12.
42 Students who do not pass the tests adopted for eighth grade shall be provided
43 remedial instruction in the ninth grade.

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

49 (d) Except as provided in subdivision (2) of subsection (c) of this section, the State
50 Board of Education shall not require the public schools to administer any standardized tests
51 except for those required by federal law or as a condition of a federal grant.

1 The ~~State Board of Education~~ Superintendent of Public Instruction shall adopt and provide
2 to local school administrative units all tests required by federal law or as a condition of a
3 federal grant."

4 **SECTION 114.** G.S. 115C-174.12 reads as rewritten:

5 "**§ 115C-174.12. Responsibilities of agencies.**

6 (a) The ~~State Board of Education~~ Superintendent of Public Instruction shall establish
7 policies and guidelines necessary for minimizing the time students spend taking tests
8 administered through State and local testing programs, for minimizing the frequency of field
9 testing at any one school, and for otherwise carrying out the provisions of this Article. These
10 policies and guidelines shall include the following:

- 11 (1) Schools shall devote no more than two days of instructional time per year to
12 the taking of practice tests that do not have the primary purpose of assessing
13 current student learning;
- 14 (2) Students in a school shall not be subject to field tests or national tests during
15 the two-week period preceding the administration of end-of-grade tests,
16 end-of-course tests, or the school's regularly scheduled final exams; and
- 17 (3) No school shall participate in more than two field tests at any one grade level
18 during a school year unless that school volunteers, through a vote of its
19 school improvement team, to participate in an expanded number of field
20 tests.

21 These policies shall reflect standard testing practices to insure reliability and validity of the
22 sample testing. The results of the field tests shall be used in the final design of each test. The
23 ~~State Board of Education's~~ Superintendent's policies regarding the testing of children with
24 disabilities shall (i) provide broad accommodations and alternate methods of assessment that
25 are consistent with a child's individualized education program and section 504 (29 U.S.C. §
26 794) plans, (ii) prohibit the use of statewide tests as the sole determinant of decisions about a
27 child's graduation or promotion, and (iii) provide parents with information about the Statewide
28 Testing Program and options for students with disabilities. The ~~State Board~~ Superintendent
29 shall report ~~its~~ the proposed policies and proposed changes in policies to the Joint Legislative
30 Education Oversight Committee prior to adoption.

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

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

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

40 (c) Local boards of education shall cooperate with the ~~State Board of Education~~
41 Superintendent of Public Instruction in implementing the provisions of this Article, including
42 the regulations and policies established by the ~~State Board of Education~~ Superintendent. Local
43 school administrative units shall use the annual tests to fulfill the purposes set out in this
44 Article. Local school administrative units are encouraged to continue to develop local testing
45 programs designed to diagnose student needs."

46 **SECTION 115.** G.S. 115C-206 reads as rewritten:

47 "**§ 115C-206. ~~State Board of Education;~~ Superintendent of Public Instruction; duties;**
48 **responsibilities.**

49 The Superintendent of Public Instruction shall ~~prepare and present to the State Board of~~
50 ~~Education recommendations for general~~ adopt appropriate policies and guidelines for

1 encouraging increased community involvement in the public schools and use of public school
2 facilities. These recommendations shall include, but shall not be limited to provisions for:

- 3 (1) The use of public school facilities by governmental, charitable or civic
4 organizations for activities within the community.
- 5 (2) The utilization of the talents and abilities of volunteers within the
6 community for the enhancement of public school programs including
7 tutoring, counseling and cultural programs and projects.
- 8 (3) Increased communications between the staff and faculty of the public
9 schools, other community institutions and agencies, and citizens in the
10 community.

11 ~~Based on the recommendations of the Superintendent of Public Instruction, the State Board
12 of Education shall adopt appropriate policies and guidelines for encouraging increased
13 community involvement in the public schools and use of the public school facilities."~~

14 **SECTION 116.** G.S. 115C-207 reads as rewritten:

15 **"§ 115C-207. Authority and responsibility of local boards of education.**

16 Every local board of education that uses State funds to implement programs under this
17 Article shall:

- 18 (1) Develop programs and plans for increased community involvement in the
19 public schools based upon policies and guidelines adopted by the ~~State
20 Board of Education. Superintendent of Public Instruction.~~
- 21 (2) Develop programs and plans for increased community use of public school
22 facilities based upon policies and guidelines adopted by the ~~State Board of
23 Education. Superintendent of Public Instruction.~~
- 24 (3) Establish rules governing the implementation of such programs and plans in
25 its public schools and submit these rules along with adopted programs and
26 plans to the ~~State Board of Education. Superintendent of Public Instruction
27 for approval by the State Board of Education. Superintendent.~~

28 Programs and plans developed by a local board of education may provide for the
29 establishment of one or more community schools advisory councils for the public schools
30 under the board's jurisdiction and for the employment of one or more community schools
31 coordinators. The local board of education shall establish the terms and conditions of
32 employment for the community schools coordinators.

33 Every local board of education using State funds to implement a community schools
34 program under this Article may enter into agreements with other local boards of education,
35 agencies and institutions for the joint development of plans and programs and the joint
36 expenditure of these State funds."

37 **SECTION 117.** G.S. 115C-208 reads as rewritten:

38 **"§ 115C-208. Community schools advisory councils; duties; responsibilities; membership.**

39 Every local board of education that establishes a community schools program under this
40 Article may establish one or more community schools advisory councils which may become
41 involved in matters affecting the educational process in accordance with rules established by
42 the local board of education and approved by the ~~State Board of Education. Superintendent of
43 Public Instruction~~ and further may consider ways of increasing community involvement in the
44 public schools and utilization of public school facilities. Community schools advisory councils
45 may assist local boards of education in the development and preparation of the plans and
46 programs to achieve such goals, may assist in the implementation of such plans and programs
47 and may provide such other assistance as may be requested by the local boards of education.

48 Community schools advisory councils may work with local school officials and personnel,
49 parent-teacher organizations, and community groups and agencies in providing maximum
50 opportunities for public schools to serve the communities, and may encourage the maximum
51 use of volunteers in the public schools.

1 At least one half of the members of each community schools advisory council should be the
2 parents of students in the particular public school system: Provided, that less than twenty-five
3 percent (25%) of the pupils attending a particular school reside outside the immediate
4 community of the school, at least one half of the members should be parents of students in the
5 particular school for which the advisory council is established. Wherever possible the local
6 board of education is encouraged to include at least one high school student. The size of the
7 councils and the terms of membership on the councils shall be determined by the local board of
8 education in accordance with the State guidelines."

9 **SECTION 118.** G.S. 115C-210 reads as rewritten:

10 **"§ 115C-210. Council established.**

11 There is hereby established an advisory council to the ~~State Board of Education~~
12 Superintendent of Public Instruction to be known as the "State Advisory Council on Indian
13 Education"."

14 **SECTION 119.** G.S. 115C-210.2 reads as rewritten:

15 **"§ 115C-210.2. Term of office.**

16 The Legislative members, the higher education members, and the member from the North
17 Carolina Commission on Indian Affairs shall serve for an unspecified term at the pleasure of
18 their respective appointing authorities. The public school educators and the Indian parents shall
19 each be divided into two classes, with one class being appointed initially for a term of one year
20 and one class being appointed initially for a term of two years. Assignment of initial appointees
21 to classes shall be by lot conducted by the ~~State Board of Education~~ Superintendent of Public
22 Instruction just prior to the initial appointment. All subsequent terms shall be for a period of
23 two years, and no member shall serve for more than two consecutive full terms."

24 **SECTION 120.** G.S. 115C-210.4 reads as rewritten:

25 **"§ 115C-210.4. Duties of the Council.**

26 It shall be the duty of the Advisory Council:

- 27 (1) To advise the ~~State Board of Education~~ Superintendent of Public Instruction
28 on ways to meet more effectively the educational needs of Indian students;
- 29 (2) To advocate meaningful programs to reduce and eventually eliminate low
30 achievement and concurrent high attrition rates among American Indian
31 students;
- 32 (3) To prepare an annual report on a fiscal year basis on the status of Indian
33 education, said report to be presented to the ~~State Board of Education~~
34 Superintendent of Public Instruction and to the various Indian tribal
35 organizations at the statewide Indian Unity Conference;
- 36 (4) To work closely with the Division of Indian Education in the Department of
37 Public Instruction to improve coordination and communication between and
38 among programs;
- 39 (5) To advise the ~~State Board of Education~~ Superintendent of Public Instruction
40 on any other aspect of Indian education when requested by the ~~State Board~~
41 Superintendent to do so."

42 **SECTION 121.** G.S. 115C-215 reads as rewritten:

43 **"§ 115C-215. Instruction in driver training and safety education.**

44 There shall be organized and administered under the general supervision of the
45 Superintendent of Public Instruction a program of driver training and safety education in the
46 public schools of this State, said courses to be noncredit courses taught by instructors who meet
47 the requirements established by the ~~State Board of Education~~ Superintendent. Instructors shall
48 not be required to hold teacher certificates."

49 **SECTION 122.** G.S. 115C-216(a) reads as rewritten:

50 "(a) Course of Training and Instruction Required in Public High Schools. – The ~~State~~
51 ~~Board of Education~~ Superintendent of Public Instruction and local boards of education are

1 required to provide as a part of the program of the public high schools in this State a course of
2 training and instruction in the operation of motor vehicles, in accordance with G.S. 20-88.1."

3 **SECTION 123.** G.S. 115C-231(a) reads as rewritten:

4 "(a) When in the judgment of the ~~State Board of Education~~ Superintendent of Public
5 Instruction a program of adult education should be established as a part of the public school
6 system and when appropriations have been made therefor, there shall be organized and
7 administered under the general supervision of the ~~Superintendent~~ Department of Public
8 Instruction, a course in adult education: Provided, that local boards of education, in their
9 discretion, may institute and support such programs from local funds upon the approval of the
10 ~~State Board of Education~~ Superintendent of Public Instruction."

11 **SECTION 124.** G.S. 115C-233 reads as rewritten:

12 **"§ 115C-233. Operation of summer schools.**

13 Each local school administrative unit may establish and maintain summer schools. Such
14 summer schools as may be established shall be administered by local boards of education and
15 shall be conducted in accordance with standards developed by the ~~State Board of Education~~
16 Superintendent of Public Instruction. The standards so developed shall specify the requirements
17 for approved curriculum, the qualifications of the personnel, the length of the session, and the
18 conditions under which students may be granted credit for courses pursued during a summer
19 school. In determining the eligibility of students for admission to summer schools, boards of
20 education shall be governed by Article 9 of this Chapter, and G.S. 115C-366(b) and 115C-367
21 to 115C-370. Boards of education of local school administrative units may provide for summer
22 schools from funds made available for that purpose by the ~~State Board of Education~~,
23 Superintendent, funds appropriated to the local school administrative unit by the tax-levying
24 authority, and from any other revenues available for the purpose."

25 **SECTION 125.** G.S. 115C-238.29B reads as rewritten:

26 **"§ 115C-238.29B. Eligible applicants; contents of applications; submission of applications**
27 **for approval.**

28 ...

29 (c) An applicant shall submit the application to a chartering entity for preliminary
30 approval. A chartering entity may be:

- 31 (1) The local board of education of the local school administrative unit in which
32 the charter school will be located;
- 33 (2) The board of trustees of a constituent institution of The University of North
34 Carolina, so long as the constituent institution is involved in the planning,
35 operation, or evaluation of the charter school; or
- 36 (3) The ~~State Board of Education~~ Superintendent of Public Instruction.

37 Regardless of which chartering entity receives the application for preliminary approval, the
38 ~~State Board of Education~~ Superintendent of Public Instruction shall have final approval of the
39 charter school.

40 Notwithstanding the provisions of this subsection, if the ~~State Board of Education~~
41 Superintendent finds that an applicant (i) submitted an application to a local board of education
42 and received final approval from the ~~State Board of Education~~, Superintendent, but (ii) is
43 unable to find a suitable location within that local school administrative unit to operate, the
44 ~~State Board of Education~~ Superintendent may authorize the charter school to operate within an
45 adjacent local school administrative unit for one year only. The charter school cannot operate
46 for more than one year unless it reapplies, in accordance with subdivision (1), (2), or (3) of this
47 subsection, and receives final approval from the ~~State Board of Education~~ Superintendent.

48 (d) Unless an applicant submits its application under subsection (c) of this section to the
49 local board of education of the local school administrative unit in which the charter school will
50 be located, the applicant shall submit a copy of its application to that local board within seven
51 days of its submission under subsection (c) of this section. The local board may offer any

1 information or comment concerning the application it considers appropriate to the chartering
2 entity. The local board shall deliver this information to the chartering entity no later than
3 January 1 of the next calendar year. The applicant shall not be required to obtain or deliver this
4 information to the chartering entity on behalf of the local board. The ~~State Board~~
5 Superintendent of Public Instruction shall consider any information or comment it receives
6 from a local board and shall consider the impact on the local school administrative unit's ability
7 to provide a sound basic education to its students when determining whether to grant
8 preliminary and final approval of the charter school."

9 **SECTION 126.** G.S. 115C-238.29C reads as rewritten:

10 **"§ 115C-238.29C. Preliminary approval of applications for charter schools.**

11 (a) The chartering entity that receives a request for preliminary approval of a charter
12 school shall act on each request received prior to November 1 of a calendar year by February 1
13 of the next calendar year.

14 (b) The chartering entity shall give preliminary approval to the application if the
15 chartering entity determines that (i) information contained in the application meets the
16 requirements set out in this Part or adopted by the ~~State Board of Education, Superintendent of~~
17 Public Instruction, (ii) the applicant has the ability to operate the school and would be likely to
18 operate the school in an educationally and economically sound manner, and (iii) granting the
19 application would improve student learning and would achieve one of the other purposes set
20 out in G.S. 115C-238.29A. In reviewing applications for the establishment of charter schools
21 within a local school administrative unit, the chartering entity is encouraged to give preference
22 to applications that demonstrate the capability to provide comprehensive learning experiences
23 to students identified by the applicants as at risk of academic failure. If the chartering entity
24 approves more than one application for charter schools located in a local school administrative
25 unit, the chartering entity may state its order of preference among the applications that it
26 approves.

27 (c) If a chartering entity other than the ~~State Board Superintendent of Public Instruction~~
28 disapproves an application, the applicant may appeal to the ~~State Board of Education~~
29 Superintendent prior to February 15. The ~~State Board Superintendent~~ shall consider the appeal
30 at the same time it is considering final approval in accordance with G.S. 115C-238.29D. The
31 ~~State Board Superintendent~~ shall give preliminary approval of the application if it finds that the
32 chartering entity acted in an arbitrary or capricious manner in disapproving the application,
33 failed to consider appropriately the application, or failed to act within the time set out in
34 G.S. 115C-238.29C.

35 If the chartering entity, the ~~State Board of Education, Superintendent~~, or both, disapprove
36 an application, the applicant may modify the application and reapply subject to the application
37 deadline contained in subsection (a) of this section."

38 **SECTION 127.** G.S. 115C-238.29D reads as rewritten:

39 **"§ 115C-238.29D. Final approval of applications for charter schools.**

40 (a) The ~~State Board Superintendent of Public Instruction~~ shall grant final approval of an
41 application if it finds that the application meets the requirements set out in this Part or adopted
42 by the ~~State Board of Education Superintendent~~ and that granting the application would achieve
43 one or more of the purposes set out in G.S. 115C-238.29A. The ~~State Board Superintendent~~
44 shall act by March 15 of a calendar year on all applications and appeals it receives prior to
45 February 15 of that calendar year.

46 (b) The ~~State Board Superintendent of Public Instruction~~ shall authorize no more than
47 five charter schools per year in one local school administrative unit. The ~~State Board~~
48 Superintendent shall authorize no more than 100 charter schools statewide. If more than five
49 charter schools in one local school administrative unit or more than 100 schools statewide meet
50 the standards for final approval, the ~~State Board Superintendent~~ shall give priority to

1 applications that are most likely to further State education policies and to strengthen the
2 educational program offered in the local school administrative units in which they are located.

3 (c) ~~The State Board of Education~~ Superintendent of Public Instruction may authorize a
4 school before the applicant has secured its space, equipment, facilities, and personnel if the
5 applicant indicates the authority is necessary for it to raise working capital. The ~~State Board~~
6 Superintendent shall not allocate any funds to the school until the school has obtained space.

7 (d) ~~The State Board of Education~~ Superintendent of Public Instruction may grant the
8 initial charter for a period not to exceed 10 years and may renew the charter upon the request of
9 the chartering entity for subsequent periods not to exceed 10 years each. The ~~State Board of~~
10 ~~Education~~ Superintendent shall review the operations of each charter school at least once every
11 five years to ensure that the school is meeting the expected academic, financial, and governance
12 standards.

13 A material revision of the provisions of a charter application shall be made only upon the
14 approval of the ~~State Board of Education~~ Superintendent.

15 It shall not be considered a material revision of a charter application and shall not require
16 the prior approval of the ~~State Board~~ Superintendent for a charter school to increase its
17 enrollment during the charter school's second year of operation and annually thereafter (i) by up
18 to ten percent (10%) of the school's previous year's enrollment or (ii) in accordance with
19 planned growth as authorized in the charter. Other enrollment growth shall be considered a
20 material revision of the charter application, and the ~~State Board~~ Superintendent may approve
21 such additional enrollment growth of greater than ten percent (10%) only if the ~~State Board~~
22 Superintendent finds that:

- 23 (1) The actual enrollment of the charter school is within ten percent (10%) of its
24 maximum authorized enrollment;
- 25 (2) The charter school has commitments for ninety percent (90%) of the
26 requested maximum growth;
- 27 (3) The board of education of the local school administrative unit in which the
28 charter school is located has had an opportunity to be heard by the ~~State~~
29 ~~Board of Education~~ Superintendent of Public Instruction on any adverse
30 impact the proposed growth would have on the unit's ability to provide a
31 sound basic education to its students;
- 32 (4) The charter school is not currently identified as low-performing;
- 33 (5) The charter school meets generally accepted standards of fiscal
34 management; and
- 35 (6) It is otherwise appropriate to approve the enrollment growth."

36 **SECTION 128.** G.S. 115C-238.29E reads as rewritten:

37 **"§ 115C-238.29E. Charter school operation.**

38 (a) A charter school that is approved by the State shall be a public school within the
39 local school administrative unit in which it is located. It shall be accountable to the local board
40 of education if it applied for and received preliminary approval from that local board for
41 purposes of ensuring compliance with applicable laws and the provisions of its charter. All
42 other charter schools shall be accountable to the ~~State Board~~ Superintendent of Public
43 Instruction for ensuring compliance with applicable laws and the provisions of their charters,
44 except that any of these charter schools may agree to be accountable to the local board of the
45 school administrative unit in which the charter school is located rather than to the ~~State~~
46 ~~Board~~ Superintendent.

47 (b) A charter school shall be operated by a private nonprofit corporation that shall have
48 received federal tax-exempt status no later than 24 months following final approval of the
49 application.

50 (c) A charter school shall operate under the written charter signed by the entity to which
51 it is accountable under subsection (a) of this section and the applicant. A charter school is not

1 required to enter into any other contract. The charter shall incorporate the information provided
2 in the application, as modified during the charter approval process, and any terms and
3 conditions imposed on the charter school by the ~~State Board of Education-Superintendent of~~
4 Public Instruction. No other terms may be imposed on the charter school as a condition for
5 receipt of local funds.

6"

7 **SECTION 129.** G.S. 115C-238.29F reads as rewritten:

8 "**§ 115C-238.29F. General requirements.**

9 (a) Health and Safety Standards. – A charter school shall meet the same health and
10 safety requirements required of a local school administrative unit. The Department of Public
11 Instruction shall ensure that charter schools provide parents and guardians with information
12 about meningococcal meningitis and influenza and their vaccines at the beginning of every
13 school year. This information shall include the causes, symptoms, and how meningococcal
14 meningitis and influenza are spread and the places where parents and guardians may obtain
15 additional information and vaccinations for their children.

16 The Department of Public Instruction shall also ensure that charter schools provide parents
17 and guardians with information about cervical cancer, cervical dysplasia, human
18 papillomavirus, and the vaccines available to prevent these diseases. This information shall be
19 provided at the beginning of the school year to parents of children entering grades five through
20 [through] 12. This information shall include the causes and symptoms of these diseases, how
21 they are transmitted, how they may be prevented by vaccination, including the benefits and
22 possible side effects of vaccination, and the places where parents and guardians may obtain
23 additional information and vaccinations for their children.

24 The Department of Public Instruction shall also ensure that charter schools provide students
25 in grades nine through 12 with information annually on the manner in which a parent may
26 lawfully abandon a newborn baby with a responsible person, in accordance with G.S. 7B-500.

27 The Department of Public Instruction shall also ensure that the guidelines for individual
28 diabetes care plans adopted by the ~~State Board of Education-Superintendent of Public~~
29 Instruction under G.S. 115C-12(31) are implemented in charter schools in which students with
30 diabetes are enrolled and that charter schools otherwise comply with the provisions of
31 G.S. 115C-375.3.

32 ...

33 (c) Civil Liability and Insurance. –

34 (1) The board of directors of a charter school may sue and be sued. The ~~State~~
35 ~~Board of Education-Superintendent of Public Instruction~~ shall adopt rules to
36 establish reasonable amounts and types of liability insurance that the board
37 of directors shall be required by the charter to obtain. The board of directors
38 shall obtain at least the amount of and types of insurance required by these
39 rules to be included in the charter. Any sovereign immunity of the charter
40 school, of the organization that operates the charter school, or its members,
41 officers, or directors, or of the employees of the charter school or the
42 organization that operates the charter school, is waived to the extent of
43 indemnification by insurance.

44 (2) No civil liability shall attach to any chartering entity, to the ~~State Board of~~
45 ~~Education-Superintendent of Public Instruction~~, or to any of their members
46 or employees, individually or collectively, for any acts or omissions of the
47 charter school.

48 (d) Instructional Program. –

49 (1) **(See note)** The school shall provide instruction each year for at least 180
50 days.

- 1 (2) The school shall design its programs to at least meet the student performance
2 standards adopted by the ~~State Board of Education~~ Superintendent of Public
3 Instruction and the student performance standards contained in the charter.
- 4 (3) A charter school shall conduct the student assessments required for charter
5 schools by the ~~State Board of Education~~ Superintendent of Public
6 Instruction.
- 7 (4) The school shall comply with policies adopted by the ~~State Board of~~
8 ~~Education~~ Superintendent of Public Instruction for charter schools relating to
9 the education of children with disabilities.
- 10 (5) The school is subject to and shall comply with Article 27 of Chapter 115C of
11 the General Statutes, except that a charter school may also exclude a student
12 from the charter school and return that student to another school in the local
13 school administrative unit in accordance with the terms of its charter.
- 14 (e) Employees. –
- 15 ...
- 16 (4) The employees of the charter school shall be deemed employees of the local
17 school administrative unit for purposes of providing certain State-funded
18 employee benefits, including membership in the Teachers' and State
19 Employees' Retirement System and the State Health Plan for Teachers and
20 State Employees. The ~~State Board of Education~~ Superintendent of Public
21 Instruction provides funds to charter schools, approves the original members
22 of the boards of directors of the charter schools, has the authority to grant,
23 supervise, and revoke charters, and demands full accountability from charter
24 schools for school finances and student performance. Accordingly, it is the
25 determination of the General Assembly that charter schools are public
26 schools and that the employees of charter schools are public school
27 employees. Employees of a charter school whose board of directors elects to
28 become a participating employer under G.S. 135-5.3 are "teachers" for the
29 purpose of membership in the North Carolina Teachers' and State
30 Employees' Retirement System. In no event shall anything contained in this
31 Part require the North Carolina Teachers' and State Employees' Retirement
32 System to accept employees of a private employer as members or
33 participants of the System.
- 34 (f) Accountability. –
- 35 (1) The school is subject to the financial audits, the audit procedures, and the
36 audit requirements adopted by the ~~State Board of Education~~ Superintendent
37 of Public Instruction for charter schools. These audit requirements may
38 include the requirements of the School Budget and Fiscal Control Act.
- 39 (2) The school shall comply with the reporting requirements established by the
40 ~~State Board of Education~~ Superintendent of Public Instruction in the
41 Uniform Education Reporting System.
- 42 (3) The school shall report at least annually to the chartering entity and the ~~State~~
43 ~~Board of Education~~ Superintendent of Public Instruction the information
44 required by the chartering entity or the ~~State Board~~ Superintendent.
- 45 ...
- 46 (j) Driving Eligibility Certificates. – In accordance with rules adopted by the ~~State~~
47 ~~Board of Education~~ Superintendent of Public Instruction, the designee of the school's board of
48 directors shall do all of the following:
- 49 (1) Sign driving eligibility certificates that meet the conditions established in
50 G.S. 20-11.

- 1 (2) Obtain the necessary written, irrevocable consent from parents, guardians, or
2 emancipated juveniles, as appropriate, in order to disclose information to the
3 Division of Motor Vehicles.
4 (3) Notify the Division of Motor Vehicles when a student who holds a driving
5 eligibility certificate no longer meets its conditions.

6"

7 **SECTION 130.** G.S. 115C-238.29G reads as rewritten:

8 "**§ 115C-238.29G. Causes for nonrenewal or termination; disputes.**

9 (a) ~~The State Board of Education, Superintendent of Public Instruction,~~ or a chartering
10 entity subject to the approval of the ~~State Board of Education, Superintendent of Public~~
11 ~~Instruction,~~ may terminate or not renew a charter upon any of the following grounds:

- 12 (1) Failure to meet the requirements for student performance contained in the
13 charter;
14 (2) Failure to meet generally accepted standards of fiscal management;
15 (3) Violations of law;
16 (4) Material violation of any of the conditions, standards, or procedures set forth
17 in the charter;
18 (5) Two-thirds of the faculty and instructional support personnel at the school
19 request that the charter be terminated or not renewed; or
20 (6) Other good cause identified.

21 (b) ~~The State Board of Education Superintendent of Public Instruction~~ shall develop
22 and implement a process to address contractual and other grievances between a charter school
23 and its chartering entity or the local board of education during the time of its charter.

24 (c) ~~The State Board Superintendent of Public Instruction~~ and the charter school are
25 encouraged to make a good-faith attempt to resolve the differences that may arise between
26 them. They may agree to jointly select a mediator. The mediator shall act as a neutral facilitator
27 of disclosures of factual information, statements of positions and contentions, and efforts to
28 negotiate an agreement settling the differences. The mediator shall, at the request of either the
29 ~~State Board Superintendent~~ or a charter school, commence a mediation immediately or within a
30 reasonable period of time. The mediation shall be held in accordance with rules and standards
31 of conduct adopted under Chapter 7A of the General Statutes governing mediated settlement
32 conferences but modified as appropriate and suitable to the resolution of the particular issues in
33 disagreement.

34 Notwithstanding Article 33C of Chapter 143 of the General Statutes, the mediation
35 proceedings shall be conducted in private. Evidence of statements made and conduct occurring
36 in a mediation are not subject to discovery and are inadmissible in any court action. However,
37 no evidence otherwise discoverable is inadmissible merely because it is presented or discussed
38 in a mediation. The mediator shall not be compelled to testify or produce evidence concerning
39 statements made and conduct occurring in a mediation in any civil proceeding for any purpose,
40 except disciplinary hearings before the State Bar or any agency established to enforce standards
41 of conduct for mediators. The mediator may determine that an impasse exists and discontinue
42 the mediation at any time. The mediator shall not make any recommendations or public
43 statement of findings or conclusions. ~~The State Board Superintendent~~ and the charter school
44 shall share equally the mediator's compensation and expenses. The mediator's compensation
45 shall be determined according to rules adopted under Chapter 7A of the General Statutes."

46 **SECTION 131.** G.S. 115C-238.29H reads as rewritten:

47 "**§ 115C-238.29H. State and local funds for a charter school.**

48 (a) ~~The State Board of Education Superintendent of Public Instruction~~ shall allocate to
49 each charter school:

- 50 (1) An amount equal to the average per pupil allocation for average daily
51 membership from the local school administrative unit allotments in which

1 the charter school is located for each child attending the charter school
2 except for the allocation for children with disabilities and for the allocation
3 for children with limited English proficiency;

4 (2) An additional amount for each child attending the charter school who is a
5 child with disabilities; and

6 (3) An additional amount for children with limited English proficiency attending
7 the charter school, based on a formula adopted by the ~~State~~
8 ~~Board-Superintendent.~~

9 In accordance with G.S. 115C-238.29D(d), the ~~State Board-Superintendent~~ shall allow for
10 annual adjustments to the amount allocated to a charter school based on its enrollment growth
11 in school years subsequent to the initial year of operation.

12 In the event a child with disabilities leaves the charter school and enrolls in a public school
13 during the first 60 school days in the school year, the charter school shall return a pro rata
14 amount of funds allocated for that child to the ~~State Board-Superintendent~~, and the ~~State Board~~
15 ~~Superintendent~~ shall reallocate those funds to the local school administrative unit in which the
16 public school is located. In the event a child with disabilities enrolls in a charter school during
17 the first 60 school days in the school year, the ~~State Board-Superintendent~~ shall allocate to the
18 charter school the pro rata amount of additional funds for children with disabilities.

19 (a1) Funds allocated by the ~~State Board of Education-Superintendent of Public~~
20 ~~Instruction~~ may be used to enter into operational and financing leases for real property or
21 mobile classroom units for use as school facilities for charter schools and may be used for
22 payments on loans made to charter schools for facilities or equipment. However, State funds
23 shall not be used to obtain any other interest in real property or mobile classroom units. No
24 indebtedness of any kind incurred or created by the charter school shall constitute an
25 indebtedness of the State or its political subdivisions, and no indebtedness of the charter school
26 shall involve or be secured by the faith, credit, or taxing power of the State or its political
27 subdivisions. Every contract or lease into which a charter school enters shall include the
28 previous sentence. The school also may own land and buildings it obtains through non-State
29 sources.

30 (b) If a student attends a charter school, the local school administrative unit in which
31 the child resides shall transfer to the charter school an amount equal to the per pupil local
32 current expense appropriation to the local school administrative unit for the fiscal year. The
33 amount transferred under this subsection that consists of revenue derived from supplemental
34 taxes shall be transferred only to a charter school located in the tax district for which these
35 taxes are levied and in which the student resides."

36 **SECTION 132.** G.S. 115C-238.29I reads as rewritten:

37 **"§ 115C-238.29I. Notice of the charter school process; review of charter schools; Charter**
38 **School Advisory Committee.**

39 (a) The ~~State Board of Education-Superintendent of Public Instruction~~ shall distribute
40 information announcing the availability of the charter school process described in this Part to
41 each local school administrative unit and public postsecondary educational institution and,
42 through press releases, to each major newspaper in the State.

43 (b) Repealed by Session Laws 1997-18, s. 15(i).

44 (c) The ~~State Board of Education-Superintendent of Public Instruction~~ shall review and
45 evaluate the educational effectiveness of the charter school approach authorized under this Part
46 and the effect of charter schools on the public schools in the local school administrative unit in
47 which the charter schools are located. The ~~Board-Superintendent~~ shall report no later than
48 January 1, 2002, to the Joint Legislative Education Oversight Committee with
49 recommendations to modify, expand, or terminate that approach. The ~~Board-Superintendent~~
50 shall base ~~its~~ the recommendations predominantly on the following information:

- 1 (1) The current and projected impact of charter schools on the delivery of
2 services by the public schools.
- 3 (2) Student academic progress in the charter schools as measured, where
4 available, against the academic year immediately preceding the first
5 academic year of the charter schools' operation.
- 6 (3) Best practices resulting from charter school operations.
- 7 (4) Other information the ~~State Board Superintendent~~ considers appropriate.

8 (d) The ~~State Board of Education Superintendent~~ of Public Instruction may establish a
9 Charter School Advisory Committee to assist with the implementation of this Part. The Charter
10 School Advisory Committee may (i) provide technical assistance to chartering entities or to
11 potential applicants, (ii) review applications for preliminary approval, (iii) make
12 recommendations as to whether the ~~State Board Superintendent~~ should approve applications for
13 charter schools, (iv) make recommendations as to whether the ~~State Board Superintendent~~
14 should terminate or not renew a charter, (v) make recommendations concerning grievances
15 between a charter school and its chartering entity, the ~~State Board Superintendent~~, or a local
16 board, (vi) assist with the review under subsection (c) of this section, and (vii) provide any
17 other assistance as may be required by the ~~State Board Superintendent~~.

18 (e) Notwithstanding the dates set forth in this Part, the ~~State Board of Education~~
19 ~~Superintendent of Public Instruction~~ may establish an alternative time line for the submission
20 of applications, preliminary approvals, criminal record checks, appeals, and final approvals so
21 long as the ~~Board Superintendent~~ grants final approval by March 15 of each calendar year."

22 **SECTION 133.** G.S. 115C-238.29J reads as rewritten:

23 **"§ 115C-238.29J. Public and private assistance to charter schools.**

24 (a) Local boards of education are authorized and encouraged to provide administrative
25 and evaluative support to charter schools located within their local school administrative units.

26 (b) Private persons and organizations are encouraged to provide funding and other
27 assistance to the establishment or operation of charter schools.

28 (c) The ~~State Board of Education shall direct the~~ Department of Public Instruction ~~to~~
29 shall provide guidance and technical assistance, upon request, to applicants and potential
30 applicants for charters.

31 (d) The ~~State Board of Education shall direct the~~ Department of Public Instruction ~~to~~
32 shall notify the Department of Revenue when the ~~State Board of Education Superintendent~~
33 terminates, fails to renew, or grants a charter for a charter school."

34 **SECTION 134.** G.S. 115C-238.29K reads as rewritten:

35 **"§ 115C-238.29K. Criminal history checks.**

36 ...

37 (b) The ~~State Board of Education Superintendent~~ of Public Instruction shall adopt a
38 policy on whether and under what circumstances school personnel shall be required to be
39 checked for a criminal history. The policy shall not require school personnel to be checked for
40 a criminal history check before preliminary approval is granted under G.S. 115C-238.29B. The
41 ~~Board Superintendent~~ shall apply ~~its~~ the policy uniformly in requiring school personnel to be
42 checked for a criminal history. The ~~Board Superintendent~~ may grant conditional approval of an
43 application while the ~~Board Superintendent~~ is checking a person's criminal history and making
44 a decision based on the results of the check.

45 The ~~State Board Superintendent~~ shall not require members of boards of directors of charter
46 schools or employees of charter schools to pay for the criminal history check authorized under
47 this section.

48 (c) The ~~Board of Education Superintendent~~ shall require the person to be checked by
49 the Department of Justice to (i) be fingerprinted and to provide any additional information
50 required by the Department of Justice to a person designated by the ~~State Board,~~
51 Superintendent, or to the local sheriff or the municipal police, whichever is more convenient for

1 the person, and (ii) sign a form consenting to the check of the criminal record and to the use of
2 fingerprints and other identifying information required by the repositories. The ~~State Board~~
3 ~~Superintendent~~ shall consider refusal to consent when deciding whether to grant final approval
4 of an application under G.S. 115C-238.29D and when making an employment
5 recommendation. The fingerprints of the individual shall be forwarded to the State Bureau of
6 Investigation for a search of the State criminal history record file, and the State Bureau of
7 Investigation shall forward a set of fingerprints to the Federal Bureau of Investigation for a
8 national criminal history record check. The Department of Justice shall provide to the ~~State~~
9 ~~Board of Education-Superintendent of Public Instruction~~ the criminal history from the State and
10 National Repositories of Criminal Histories of any school personnel for which the ~~Board~~
11 ~~Superintendent~~ requires a criminal history check.

12 The ~~State Board-Superintendent~~ shall not require members of boards of directors of charter
13 schools or employees of charter schools to pay for the fingerprints authorized under this
14 section.

15 (d) The ~~State Board-Superintendent of Public Instruction~~ shall review the criminal
16 history it receives on an individual. The ~~State Board-Superintendent~~ shall determine whether
17 the results of the review indicate that the individual (i) poses a threat to the physical safety of
18 students or personnel, or (ii) has demonstrated that he or she does not have the integrity or
19 honesty to fulfill his or her duties as school personnel and shall use the information when
20 deciding whether to grant final approval of an application for a charter school under
21 G.S. 115C-238.29D and for making an employment recommendation to the board of directors
22 of a charter school. The ~~State Board-Superintendent~~ shall make written findings with regard to
23 how it used the information when deciding whether to grant final approval under
24 G.S. 115C-238.29D and when making an employment recommendation.

25 (e) The ~~State Board-Superintendent~~ shall notify in writing the board of directors of the
26 charter school of the determination by the ~~State Board-Superintendent~~ as to whether the school
27 personnel is qualified to operate or be employed by a charter school based on the school
28 personnel's criminal history. At the same time, the ~~State Board-Superintendent~~ shall provide to
29 the charter school's board of directors the written findings the ~~Board-Superintendent~~ makes in
30 subsection (d) of this section and ~~its~~ the Superintendent's employment recommendation. If the
31 ~~State Board-Superintendent~~ recommends dismissal or nonemployment of any person, the board
32 of directors of the charter school shall dismiss or refuse to employ that person. In accordance
33 with the law regulating the dissemination of the contents of the criminal history file furnished
34 by the Federal Bureau of Investigation, the ~~State Board-Superintendent~~ shall not release nor
35 disclose any portion of the school personnel's criminal history to the charter school's board of
36 directors or employees. The ~~State Board-Superintendent~~ also shall notify the school personnel
37 of the procedure for completing or challenging the accuracy of the criminal history and the
38 personnel's right to contest the ~~State Board's-Superintendent's~~ determination in court.

39 (f) All the information received by the ~~State Board of Education-Superintendent of~~
40 ~~Public Instruction~~ or the charter school in accordance with subsection (e) of this section
41 through the checking of the criminal history is privileged information and is not a public record
42 but is for the exclusive use of the ~~State Board of Education-Superintendent~~ or the board of
43 directors of the charter school. The ~~State Board of Education-Superintendent~~ or the board of
44 directors of the charter school may destroy the information after it is used for the purposes
45 authorized by this section after one calendar year.

46 (g) There shall be no liability for negligence on the part of the ~~State Board of Education~~
47 ~~Superintendent of Public Instruction~~ or the board of directors of the charter school, or their
48 employees, arising from any act taken or omission by any of them in carrying out the
49 provisions of this section. The immunity established by this subsection shall not extend to gross
50 negligence, wanton conduct, or intentional wrongdoing that would otherwise be actionable. The
51 immunity established by this subsection shall be deemed to have been waived to the extent of

1 indemnification by insurance, indemnification under Articles 31A and 31B of Chapter 143 of
2 the General Statutes, and to the extent sovereign immunity is waived under the Tort Claims
3 Act, as set forth in Article 31 of Chapter 143 of the General Statutes."

4 **SECTION 135.** G.S. 115C-238.33 reads as rewritten:

5 "**§ 115C-238.33. Plan for effective use of fiscal resources; comprehensive plan to**
6 **implement extended services programs.**

7 (a) ~~The State Board of Education~~ Superintendent of Public Instruction shall develop
8 model plans which show how to (i) deliver comprehensive extended services; (ii) effectively
9 use all fiscal resources, including federal funds, and other resources under its control that
10 support the goals of this Part; and (iii) maintain quality program evaluation. The model plans
11 shall be communicated to local units and building-level committees.

12 (b) Repealed by Session Laws, 1997-18, c. 15(j)."

13 **SECTION 136.** G.S. 115C-238.50(b)(3) reads as rewritten:

14 "(b) All the cooperative innovative high school programs established under this Part
15 shall:

16 ...

17 (3) Be centered on the core academic standards represented by the college
18 preparatory or tech prep program of study as defined by the ~~State Board of~~
19 ~~Education~~ Superintendent of Public Instruction."

20 **SECTION 137.** G.S. 115C-238.50A reads as rewritten:

21 "**§ 115C-238.50A. Definitions.**

22 The following definitions apply in this Part:

23 (1) Constituent institution. – A constituent institution as defined in
24 G.S. 116-2(4).

25 (2) Education partner. – An education partner as provided in G.S. 115C-238.52.

26 (3) Governing board. – ~~The State Board of Education~~, Superintendent of Public
27 Instruction, the State Board of Community Colleges, the Board of Governors
28 of The University of North Carolina, or the Board of the North Carolina
29 Independent Colleges and Universities.

30 (4) Local board of trustees. – The board of trustees of a community college,
31 constituent institution of The University of North Carolina, or private
32 college located in North Carolina."

33 **SECTION 138.** G.S. 115C-238.51 reads as rewritten:

34 "**§ 115C-238.51. Application process.**

35 (a) A local board of education and at least one local board of trustees shall jointly apply
36 to establish a cooperative innovative high school program under this Part.

37 (b) The application shall contain at least the following information:

38 (1) A description of a program that implements the purposes in
39 G.S. 115C-238.50.

40 (2) A statement of how the program relates to the Economic Vision Plan
41 adopted for the economic development region in which the program is to be
42 located.

43 (3) The facilities to be used by the program and the manner in which
44 administrative services of the program are to be provided.

45 (4) A description of student academic and vocational achievement goals and the
46 method of demonstrating that students have attained the skills and
47 knowledge specified for those goals.

48 (5) A description of how the program will be operated, including budgeting,
49 curriculum, transportation, and operating procedures.

50 (6) The process to be followed by the program to ensure parental involvement.

- 1 (7) The process by which students will be selected for and admitted to the
2 program.
- 3 (8) A description of the funds that will be used and a proposed budget for the
4 program. This description shall identify how the average daily membership
5 (ADM) and full-time equivalent (FTE) students are counted.
- 6 (9) The qualifications required for individuals employed in the program.
- 7 (10) The number of students to be served.
- 8 (11) A description of how the program's effectiveness in meeting the purposes in
9 G.S. 115C-238.50 will be measured.

10 (c) The application shall be submitted to the ~~State Board of Education~~ Superintendent
11 of Public Instruction and the applicable governing Boards. The Boards shall appoint a joint
12 advisory committee to review the applications and to recommend to the Boards those programs
13 that meet the requirements of this Part and that achieve the purposes set out in
14 G.S. 115C-238.50.

15 (d) The Boards may approve programs recommended by the joint advisory committee
16 or may approve other programs that were not recommended. The Boards shall approve all
17 applications by June 30 of each year. No application shall be approved unless the ~~State Board~~
18 ~~of Education~~ Superintendent of Public Instruction and the applicable governing Board find that
19 the application meets the requirements set out in this Part and that granting the application
20 would achieve the purposes set out in G.S. 115C-238.50. Priority shall be given to applications
21 that are most likely to further State education policies, to address the economic development
22 needs of the economic development regions in which they are located, and to strengthen the
23 educational programs offered in the local school administrative units in which they are
24 located."

25 **SECTION 139.** G.S. 115C-238.53 reads as rewritten:

26 "**§ 115C-238.53. Program operation.**

- 27 (a) A program approved by the State is accountable to the local board of education.
- 28 (b) A program approved under this Part shall operate under the terms of a written
29 agreement signed by the local board of education, local board of trustees, ~~State Board of~~
30 ~~Education~~, Superintendent of Public Instruction, and applicable governing Board. The
31 agreement shall incorporate the information provided in the application, as modified during the
32 approval process, and any terms and conditions imposed on the program by the ~~State Board of~~
33 ~~Education~~ Superintendent of Public Instruction and the applicable governing Board. The
34 agreement may be for a term of no longer than five school years.
- 35 (c) A program may be operated in a facility owned or leased by the local board of
36 education, the local board of trustees, or the education partner, if any.
- 37 (d) A program approved under this Part shall provide instruction each school year for at
38 least 180 days during nine calendar months, shall comply with laws and policies relating to the
39 education of students with disabilities, and shall comply with Article 27 of this Chapter.
- 40 (e) A program approved under this Part may use State, federal, and local funds
41 allocated to the local school administrative unit, to the applicable governing Board, and to the
42 college or university to implement the program. If there is an education partner and if it is a
43 public body, the program may use State, federal, and local funds allocated to that body.
- 44 (f) Except as provided in this Part and under the terms of the agreement:
- 45 (1) A program shall have the same exemptions from statutes and rules as charter
46 schools operating under Part 6A of this Article, other than those pertaining
47 to personnel.
- 48 (2) A program may be exempted by the ~~State Board of Education~~
49 Superintendent of Public Instruction or by the applicable governing Board
50 from laws and rules applicable to a local board of education, a local school

1 administrative unit, a community college, a constituent institution, or a local
2 board of trustees."

3 **SECTION 140.** G.S. 115C-238.55 reads as rewritten:

4 **"§ 115C-238.55. Evaluation of programs.**

5 The ~~State Board of Education~~ Superintendent of Public Instruction and the governing
6 Boards shall evaluate the success of students in programs approved under this Part. Success
7 shall be measured by high school retention rates, high school completion rates, high school
8 dropout rates, certification and associate degree completion, admission to four-year institutions,
9 postgraduation employment in career or study-related fields, and employer satisfaction of
10 employees who participated in and graduated from the programs. The Boards shall jointly
11 report by January 15 of each year to the Joint Legislative Education Oversight Committee on
12 the evaluation of these programs."

13 **SECTION 141.** G.S. 115C-239 reads as rewritten:

14 **"§ 115C-239. Authority of local boards of education.**

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

27 **SECTION 142.** G.S. 115C-240 reads as rewritten:

28 **"§ 115C-240. Authority and duties of ~~State Board of Education~~ Superintendent of Public**
29 **Instruction.**

30 (a) The ~~State Board of Education~~ Superintendent of Public Instruction shall promulgate
31 rules and regulations for the operation of a public school transportation system.

32 (b) The ~~State Board of Education~~ Superintendent of Public Instruction shall be under no
33 duty to supply transportation to any pupil or employee enrolled or employed in any school.
34 Neither the State nor the ~~State Board of Education~~ Superintendent shall in any manner be liable
35 for the failure or refusal of any local board of education to furnish transportation, by school bus
36 or otherwise, to any pupil or employee of any school, or for any neglect or action of any county
37 or city board of education, or any employee of any such board, in the operation or maintenance
38 of any school bus.

39 (c) The ~~State Board of Education~~ Superintendent of Public Instruction shall from time
40 to time adopt such rules and regulations with reference to the construction, equipment, color,
41 and maintenance of school buses, the number of pupils who may be permitted to ride at the
42 same time upon any bus, and the age and qualifications of drivers of school buses as it shall
43 deem to be desirable for the purpose of promoting safety in the operation of school buses.
44 Every school bus that is capable of operating on diesel fuel shall be capable of operating on
45 diesel fuel with a minimum biodiesel concentration of B-20, as defined in G.S. 143-58.4. No
46 school bus shall be operated for the transportation of pupils unless such bus is constructed and
47 maintained as prescribed in such regulations and is equipped with adequate heating facilities, a
48 standard signaling device for giving due notice that the bus is about to make a turn, an
49 alternating flashing stoplight on the front of the bus, an alternating flashing stoplight on the rear
50 of the bus, and such other warning devices, fire protective equipment and first aid supplies as

1 may be prescribed for installation upon such buses by the regulation of the ~~State Board of~~
2 ~~Education~~. Superintendent of Public Instruction.

3 (d) ~~The State Board of Education~~ Superintendent of Public Instruction shall assist local
4 boards of education by establishing guidelines and a framework through which local boards
5 may establish, review and amend school bus routes prepared pursuant to G.S. 115C-246. ~~The~~
6 ~~State Board shall also require local boards to implement the Transportation Information~~
7 ~~Management System or an equivalent system approved by the State Board of Education, no~~
8 ~~later than September 1, 1992.~~ ~~The State Board of Education~~ Superintendent shall also assist
9 local boards of education with reference to the acquisition and maintenance of school buses or
10 any other question which may arise in connection with the organization and operation of school
11 bus transportation systems of local boards.

12 (e) ~~The State Board of Education~~ Superintendent of Public Instruction shall allocate to
13 the respective local boards of education funds appropriated from time to time by the General
14 Assembly for the purpose of providing transportation to the pupils enrolled in the public
15 schools within this State. Such funds shall be allocated by the ~~State Board of Education~~
16 Superintendent in accordance with the number of pupils to be transported, the length of bus
17 routes, road conditions and all other circumstances affecting the cost of the transportation of
18 pupils by school bus to the end that the funds so appropriated may be allocated on a fair and
19 equitable basis, according to the needs of the respective local school administrative units and so
20 as to provide the most efficient use of such funds. Such allocation shall be made by the ~~State~~
21 ~~Board of Education~~ Superintendent at the beginning of each fiscal year, except that the ~~State~~
22 ~~Board~~ Superintendent may reserve for future allocation from time to time within such fiscal
23 year as the need therefor shall be found to exist, a reasonable amount not to exceed ten percent
24 (10%) of the total funds available for transportation in such fiscal year from such appropriation.
25 If there is evidence of inequitable or inefficient use of funds, ~~the State Board of Education~~
26 Superintendent shall be empowered to review school bus routes established by local boards
27 pursuant to G.S. 115C-246 as well as other factors affecting the cost of the transportation of
28 pupils by school bus.

29 (f) The respective local boards shall use such funds for the purposes of replacing,
30 maintaining, insuring, and operating public school buses and service vehicles in accordance
31 with the provisions of G.S. 115C-239 to 115C-246, 115C-248 to 115C-254 and 115C-256 to
32 115C-259 and for no other purpose, but in the making of expenditures for such purposes shall
33 be subject to rules and regulations promulgated by the ~~State Board of Education~~.
34 Superintendent of Public Instruction."

35 **SECTION 143.** G.S. 115C-242 reads as rewritten:

36 "**§ 115C-242. Use and operation of school buses.**

37 Public school buses may be used for the following purposes only, and it shall be the duty of
38 the superintendent of the school of each local school administrative unit to supervise the use of
39 all school buses operated by such local school administrative unit so as to assure and require
40 compliance with this section:

- 41 (1) A school bus may be used for the transportation of pupils enrolled in and
42 employees in the operation of the school to which such bus is assigned by
43 the superintendent of the local school administrative unit. Except as
44 otherwise herein provided, such transportation shall be limited to
45 transportation to and from such school for the regularly organized school
46 day, and from and to the points designated by the principal of the school to
47 which such bus is assigned, for the receiving and discharging of passengers.
48 No pupil or employee shall be so transported upon any bus other than the
49 bus to which such pupil or employee has been assigned pursuant to the
50 provisions of this Article: Provided, that children enrolled in a Headstart
51 program or any More at Four program may be transported on public school

1 buses, and any additional costs associated with such contractual
2 arrangements shall be incurred by the benefitting Head Start or More at Four
3 program: Provided further, that children with disabilities may be transported
4 to and from the nearest appropriate private school having a special education
5 program approved by the ~~State Board of Education~~ Superintendent of Public
6 Instruction if the children to be transported are or have been placed in that
7 program by a local school administrative unit as a result of the State or the
8 unit's duty to provide such children with a free appropriate public education.

9 (2) In the case of illness or injury requiring immediate medical attention of any
10 pupil or employee while such pupil or employee is present at the school in
11 which such pupil is enrolled or such employee is employed, the principal of
12 such school may, in his discretion, permit such pupil or employee to be
13 transported by a school bus to a doctor or hospital for medical treatment, and
14 may, in his discretion, permit such other person as he may select to
15 accompany such pupil.

16 (3) The board of education of any local school administrative unit may operate
17 the school buses of such unit one day prior to the opening of the regular
18 school term for the transportation of pupils and employees to and from the
19 school to which such pupils are assigned or in which they are enrolled and
20 such employees are employed, for the purposes of the registration of
21 students, the organization of classes, the distribution of textbooks, and such
22 other purposes as will, in the opinion of the superintendent of the schools of
23 such unit, promote the efficient organization and operation of such public
24 schools.

25 (4) A local board of education which elects to operate a school bus
26 transportation system, shall not be required to provide transportation for any
27 school employee, nor shall such board be required to provide transportation
28 for any pupil living within one and one half miles of the school in which
29 such pupil is enrolled.

30 (5) Local boards of education, under rules adopted by the ~~State Board of~~
31 ~~Education~~, Superintendent of Public Instruction, may permit the use and
32 operation of school buses for the transportation of pupils and instructional
33 personnel as the board deems necessary to serve the instructional programs
34 of the schools. Included in the use permitted by this section is the
35 transportation of children with ~~disabilities~~, disabilities, and children enrolled
36 in programs that require transportation from the school grounds during the
37 school day, such as special vocational or occupational programs. On any
38 such trip, a city or county-owned school bus shall not be taken out of the
39 State.

40 If State funds are inadequate to pay for the transportation approved by
41 the local board of education, local funds may be used for these purposes.
42 Local boards of education shall determine that funds are available to such
43 boards for the transportation of children to and from the school to which
44 they are assigned for the entire school year before authorizing the use and
45 operation of school buses for other services deemed necessary to serve the
46 instructional program of the schools.

47 Children with disabilities may be transported to and from the nearest
48 appropriate private school having a special education program approved by
49 the ~~State Board of Education~~ Superintendent of Public Instruction if the
50 children to be transported have been placed in that program by a local school

1 administrative unit as a result of the State or the unit's duty to provide those
2 children with a free appropriate public education.

3 (6) School buses owned by a local board of education may be used for
4 emergency management purposes in any state of disaster or local state of
5 emergency declared under Chapter 166A of the General Statutes. Under
6 rules and regulations adopted by a local board of education, its school buses
7 may be used with its permission for the purpose of testing emergency
8 management plans; however, neither the ~~State Board of Education~~
9 Superintendent of Public Instruction nor the local board of education shall be
10 liable for the operating cost, any compensation claims or any tort claims
11 resulting from the test.

12 (7) Uses authorized by G.S. 115C-243."

13 **SECTION 144.** G.S. 115C-243(f) reads as rewritten:

14 "(f) Before any agreement under this section may be signed, the ~~State Board of~~
15 ~~Education-Superintendent of Public Instruction~~ shall adopt a uniform schedule of charges for
16 the use of buses under this section. Such schedule shall include a charge by the hour and by the
17 mile which shall cover all costs both fixed and variable, including depreciation, gasoline, fuel,
18 labor, maintenance, and insurance. The schedule may be amended by the ~~State Board of~~
19 ~~Education-Superintendent~~. The schedule of charges adopted by the local board of education
20 under subsection (c) may vary from the State schedule only to cover changes in wages."

21 **SECTION 145.** G.S. 115C-244(c) reads as rewritten:

22 "(c) Any pupil enrolled in any school, or the parent or guardian of any such pupil, or the
23 person standing in loco parentis to such pupil, may apply to the principal of such school for
24 transportation of such pupil to and from such school by school bus for the regularly organized
25 school day. The principal shall deliver the application to the superintendent or superintendent's
26 designee, who shall assign a pupil to a school bus if the pupil is entitled to school bus
27 transportation under this Article and the rules of the ~~State Board of Education-Superintendent~~
28 ~~of Public Instruction~~. Such assignment shall be made by the superintendent or superintendent's
29 designee so as to provide for the orderly, safe and efficient transportation of pupils to such
30 school and so as to promote the orderly and efficient administration of the school and the
31 health, safety and general welfare of the pupils to be so transported. Assignments of pupils and
32 employees to school buses may be changed by the superintendent or superintendent's designee
33 as he may from time to time find proper for the safe and efficient transportation of such pupils
34 and employees."

35 **SECTION 146.** G.S. 115C-245(a) reads as rewritten:

36 "(a) Each local board, which elects to operate a school bus transportation system, shall
37 employ the necessary drivers for such school buses. The drivers shall have all qualifications
38 prescribed by the regulations of the ~~State Board of Education-Superintendent of Public~~
39 ~~Instruction~~ herein provided for and must be at least 18 years old and have at least six months
40 driving experience as a licensed operator of a motor vehicle before employment as a regular or
41 substitute driver, but the selection and employment of each driver shall be made by the local
42 board of education, and the driver shall be the employee of such local school administrative
43 unit. Each local board of education shall assign the bus drivers employed by it to the respective
44 schools within the jurisdiction of such board, and the superintendent or superintendent's
45 designee shall assign the drivers to the school buses to be driven by them. No school bus shall
46 at any time be driven or operated by any person other than the bus driver assigned to such bus
47 except by the express direction of the superintendent or superintendent's designee or in
48 accordance with rules and regulations of the appropriate local board of education."

49 **SECTION 147.** G.S. 115C-246(a) reads as rewritten:

50 "(a) The superintendent of the local school administrative unit shall, prior to the
51 commencement of each regular school year, prepare a plan for a definite route, including stops

1 for receiving and discharging pupils, for each school bus so as to assure the most efficient use
2 of such bus and the safety and convenience of the pupils assigned thereto. The superintendent
3 may, in his discretion, obtain the advice of the ~~State Board of Education~~ Department of Public
4 Instruction with reference to the plan. The buses shall be operated upon the route so established
5 and not otherwise, except as provided in this Article. From time to time the principal may
6 suggest changes in any such bus route as he shall deem proper for the said purposes, and the
7 same shall be effective when approved by the superintendent of the local school administrative
8 unit."

9 **SECTION 148.** G.S. 115C-249 reads as rewritten:

10 **"§ 115C-249. Purchase and maintenance of school buses, materials and supplies.**

11 (a) To the extent that the funds shall be made available to it for such purpose, a local
12 board of education is authorized to purchase from time to time such additional school buses and
13 service vehicles or replacements for school buses and service vehicles, as may be deemed by
14 such board to be necessary for the safe and efficient transportation of pupils enrolled in the
15 schools within such local school administrative unit. Any school bus so purchased shall be
16 constructed and equipped as prescribed by the provisions of this Article and by the regulations
17 of the ~~State Board of Education~~ Superintendent of Public Instruction issued pursuant thereto.
18 Any school bus so purchased that is capable of operating on diesel fuel shall be capable of
19 operating on diesel fuel with a minimum biodiesel concentration of B-20, as defined in
20 G.S. 143-58.4. At least two percent (2%) of the total volume of fuel purchased annually by
21 local school districts statewide for use in school bus diesel engine motor vehicles shall be
22 biodiesel fuel of a minimum blend of B-20, to the extent that biodiesel blend is available and
23 compatible with the technology of the vehicles or equipment used.

24 (b) The tax-levying authorities of any county are hereby authorized to make provision
25 from time to time in the capital outlay budget of the county for the purchase of such school
26 buses or service vehicles.

27 (c) Any funds appropriated from time to time by the General Assembly for the purchase
28 of school buses or service vehicles shall be allocated by the ~~State Board of Education~~
29 Superintendent of Public Instruction to the respective local boards of education in accordance
30 with the requirements of such boards as determined by the ~~State Board of Education,~~
31 Superintendent, and thereupon shall be paid over to the respective local boards of education in
32 accordance with such allocation.

33 (d) The title to any additional or replacement school bus or service vehicle purchased
34 pursuant to the provisions of this section, shall be taken in the name of the board of education
35 of such local school administrative unit, and such bus shall in all respects be maintained and
36 operated pursuant to the provisions of this Article in the same manner as any other public
37 school bus.

38 (e) It shall be the duty of the county board of education to provide adequate buildings
39 and equipment for the storage and maintenance of all school buses and service vehicles owned
40 or operated by the board of education of any local school administrative unit in such county. It
41 shall be the duty of the tax-levying authorities of such county to provide in its capital outlay
42 budget for the construction or acquisition of such buildings and equipment as may be required
43 for this purpose.

44 (f) In the event of the damage or destruction of any school bus or service vehicle by
45 fire, collision, or otherwise, the board of education of the local school administrative unit which
46 shall own or operate such bus or service vehicle may apply to the ~~State Board of Education~~
47 Superintendent of Public Instruction for funds with which to replace it. If the State Board of
48 Education finds that such bus or service vehicle has been destroyed or damaged to the extent
49 that it cannot be made suitable for further use, and if the ~~State Board of Education~~
50 Superintendent finds that the replacement of such bus or service vehicle is necessary in order to
51 enable such local school administrative unit to operate properly its school bus transportation

1 system, the ~~State Board of Education Superintendent~~ shall allot to the board of education of
2 such local school administrative unit from the funds now held by the ~~State Board of Education~~
3 ~~Superintendent~~ for the replacement of school buses or service vehicles, or from funds hereafter
4 appropriated by the General Assembly for that purpose, a sum sufficient to purchase a new
5 school bus or service vehicle to be used as a replacement for such damaged or destroyed bus or
6 service vehicle and upon such allocation such sum shall be paid over to or for the account of
7 the board of education of such local school administrative unit for such purpose.

8 (g) Repealed by Session Laws 2003-147, s. 3, effective for a local school administrative
9 unit when the unit is certified as being E-Procurement compliant, or April 1, 2004, whichever
10 occurs first.

11 (h) Appropriations by the General Assembly for the purchase of public school buses
12 shall not revert to the General Fund. Any unexpended portion of those appropriations shall at
13 the end of each fiscal year be transferred to a reserve account and be held, together with any
14 other funds appropriated for the purpose, for the purchase of public school buses."

15 **SECTION 149.** G.S. 115C-250 reads as rewritten:

16 "**§ 115C-250. Authority to expend funds for transportation of children with disabilities.**

17 (a) The ~~State Board of Education Superintendent of Public Instruction~~ and local boards
18 of education may expend public funds for transportation of children with disabilities who are
19 unable because of their disability to ride the regular school buses and who have been placed in
20 programs by a local school board as a part of its duty to provide these children with a free
21 appropriate education under Article 9 of this Chapter. At the option of the local board of
22 education with the concurrence of the ~~State Board of Education, Superintendent,~~ funds
23 appropriated to the ~~State Board of Education Department of Public Instruction~~ for contract
24 transportation of children with disabilities may be used to purchase buses and minibuses as well
25 as for the purposes authorized in the budget. The ~~State Board of Education Superintendent of~~
26 ~~Public Instruction~~ shall adopt rules concerning the construction and equipment of these buses
27 and minibuses.

28 The Departments of Health and Human Services, Juvenile Justice and Delinquency
29 Prevention, and Correction may also expend public funds for transportation of children with
30 disabilities who are unable because of their disability to ride the regular school buses and who
31 have been placed in programs by one of these agencies as a part of that agency's duty to provide
32 these children with a free appropriate public education under Article 9 of this Chapter.

33 If a local area mental health center places a child with a disability in an educational
34 program, the local area mental health center shall pay for the transportation of the child who is
35 unable due to the disability to ride the regular school buses to the program.

36 (b) Funds appropriated for the transportation of children with disabilities may be used
37 to pay transportation safety assistants employed in accordance with G.S. 115C-245(e) for buses
38 to which children with disabilities are assigned."

39 **SECTION 150.** G.S. 115C-251 reads as rewritten:

40 "**§ 115C-251. Transportation supervisors.**

41 The ~~State Board of Education Superintendent of Public Instruction~~ shall from time to time
42 adopt such rules and regulations with regard to the qualifications of persons employed by local
43 boards of education as chief mechanic or supervisor of transportation as it shall deem necessary
44 or desirable for the purpose of assuring the proper maintenance and safety of school buses. A
45 local board of education shall not employ any person as chief mechanic or supervisor of
46 transportation if that person does not meet the qualifications established by the ~~State Board~~
47 ~~Superintendent.~~"

48 **SECTION 151.** G.S. 115C-253 reads as rewritten:

49 "**§ 115C-253. Contracts for transportation.**

50 Any local board of education may, in lieu of the operation by it of public school buses,
51 enter into a contract with any person, firm or corporation for the transportation by such person,

1 firm or corporation of pupils enrolled in the public schools of such local school administrative
2 unit for the same purposes for which such local school administrative unit is authorized by this
3 Article to operate public school buses. Any vehicle used by such person, firm or corporation for
4 the transportation of such pupils shall be constructed and equipped as provided in rules and
5 regulations promulgated by the ~~State Board of Education, Superintendent of Public Instruction,~~
6 and the driver of such vehicle shall possess all of the qualifications prescribed by rules and
7 regulations promulgated by the ~~State Board of Education, Superintendent.~~ Where a contract for
8 transportation of pupils is entered into between a local board of education and any person, firm
9 or corporation which contemplates the use of an automobile or vehicle other than a bus for the
10 transportation of 16 pupils or less, the automobile or vehicle shall not be required to be
11 constructed and equipped as provided for in G.S. 115C-240(c), but shall be constructed and
12 equipped pursuant to rules and regulations promulgated by the ~~State Board of Education,~~
13 ~~Superintendent.~~ In the event that any local board of education shall enter into such a contract,
14 the board may use for such purposes any funds which it might use for the operation of school
15 buses owned by the board, and the tax-levying authorities of the county or of the city may
16 provide in the county or city budget such additional funds as may be necessary to carry out
17 such contracts."

18 **SECTION 152.** G.S. 115C-263 reads as rewritten:

19 **"§ 115C-263. Required provision of services.**

20 As a part of the function of the public school system, local boards of education shall
21 provide to the extent practicable school food services in the schools under their jurisdiction. All
22 school food services made available under this authority shall be provided in accordance with
23 standards and regulations ~~recommended adopted~~ by the Superintendent of Public ~~Instruction~~
24 ~~and approved by the State Board of Education, Instruction.~~"

25 **SECTION 153.** G.S. 115C-264(c) reads as rewritten:

26 "(c) All school food services shall be operated on a nonprofit basis, and any earnings
27 therefrom over and above the cost of operation as defined herein shall be used to reduce the
28 cost of food, to serve better food, or to provide free or reduced-price lunches to indigent
29 children and for no other purpose. The term "cost of operation" means the actual cost incurred
30 in the purchase and preparation of food, the salaries of all personnel directly engaged in
31 providing food services, and the cost of nonfood supplies as outlined under standards adopted
32 by the ~~State Board of Education, Superintendent of Public Instruction.~~ "Personnel" means child
33 nutrition supervisors or directors, bookkeepers directly engaged in food service record keeping
34 and those persons directly involved in preparing and serving food. Child nutrition personnel
35 shall be paid from the funds of food services only for services rendered in behalf of the child
36 nutrition program. Any cost incurred in the provisions and maintenance of school food services
37 over and beyond the cost of operation shall be included in the budget request filed annually by
38 local boards of education with boards of county commissioners. Public schools are not required
39 to comply with G.S. 115C-522(a) in the purchase of supplies and food for such school food
40 services."

41 **SECTION 154.** G.S. 115C-264.3 reads as rewritten:

42 **"§ 115C-264.3. Child Nutrition Program standards.**

43 The ~~State Board of Education, Superintendent of Public Instruction,~~ in direct consultation
44 with a cross section of local directors of child nutrition services, shall establish statewide
45 nutrition standards for school meals, a la carte foods and beverages, and items served in the
46 After School Snack Program administered by the Department of Public Instruction and child
47 nutrition programs of local school administrative units. The nutrition standards will promote
48 gradual changes to increase fruits and vegetables, increase whole grain products, and decrease
49 foods high in total fat, trans fat, saturated fat, and sugar. The nutrition standards adopted by the
50 ~~State Board of Education, Superintendent~~ shall be implemented initially in elementary schools.

1 All elementary schools shall achieve a basic level by the end of the 2009-2010 school year,
2 followed by middle schools and then high schools."

3 **SECTION 155.** G.S. 115C-265 reads as rewritten:

4 "**§ 115C-265. Rules and regulations for distribution of library/media personnel funds;
5 employment of personnel.**

6 (a) ~~The State Board of Education~~ Superintendent of Public Instruction is authorized to
7 promulgate rules and regulations for the distribution of library/media personnel funds, on the
8 basis of average daily membership (ADM), to each local school administrative unit of the State.

9 (b) Each local school administrative unit in the State shall employ library/media
10 personnel in accordance with State library/media guidelines approved by the ~~State Board of
11 Education~~ Superintendent of Public Instruction insofar as funds are approved for that purpose
12 by the North Carolina General Assembly."

13 **SECTION 156.** G.S. 115C-271 reads as rewritten:

14 "**§ 115C-271. Selection by local board of education, term of office.**

15 (a) It is the policy of the State that each local board of education has the sole discretion
16 to elect a superintendent of schools. However, the ~~State Board~~ Superintendent of Public
17 Instruction shall adopt rules that establish the qualifications for election. At a minimum, each
18 superintendent shall have been a principal in a North Carolina public school or shall have other
19 leadership, management, and administrative experience. In addition, the ~~State Board
20 Superintendent of Public Instruction~~ shall adopt rules that include minimum credentials,
21 educational prerequisites, and relevant experience requirements that would qualify a person to
22 serve as a superintendent without having direct experience or certification as an educator. It is
23 the duty of each local board to elect a superintendent who is qualified. If a local board elects a
24 superintendent who is not qualified or who cannot qualify under this section, then the election
25 and contract are null and void, and the board shall elect a person who is qualified.

26 (b) Each local board of education shall elect a superintendent under a written contract
27 of employment for a term of no more than four years, ending on June 30 of the final months of
28 the contract. Contracts of employment for a period of less than one year shall be governed and
29 limited by G.S. 115C-275. Each local board shall file a copy of the contract with the ~~State
30 Board of Education~~ Department of Public Instruction before the individual is eligible for this
31 office.

32 ...

33 (d) A local board may terminate the superintendent's contract before the contract term
34 of employment has expired so long as all the following conditions are met:

35 ...

36 (4) The local board notifies the ~~State Board~~ Superintendent of Public Instruction
37 of the funds that are to be transferred or used for this purpose.

38 ...

39 Immediately upon receipt of the notification from a local board under this subsection, the
40 ~~State Board~~ Superintendent of Public Instruction shall review the accounts of that local school
41 administrative unit. If the ~~State Board~~ Superintendent of Public Instruction finds that the local
42 board failed to meet all the conditions set out in this subsection, the ~~State Board~~ Superintendent
43 of Public Instruction shall issue a warning to the local board as provided in G.S. 115C-451 and,
44 in addition to any other actions the ~~State Board~~ Superintendent of Public Instruction may take
45 under G.S. 115C-451, shall order the local board to take action to comply with this subsection."

46 **SECTION 157.** G.S. 115C-272 reads as rewritten:

47 "**§ 115C-272. Residence, oath of office, and salary of superintendent.**

48 (a) Every superintendent shall reside in the county in which he is employed. The
49 superintendent shall not teach, nor be regularly employed in any other capacity that may limit
50 or interfere with his duties as superintendent. Each superintendent, before entering upon the
51 duties of his office, shall take an oath for the faithful performance thereof. The salary of the

1 superintendent shall be in accordance with a State standard salary schedule, fixed and
2 determined by the ~~State Board of Education~~ Superintendent of Public Instruction as provided
3 by law; and such salary schedule for superintendents shall be determined on the same basis for
4 both county and city superintendents and shall take into consideration the amount of work
5 inherent to the office of both county and city superintendents; and such schedule shall be
6 published in the same way and manner as the schedules for teacher and principal salaries are
7 now published.

8 (b) Superintendents shall be paid promptly when their salaries are due provided the
9 legal requirements for their employment and service have been met. All superintendents
10 employed by any local school administrative unit who are paid from local funds shall be paid
11 promptly as provided by law and as State allotted superintendents are paid. Superintendents
12 paid from State funds shall be paid as follows:

13 ...
14 (2) Notwithstanding any provisions of this section to the contrary no person
15 shall be entitled to pay for any vacation day not earned by that person.
16 Vacation days shall not be used for extending the term of employment of
17 individuals and shall not be cumulative from one fiscal year to another fiscal
18 year: Provided, that superintendents may accumulate annual vacation leave
19 days as follows: annual leave may be accumulated without any applicable
20 maximum until June 30 of each year. On June 30 of each year, any
21 superintendent with more than 30 days of accumulated leave shall have the
22 excess accumulation converted to sick leave so that only 30 days are carried
23 forward to July 1 of the same year. All vacation leave taken by the
24 superintendent will be upon the authorization of his immediate supervisor
25 and under policies established by the local board of education. An employee
26 shall be paid in a lump sum for accumulated annual leave not to exceed a
27 maximum of 240 hours or 30 days when separated from service due to
28 resignation, dismissal, reduction in force, death, or service retirement. Upon
29 separation from service due to service retirement, any annual vacation leave
30 over 30 days will convert to sick leave and may be used for creditable
31 service at retirement in accordance with G.S. 135-4(e). If the last day of
32 terminal leave falls on the last workday in the month, payment shall be made
33 for the remaining nonworkdays in that month. Employees retiring on
34 disability retirement may exhaust annual leave rather than be paid in a lump
35 sum. The provisions of this subdivision shall be accomplished without
36 additional State and local funds being appropriated for this purpose. The
37 ~~State Board of Education~~ Superintendent of Public Instruction shall adopt
38 rules and regulations for the administration of this subdivision.

39 ...
40 (c) The ~~State Board of Education~~ Superintendent of Public Instruction, in fixing the
41 State standard salary schedule of superintendents as authorized by law, shall provide that
42 superintendents who entered the armed or auxiliary forces of the United States after September
43 16, 1940, and who left their positions for such service, shall be allowed experience increments
44 for the period of such service as though the same had not been interrupted thereby, in the event
45 such persons return to the position of teachers, principals or superintendents in the public
46 schools of the State after having been honorably discharged from the armed or auxiliary forces
47 of the United States."

48 **SECTION 158.** G.S. 115C-274 reads as rewritten:

49 "**§ 115C-274. Removal.**

50 (a) Local boards of education are authorized to remove a superintendent who is guilty
51 of immoral or disreputable conduct or who shall fail or refuse to perform the duties required of

1 him by law. In case the ~~State Board of Education~~ Superintendent of Public Instruction has
2 sufficient evidence at any time that any superintendent of schools is not capable of discharging,
3 or is not discharging, the duties of his office as required by law or is guilty of immoral or
4 disreputable conduct, the ~~State Board of Education~~ Superintendent of Public Instruction shall
5 report this matter to the board of education employing said superintendent of schools. It shall
6 then be the duty of that board of education to hear the evidence in the case and, if after careful
7 investigation it shall find the charges true, it shall declare the office vacant at once and proceed
8 to elect a successor: Provided, that such superintendent shall have the right to try his title to
9 office in the courts of the State.

10 (b) If the superintendent shall fail in the duties enumerated in G.S. 115C-276(g),
11 115C-276(h), 115C-276(i), or any other duties as may be assigned him, he shall be subject,
12 after notice, to an investigation by the ~~State Board of Education~~ Superintendent of Public
13 Instruction or by his board of education for failure to perform his duties. For persistent failure
14 to perform these duties, the ~~State Board of Education~~ Superintendent of Public Instruction may
15 revoke the superintendent's certificate and the superintendent may be dismissed by his board of
16 education.

17 (c) The identification by the ~~State Board of Education~~ Superintendent of Public
18 Instruction of more than half the schools in a local school administrative unit as
19 low-performing under G.S. 115C-105.37 is evidence that the superintendent is unable to fulfill
20 the duties of the office, and the ~~State Board~~ Superintendent of Public Instruction may appoint
21 an interim superintendent to carry out the duties of the superintendent under G.S. 115C-105.39,
22 may revoke the superintendent's certificate under this section, may dismiss the superintendent
23 under G.S. 115C-105.39, or may take any combination of these actions."

24 **SECTION 159.** G.S. 115C-276 reads as rewritten:

25 "**§ 115C-276. Duties of superintendent.**

26 ...

27 (g) To Familiarize Himself with and to Implement State Policies and Rules. – It shall be
28 the duty of the superintendent to keep himself thoroughly informed as to all policies
29 promulgated and rules adopted by the State Superintendent of Public Instruction ~~and the State~~
30 ~~Board of Education,~~ for the organization and government of the public schools. The
31 superintendent shall notify and inform his board of education, supervisors, principals, teachers,
32 janitors, bus drivers, and all other persons connected with the public schools, of such policies
33 and rules. In the performance of these duties, the superintendent shall confer, work, and plan
34 with all school personnel to achieve the best methods of instruction, school organization and
35 school government.

36 ...

37 (i) To Distribute Certain Supplies and Information. – The superintendent shall
38 distribute to all school personnel all blanks, registers, report cards, record books, bulletins, and
39 all other supplies and information furnished by the State Superintendent ~~and the State Board of~~
40 ~~Education~~ and give instruction for their proper use.

41 ...

42 (k) To Submit Organization Reports and Other Information to the ~~State Board~~
43 Superintendent of Public Instruction. – Each year the superintendent of each local school
44 administrative unit shall submit to the ~~State Board of Education~~ Superintendent of Public
45 Instruction statistical reports, certified by the chairman of the board of education, showing the
46 organization of the schools in his unit and any additional information the ~~State Board~~ State
47 Superintendent may require. At the end of the second month of school each year, local boards
48 of education, through the superintendent, shall report school organization, employees' duties,
49 class sizes, and teaching loads to the ~~State Board of Education~~ State Superintendent as provided
50 in G.S. 115C-47(10). As of February 1 each year, local boards of education, through the

1 superintendent, shall report all exceptions to individual class size and daily teaching load
2 maximums that occur at that time.

3 ...

4 (n) To Issue Salary Vouchers. – The authority for a superintendent to issue vouchers for
5 the salary of all school employees, whether paid from State or local funds, shall be a monthly
6 payroll, prepared on forms furnished by the ~~State Board of Education~~ Superintendent of Public
7 Instruction and containing all information required by the ~~State Board of Education~~
8 Superintendent of Public Instruction. This monthly payroll shall be signed by the principal of
9 the school. If any voucher so drawn is chargeable against district funds, the amount so charged
10 and the district to which said amount is charged shall be specified on the voucher. The
11 superintendent shall not approve the vouchers for the pay of principals or teachers until the
12 monthly and annual reports required by the local board of education are made.

13 ...

14 (q) To Assign School Principals. – Subject to local board policy, the superintendent
15 shall have the authority to assign principals to school buildings. When making an assignment,
16 the superintendent shall consider (i) whether a principal has demonstrated the leadership ability
17 to increase student achievement at a school where conditions indicated a significant risk of low
18 student performance; and (ii) how to maintain stability at a school where, during the time the
19 principal has been at a school, there has been significant improvement on end-of-course or
20 end-of-grade tests and other accountability measures developed by the ~~State Board of~~
21 Education. Superintendent of Public Instruction.

22"

23 **SECTION 160.** G.S. 115C-284 reads as rewritten:

24 "**§ 115C-284. Method of selection and requirements.**

25 ...

26 (b1) To qualify for certification as a school administrator, an individual must meet all of
27 the following requirements:

28 (1) Submit a complete application to the ~~State Board~~ Superintendent of Public
29 Instruction.

30 ...

31 (4) Have one of the following:

32 a. A graduate degree from a public school administration program that
33 meets the public school administration program approval standards
34 established by the ~~State Board of Education~~ Superintendent of
35 Public Instruction.

36 b. A master's degree from an accredited college or accredited university
37 and, by December 31, 1999, have completed a public school
38 administration program that meets the public school administration
39 program approval standards set by the ~~State Board of Education~~
40 Superintendent of Public Instruction.

41 c. Education and training determined by the ~~State Board of Education~~
42 Superintendent of Public Instruction as equivalent.

43 (5) Pass the exam adopted by the ~~State Board~~ Superintendent of Public
44 Instruction.

45 (c) The ~~State Board of Education~~ Superintendent of Public Instruction shall have entire
46 control of certifying all applicants for supervisory and professional positions in all public
47 elementary and high schools of North Carolina; and it shall prescribe the rules and regulations
48 for the renewal and extension of all certificates, and shall determine and fix the salary for each
49 grade and type of certificate which it authorizes. The ~~State Board of Education~~ Superintendent
50 of Public Instruction shall require each applicant for an initial certificate or graduate certificate
51 to demonstrate the applicant's academic and professional preparation by achieving a prescribed

1 minimum score at least equivalent to that required by the Board on November 30, 1972, on a
2 standard examination appropriate and adequate for that purpose. If the ~~Board-Superintendent~~
3 shall specify the National Teachers Examination for this purpose, the required minimum score
4 shall not be lower than that which ~~the Board was~~ required on November 30, 1972. The ~~Board~~
5 ~~Superintendent~~ shall not issue provisional certificates for principals.

6 The ~~Board-Superintendent~~ shall issue a one-year provisional assistant principal's certificate
7 to an employee of a local board only if: (i) the local board determines there is a shortage of
8 persons who hold or are qualified to hold a principal's certificate and the employee enrolls in an
9 approved program leading to a masters degree in school administration before the provisional
10 certificate expires; or (ii) the employee is enrolled in an approved masters in school
11 administration program and is participating in the required internship under the masters
12 program. The ~~Board-Superintendent~~ shall extend the provisional certificate for a total of no
13 more than two additional years while the employee is completing the program.

14 (c1) It is the policy of the State of North Carolina to maintain the highest quality
15 principal and assistant principal education programs in order to enhance the competence of
16 professional personnel certified in North Carolina. ~~To ensure that principal and assistant~~
17 ~~principal preparation programs are upgraded to reflect a more rigorous course of study, the~~
18 ~~State Board of Education shall submit to the General Assembly not later than March 1, 1992, a~~
19 ~~plan to promote this policy. In developing this plan, the State Board shall consider (i) requiring~~
20 ~~these programs to include additional preparation for site-based decision making and for the~~
21 ~~additional autonomy being granted to local school units, (ii) enhancing program entrance~~
22 ~~requirements to include assessment of an applicant's ability to complete the program and to~~
23 ~~perform as a principal, and (iii) enhancing the overall content of the programs.~~

24 The ~~State Board of Education, Department of Public Instruction,~~ as lead agency in
25 coordination and cooperation with the University Board of Governors and such other public
26 and private agencies as are necessary, shall refine the several certification requirements,
27 standards for approval of institutions of principal and assistant principal education, standards
28 for institution-based innovative and experimental programs, and standards for improved
29 efficiencies in the administration of the approved programs.

30 ...
31 (e) It shall be unlawful for any board of education to employ or keep in service any
32 principal or supervisor who neither holds nor is qualified to hold a certificate in compliance
33 with the provision of the law or in accordance with the regulations of the ~~State Board of~~
34 ~~Education. Superintendent of Public Instruction.~~

35 ...
36 (h) All principals and supervisors employed in the public schools of the State or in
37 schools receiving public funds, shall be required either to hold or be qualified to hold a
38 certificate in compliance with the provision of the law or in accordance with the regulations of
39 the ~~State Board of Education. Superintendent of Public Instruction."~~

40 **SECTION 161.** G.S. 115C-285(a) reads as rewritten:

41 "(a) Principals and supervisors shall be paid promptly when their salaries are due
42 provided the legal requirements for their employment and service have been met. All principals
43 and supervisors employed by any local school administrative unit who are to be paid from local
44 funds shall be paid promptly as provided by law and as state-allotted principals and supervisors
45 are paid.

46 Principals and supervisors paid from State funds shall be paid as follows:

47 ...
48 (2) Supervisors and classified principals paid on an hourly or other basis
49 whether paid from State or from local funds may accumulate annual
50 vacation leave days as follows: annual leave may be accumulated without
51 any applicable maximum until June 30 of each year. On June 30 of each

1 year, any supervisor or principals with more than 30 days of accumulated
 2 leave shall have the excess accumulation converted to sick leave so that only
 3 30 days are carried forward to July 1 of the same year. All vacation leave
 4 taken by the employee will be upon the authorization of his immediate
 5 supervisor and under policies established by the local board of education. An
 6 employee shall be paid in a lump sum for accumulated annual leave not to
 7 exceed a maximum of 240 hours or 30 days when separated from service
 8 due to resignation, dismissal, reduction in force, death, or service retirement.
 9 Upon separation from service due to service retirement, any annual vacation
 10 leave over 30 days will convert to sick leave and may be used for creditable
 11 service at retirement in accordance with G.S. 135-4(e). If the last day of
 12 terminal leave falls on the last workday in the month, payment shall be made
 13 for the remaining nonworkdays in that month. Employees retiring on
 14 disability retirement may exhaust annual leave rather than be paid in a lump
 15 sum. The provisions of this subdivision shall be accomplished without
 16 additional State and local funds being appropriated for this purpose. The
 17 ~~State Board of Education~~ Superintendent of Public Instruction shall adopt
 18 rules and regulations for the administration of this subdivision.

- 19 ...
- 20 (6) ~~The State Board of Education~~, Superintendent of Public Instruction, in fixing
 21 the State standard salary schedule of principals as authorized by law, shall
 22 provide that principals who entered the armed or auxiliary forces of the
 23 United States after September 16, 1940, and who left their positions for such
 24 service, shall be allowed experience increments for the period of such
 25 service as though the same had not been interrupted thereby, in the event
 26 such persons return to the position of teachers, principals or superintendents
 27 in the public schools of the State after having been honorably discharged
 28 from the armed or auxiliary forces of the United States.
- 29 (7) All persons employed as principals in the schools and institutions listed in
 30 subsection (p) of G.S. 115C-325 shall be compensated at the same rate as are
 31 teachers in the public schools in accordance with the salary schedule adopted
 32 by the ~~State Board of Education~~ Superintendent of Public Instruction.

33"

34 **SECTION 162.** G.S. 115C-286.1 reads as rewritten:
 35 "**§ 115C-286.1. Evaluations of principals.**

36 Local school administrative units shall evaluate all principals and assistant principals at
 37 least once each year. Either the superintendent or the superintendent's designee shall conduct
 38 the evaluations.

39 The ~~State Board of Education~~ Superintendent of Public Instruction shall ensure that the
 40 standards and criteria for the evaluations include the accountability measures of teacher
 41 retention, teacher support, and school climate. The ~~State Board~~ Superintendent shall revise ~~its~~
 42 the evaluation instruments to include these measures. A local board shall use the performance
 43 standards and criteria adopted by the ~~State Board~~ Superintendent unless the board develops an
 44 alternative evaluation that is properly validated and that includes standards and criteria similar
 45 to those adopted by the ~~State Board~~ Superintendent."

46 **SECTION 163.** G.S. 115C-287.1(h) reads as rewritten:

47 "(h) An individual who holds a provisional assistant principal's certificate and who is
 48 employed as an assistant principal under G.S. 115C-284(c) shall be considered a school
 49 administrator for purposes of this section. Notwithstanding subsection (b) of this section, a
 50 local board may enter into one-year contracts with a school administrator who holds a
 51 provisional assistant principal's certificate. If the school administrator held career status as a

1 teacher in the local school administrative unit prior to being employed as an assistant principal
2 and the ~~State Board Superintendent of Public Instruction~~ for any reason does not extend the
3 school administrator's provisional assistant principal's certificate, the school administrator shall
4 retain career status as a teacher unless the school administrator voluntarily relinquished that
5 right or is dismissed or demoted under G.S. 115C-325. Nothing in this subsection or
6 G.S. 115C-284(c) shall be construed to require a local board to extend or renew the contract of
7 a school administrator who holds a provisional assistant principal's certificate."

8 **SECTION 164.** G.S. 115C-288 reads as rewritten:

9 **"§ 115C-288. Powers and duties of principal.**

10 ...

11 (d) To Conduct Fire Drills and Inspect for Fire Hazards. – It shall be the duty of the
12 principal to conduct a fire drill during the first week after the opening of school and thereafter
13 at least one fire drill each school month, in each building in his charge, where children are
14 assembled. Fire drills shall include all pupils and school employees, and the use of various
15 ways of egress to simulate evacuation of said buildings under various conditions, and such
16 other regulations as shall be prescribed for fire safety by the Commissioner of ~~Insurance,~~
17 Insurance and the Superintendent of Public Instruction and the State Board of Education.
18 Instruction. A copy of such regulations shall be kept posted on the bulletin board in each
19 building.

20 It shall be the duty of each principal to inspect each of the buildings in his charge at least
21 twice each month during the regular school session. This inspection shall include cafeterias,
22 gymnasiums, boiler rooms, storage rooms, auditoriums and stage areas as well as all
23 classrooms. This inspection shall be for the purpose of keeping the buildings safe from the
24 accumulation of trash and other fire hazards.

25 It shall be the duty of the principal to file two copies of a written report once each month
26 during the regular school session with the superintendent of his local school administrative unit,
27 one copy of which shall be transmitted by the superintendent to the chairman of the local board
28 of education. This report shall state the date the last fire drill was held, the time consumed in
29 evacuating each building, that the inspection has been made as prescribed by law and such
30 other information as is deemed necessary for fire safety by the Commissioner of ~~Insurance,~~
31 Insurance and the Superintendent of Public Instruction and the State Board of
32 Education.Instruction.

33 It shall be the duty of the principal to minimize fire hazards pursuant to the provisions of
34 G.S. 115C-525.

35 ...

36 (k) To Sign Driving Eligibility Certificates and to Notify the Division of Motor
37 Vehicles. – In accordance with rules adopted by the ~~State Board of Education, Superintendent~~
38 of Public Instruction, the principal or the principal's designee shall do all of the following:

- 39 (1) Sign driving eligibility certificates that meet the conditions established in
40 G.S. 20-11.
41 (2) Obtain the necessary written, irrevocable consent from parents, guardians, or
42 emancipated juveniles, as appropriate, in order to disclose information to the
43 Division of Motor Vehicles.
44 (3) Notify the Division of Motor Vehicles when a student who holds a driving
45 eligibility certificate no longer meets its conditions.

46"

47 **SECTION 165.** G.S. 115C-289 reads as rewritten:

48 **"§ 115C-289. Assignment of principal's duties to assistant or acting principal; duties of**
49 **State-funded assistant principals.**

50 (a) Any duty or responsibility assigned to a principal by statute, ~~State Board of~~
51 Education regulation, by regulations of the Superintendent of Public Instruction, or by the local

1 superintendent may, with the approval of the local board of education, be assigned by the
2 principal to an assistant principal designated by the local board of education or to an acting
3 principal designated by a principal.

4 (b) All persons employed as assistant principals in State-allotted positions, or as
5 assistant principals in full-time positions regardless of funding source, in the public schools of
6 the State or in schools receiving public funds, shall, in addition to other applicable
7 requirements, be required either to hold or be qualified to hold a principal's certificate or a
8 provisional assistant principal's certificate in compliance with applicable law and in accordance
9 with the regulations of the ~~State Board of Education~~ Superintendent of Public Instruction. It
10 shall be unlawful for any board of education to employ or keep in service any assistant
11 principal who neither holds nor is qualified to hold a principal's certificate or a provisional
12 assistant principal's certificate in compliance with applicable law and in accordance with the
13 regulations of the ~~State Board of Education~~ Superintendent of Public Instruction. Persons who
14 hold a provisional assistant principal's certificate and who are employed as assistant principals
15 shall be employed under G.S. 115C-287.1(h).

16 (c) Repealed by Session Laws 1991, c. 689, s. 200(b).

17 (d) Assistant principals paid from State funds shall not have regularly assigned teaching
18 duties."

19 **SECTION 166.** G.S. 115C-295 reads as rewritten:

20 "**§ 115C-295. Minimum age and certificate prerequisites.**

21 (a) All teachers employed in the public schools of the State or in schools receiving
22 public funds, shall be required either to hold or be qualified to hold a certificate in compliance
23 with the provision of the law or in accordance with the regulations of the ~~State Board of~~
24 ~~Education~~ Superintendent of Public Instruction: Provided, that nothing herein shall prevent the
25 employment of temporary personnel under such rules as the ~~State Board of Education~~
26 Superintendent may prescribe: Provided further, that no person shall be employed to teach who
27 is under 18 years of age.

28 (b) It shall be unlawful for any board of education to employ or keep in service any
29 teacher who neither holds nor is qualified to hold a certificate in compliance with the provision
30 of the law or in accordance with the regulations of the ~~State Board of Education~~.
31 Superintendent of Public Instruction."

32 **SECTION 167.** G.S. 115C-295.1 reads as rewritten:

33 "**§ 115C-295.1. North Carolina Professional Teaching Standards Commission.**

34 (a) There is created the North Carolina Professional Teaching Standards Commission
35 (the "Commission"). The Commission shall be located administratively under the ~~State Board~~
36 ~~of Education~~ Department of Public Instruction but shall exercise its powers and duties
37 independently of the ~~State Board of Education~~ Superintendent of Public Instruction.

38 (b) The purpose of the Commission is to establish high standards for North Carolina
39 teachers and the teaching profession.

40 (c) The Commission shall consist of the following 16 members:

41 (1) The Governor shall appoint four teachers from a list of names, including the
42 State Teacher of the Year, submitted by the ~~State Board of Education~~;
43 Superintendent of Public Instruction; one principal; one superintendent; and
44 two representatives of schools of education, one of which is in a constituent
45 institution of The University of North Carolina and one of which is in a
46 private college or university.

47 (2) The President Pro Tempore of the Senate shall appoint three teachers who
48 have different areas of expertise or who teach at different grade levels; and
49 one at-large member.

- 1 (3) The Speaker of the House of Representatives shall appoint three teachers
2 who have different areas of expertise or who teach at different grade levels;
3 and one at-large member.

4 In making appointments, the appointing authorities are encouraged to select qualified
5 citizens who are committed to improving the teaching profession and student achievement and
6 who represent the racial, geographic, and gender diversity of the State. Before their
7 appointment to this Commission, with the exception of the at-large members, the members
8 must have been actively engaged in the profession of teaching, in the education of students in
9 teacher education programs, or in the practice of public school administration for at least three
10 years, at least two of which occurred in this State. The members shall serve for four-year
11 staggered terms. Terms shall begin on September 1. Vacancies in the membership shall be
12 filled by the original appointing authority using the same criteria as provided in this subsection.

13"

14 **SECTION 168.** G.S. 115C-295.2 reads as rewritten:

15 **"§ 115C-295.2. Powers and duties of the Commission.**

- 16 (a) The North Carolina Teaching Standards Commission shall:
- 17 (1) Develop and recommend to the ~~State Board of Education~~ Superintendent of
18 Public Instruction professional standards or revisions to professional
19 standards for North Carolina teachers.
- 20 (2) Review the areas of teacher certification and recommend to the ~~State Board~~
21 ~~of Education~~ Superintendent of Public Instruction those areas that should be
22 consolidated, redesigned, eliminated, or enhanced.
- 23 (3) Consider current methods to assess teachers and teaching candidates,
24 including the National Teacher Exam, the assessments of the National Board
25 for Professional Teaching Standards, and alternative methods of assessment
26 and recommend to the ~~State Board of Education~~ Superintendent of Public
27 Instruction the implementation of rigorous and appropriate assessments for
28 initial and continuing certification that are valid and reliable measures of
29 professional practice.
- 30 (4) Evaluate, develop, and recommend to the ~~State Board~~ Superintendent of
31 Public Instruction a procedure for the assessment and recommendation of
32 candidates for initial and continuing teacher certification.

33 For purposes of this subsection, the areas of teacher certification include initial certification,
34 continuing certification, and certification renewal, and do not include teacher education
35 programs.

36 (b) The Commission shall submit its recommendations under subsection (a) of this
37 section to the ~~State Board~~ Superintendent of Public Instruction. The ~~State Board~~
38 Superintendent shall adopt or reject the recommendations. The ~~State Board~~ Superintendent
39 shall not make any substantive changes to any recommendation that it adopts. If the ~~State~~
40 ~~Board~~ Superintendent rejects the recommendation, it shall state with specificity ~~its~~ the reasons
41 for rejection; the Commission then may amend that recommendation and resubmit it to the
42 ~~State Board~~ Superintendent. The ~~Board~~ Superintendent shall adopt or reject the amended
43 recommendation. If the ~~State Board~~ Superintendent fails to adopt the Commission's original
44 and amended recommendation concerning the implementation of assessments for certification
45 and the procedure for the assessment and recommendation of candidates for teacher
46 certification, the ~~State Board~~ Superintendent may develop and adopt ~~its~~ his or her own plan.

47 (c) The Commission shall submit an annual report by December 1 of each year to the
48 Joint Legislative Education Oversight Committee and the ~~State Board of Education~~
49 Superintendent of Public Instruction of its activities during the preceding year, together with
50 any recommendations and findings regarding improvement of the teaching profession. The
51 ~~State Board~~ Superintendent shall submit a report by April 15, 1998, to the Joint Legislative

1 Education Oversight Committee on the current status of assessments for certification and any
2 changes to the procedures for assessment and recommendation of candidates for teacher
3 certification."

4 **SECTION 169.** G.S. 115C-296 reads as rewritten:

5 "**§ 115C-296. ~~Board Superintendent of Public Instruction~~ sets certification requirements;**
6 **reports; lateral entry and mentor programs.**

7 (a) ~~The State Board of Education~~ Superintendent of Public Instruction shall have entire
8 control of certifying all applicants for teaching positions in all public elementary and high
9 schools of North Carolina; and it shall prescribe the rules and regulations for the renewal and
10 extension of all certificates and shall determine and fix the salary for each grade and type of
11 certificate which it authorizes.

12 The ~~State Board of Education~~ Superintendent may require an applicant for an initial
13 bachelors degree certificate or graduate degree certificate to demonstrate the applicant's
14 academic and professional preparation by achieving a prescribed minimum score on a standard
15 examination appropriate and adequate for that purpose. The ~~State Board of Education~~
16 Superintendent shall permit an applicant to fulfill any such testing requirement before or during
17 the applicant's second year of teaching provided the applicant took the examination at least
18 once during the first year of teaching. The ~~State Board of Education~~ Superintendent shall make
19 any required standard initial certification exam sufficiently rigorous and raise the prescribed
20 minimum score as necessary to ensure that each applicant has adequate academic and
21 professional preparation to teach.

22 (a1) ~~The State Board~~ Superintendent of Public Instruction shall adopt policies that
23 establish the minimum scores for any required standard examinations and other measures
24 necessary to assess the qualifications of professional personnel as required under subsection (a)
25 of this section. For purposes of this subsection, the ~~State Board~~ Superintendent shall not be
26 subject to Article 2A of Chapter 150B of the General Statutes. At least 30 days prior to
27 changing any policy adopted under this subsection, the ~~State Board~~ Superintendent shall
28 provide written notice to all North Carolina schools of education and to all local boards of
29 education. The written notice shall include the proposed revised policy.

30 (a2) ~~The State Board of Education~~ Superintendent of Public Instruction shall impose the
31 following schedule of fees for teacher certification and administrative changes:

- 32 (1) Application for demographic or administrative changes to a certificate,
33 \$30.00.
- 34 (2) Application for a duplicate certificate or for copies of documents in the
35 certification files, \$30.00.
- 36 (3) Application for a renewal, extension, addition, upgrade, and variation to a
37 certificate, \$55.00.
- 38 (4) Initial application for New, In-State Approved Program Graduate, \$55.00.
- 39 (5) Initial application for Out-of-State certificate, \$85.00.
- 40 (6) All other applications, \$85.00.

41 The applicant must pay the fee at the time the application is submitted.

42 (b) It is the policy of the State of North Carolina to maintain the highest quality teacher
43 education programs and school administrator programs in order to enhance the competence of
44 professional personnel certified in North Carolina. To the end that teacher preparation
45 programs are upgraded to reflect a more rigorous course of study, the ~~State Board of Education,~~
46 Department of Public Instruction as lead agency in coordination and cooperation with the
47 University Board of Governors, the Board of Community Colleges and such other public and
48 private agencies as are necessary, shall continue to refine the several certification requirements,
49 standards for approval of institutions of teacher education, standards for institution-based
50 innovative and experimental programs, standards for implementing consortium-based teacher
51 education, and standards for improved efficiencies in the administration of the approved

1 programs. The certification program shall provide for initial certification after completion of
2 preservice training, continuing certification after three years of teaching experience, and
3 certificate renewal every five years thereafter, until the retirement of the teacher. The last
4 certificate renewal received prior to retirement shall remain in effect for five years after
5 retirement. The certification program shall also provide for lifetime certification after 50 years
6 of teaching.

7 ~~The State Board of Education, Department of Public Instruction,~~ as lead agency in
8 coordination with the Board of Governors of The University of North Carolina and any other
9 public and private agencies as necessary, shall continue to raise standards for entry into teacher
10 education programs.

11 ~~The State Board of Education, Superintendent of Public Instruction,~~ in consultation with
12 local boards of education and the Board of Governors of The University of North Carolina,
13 shall evaluate and modify, as necessary, the academic requirements for students preparing to
14 teach science in middle and high schools to ensure that there is adequate preparation in issues
15 related to science laboratory safety.

16 ~~The State Board of Education, Superintendent of Public Instruction,~~ in consultation with the
17 Board of Governors of The University of North Carolina, shall evaluate and develop enhanced
18 requirements for continuing certification. The new requirements shall reflect more rigorous
19 standards for continuing certification and to the extent possible shall be aligned with quality
20 professional development programs that reflect State priorities for improving student
21 achievement.

22 ~~The State Board of Education, Superintendent of Public Instruction,~~ in consultation with
23 local boards of education and the Board of Governors of The University of North Carolina,
24 shall reevaluate and enhance the requirements for renewal of teacher certificates. ~~The State~~
25 ~~Board-Superintendent~~ shall consider modifications in the certificate renewal achievement and
26 to make it a mechanism for teachers to renew continually their knowledge and professional
27 skills. ~~The State Board shall adopt new standards for the renewal of teacher certificates by May~~
28 ~~15, 1998.~~

29 The standards for approval of institutions of teacher education shall require that teacher
30 education programs for all students include demonstrated competencies in (i) the identification
31 and education of children with disabilities and (ii) positive management of student behavior
32 and effective communication techniques for defusing and deescalating disruptive or dangerous
33 behavior. ~~The State Board of Education-Superintendent of Public Instruction~~ shall incorporate
34 the criteria developed in accordance with G.S. 116-74.21 for assessing proposals under the
35 School Administrator Training Program into ~~its~~ the school administrator program approval
36 standards.

37 All North Carolina institutions of higher education that offer teacher education programs,
38 masters degree programs in education, or masters degree programs in school administration
39 shall provide performance reports to the ~~State Board of Education-Superintendent of Public~~
40 Instruction. The performance reports shall follow a common format, shall be submitted
41 according to a plan developed by the ~~State Board, Superintendent,~~ and shall include the
42 information required under the plan developed by the ~~State Board-Superintendent.~~

43 (b1) ~~The State Board of Education-Superintendent of Public Instruction~~ shall develop a
44 plan to provide a focused review of teacher education programs and the current process of
45 accrediting these programs in order to ensure that the programs produce graduates that are well
46 prepared to teach. The plan shall include the development and implementation of a school of
47 education performance report for each teacher education program in North Carolina. The
48 performance report shall include at least the following elements: (i) quality of students entering
49 the schools of education, including the average grade point average and average score on
50 preprofessional skills tests that assess reading, writing, math and other competencies; (ii)
51 graduation rates; (iii) time-to-graduation rates; (iv) average scores of graduates on professional

1 and content area examination for the purpose of certification; (v) percentage of graduates
2 receiving initial certification; (vi) percentage of graduates hired as teachers; (vii) percentage of
3 graduates remaining in teaching for four years; (viii) graduate satisfaction based on a common
4 survey; and (ix) employer satisfaction based on a common survey. The performance reports
5 shall follow a common format. The performance reports shall be submitted annually. The ~~State~~
6 ~~Board of Education-Superintendent~~ shall develop a plan to be implemented beginning in the
7 1998-99 school year to reward and sanction approved teacher education programs and masters
8 of education programs and to revoke approval of those programs based on the performance
9 reports and other criteria established by the ~~State Board of Education-Superintendent~~.

10 The ~~State Board-Superintendent~~ also shall develop and implement a plan for annual
11 performance reports for all masters degree programs in education and school administration in
12 North Carolina. To the extent it is appropriated, the performance report shall include similar
13 indicators to those developed for the performance report for teacher education programs. The
14 performance reports shall follow a common format.

15 Both plans for performance reports also shall include a method to provide the annual
16 performance reports to the Board of Governors of The University of North Carolina, the State
17 Board of Education, and the boards of trustees of the independent colleges. The ~~State Board of~~
18 ~~Education-Superintendent~~ shall review the schools of education performance reports and the
19 performance reports for masters degree programs in education and school administration each
20 year the performance reports are submitted. The ~~State Board-Superintendent~~ shall submit the
21 performance report for the 1999-2000 school year reports to the Joint Legislative Education
22 Oversight Committee annually by ~~December 15, 2000~~. ~~Subsequent performance reports shall~~
23 ~~be submitted to the Joint Legislative Education Oversight Committee on an annual basis by~~
24 October 1.

25 (b2) An undergraduate student seeking a degree in teacher education must attain passing
26 scores on a preprofessional skills test prior to admission to an approved teacher education
27 program in a North Carolina college or university. The ~~State Board of Education~~
28 ~~Superintendent of Public Instruction~~ shall permit students to fulfill this requirement by
29 achieving the prescribed minimum scores set by the ~~State Board of Education-Superintendent~~
30 for the Praxis I tests or by achieving the appropriate required score, as determined by the ~~State~~
31 ~~Board of Education-Superintendent~~, on the verbal and mathematics portions of the SAT. The
32 minimum combined verbal and mathematics score set by the ~~State Board of Education~~
33 ~~Superintendent~~ shall be between 900 and 1,200.

34 (c) It is the policy of the State of North Carolina to encourage lateral entry into the
35 profession of teaching by skilled individuals from the private sector. To this end, before the
36 1985-86 school year begins, the State Board of Education shall develop criteria and procedures
37 to accomplish the employment of such individuals as classroom teachers. ~~Beginning with the~~
38 ~~2006-2007 school year, the~~ The criteria and procedures shall include preservice training in (i)
39 the identification and education of children with disabilities and (ii) positive management of
40 student behavior, effective communication for defusing and deescalating disruptive or
41 dangerous behavior, and safe and appropriate use of seclusion and restraint. Skilled individuals
42 who choose to enter the profession of teaching laterally may be granted a provisional teaching
43 certificate for no more than three years and shall be required to obtain certification before
44 contracting for a fourth year of service with any local administrative unit in this State.

45 (c1) The State Board of Community Colleges may provide a program of study for lateral
46 entry teachers to complete the coursework necessary to earn a teaching certificate. To this end,
47 the ~~State Board of Education-Superintendent of Public Instruction~~, in consultation with the
48 State Board of Community Colleges, shall establish a competency-based program of study for
49 lateral entry teachers to be implemented within the Community College System no later than
50 May 1, 2006. This program must meet standards set by the ~~State Board of Education-~~
51 ~~Superintendent of Public Instruction~~.

1 The State Board of Community Colleges and the ~~State Board of Education~~ Superintendent
2 of Public Instruction shall jointly identify the community college courses and the teacher
3 education program courses that are necessary and appropriate for inclusion in the community
4 college program of study for lateral entry teachers. To the extent possible, any courses that
5 must be completed through an approved teacher education program shall be taught on a
6 community college campus or shall be available through distance learning.

7 In order to participate in the community college program of study for lateral entry teachers,
8 an individual must hold at least a bachelors degree from a regionally accredited institution of
9 higher education.

10 An individual who successfully completes this program of study and meets all other
11 requirements of certification set by the ~~State Board of Education~~ Superintendent shall be
12 recommended for a North Carolina teaching certificate.

13 (c2) It is further the policy of the State of North Carolina to ensure that local boards of
14 education can provide the strongest possible leadership for schools based upon the identified
15 and changing needs of individual schools. To this end, before the 1994-95 school year begins,
16 the ~~State Board of Education~~ Superintendent of Public Instruction shall carefully consider a
17 lateral entry program for school administrators to ensure that local boards of education will
18 have sufficient flexibility to attract able candidates.

19 (d) The ~~State Board~~ Superintendent of Public Instruction shall adopt rules to establish
20 the reasons and procedures for the suspension and revocation of certificates. The ~~State Board~~
21 Superintendent shall revoke the certificate of a teacher or school administrator if the ~~State~~
22 Board-Superintendent receives notification from a local board or the Secretary of Health and
23 Human Services that a teacher or school administrator has received an unsatisfactory or below
24 standard rating under G.S. 115C-333(d). In addition, the ~~State Board~~ Superintendent may
25 revoke or refuse to renew a teacher's certificate when:

- 26 (1) The ~~Board~~ Superintendent identifies the school in which the teacher is
27 employed as low-performing under G.S. 115C-105.37 or G.S. 143B-146.5;
28 and
29 (2) The ~~State Board~~ Superintendent shall automatically revoke the certificate of
30 a teacher or school administrator without the right to a hearing upon
31 receiving verification of the identity of the teacher or school administrator
32 together with a certified copy of a criminal record showing that the teacher
33 or school administrator has entered a plea of guilty or nolo contendere to or
34 has been finally convicted of any of the following crimes: Murder in the first
35 or second degree, G.S. 14-17; Conspiracy or solicitation to commit murder,
36 G.S. 14-18.1; Rape or sexual offense as defined in Article 7A of Chapter 14
37 of the General Statutes. Felonious assault with deadly weapon with intent to
38 kill or inflicting serious injury, G.S. 14-32; Kidnapping, G.S. 14-39;
39 Abduction of children, G.S. 14-41; Crime against nature, G.S. 14-177;
40 Incest, G.S. 14-178 or G.S. 14-179; Employing or permitting minor to assist
41 in offense against public morality and decency, G.S. 14-190.6;
42 Dissemination to minors under the age of 16 years, G.S. 14-190.7;
43 Dissemination to minors under the age of 13 years, G.S. 14-190.8;
44 Displaying material harmful to minors, G.S. 14-190.14; Disseminating
45 harmful material to minors, G.S. 14-190.15; First degree sexual exploitation
46 of a minor, G.S. 14-190.16; Second degree sexual exploitation of a minor,
47 G.S. 14-190.17; Third degree sexual exploitation of a minor,
48 G.S. 14-190.17A; Promoting prostitution of a minor, G.S. 14-190.18;
49 Participating in prostitution of a minor, G.S. 14-190.19; Taking indecent
50 liberties with children, G.S. 14-202.1; Solicitation of child by computer to
51 commit an unlawful sex act, G.S. 14-202.3; Taking indecent liberties with a

1 student, G.S. 14-202.4; Prostitution, G.S. 14-204; and child abuse under
2 G.S. 14-318.4. The ~~Board-Superintendent~~ shall mail notice of ~~its~~-his or her
3 intent to act pursuant to this subdivision by certified mail, return receipt
4 requested, directed to the teacher or school administrator at their last known
5 address. The notice shall inform the teacher or school administrator that it
6 will revoke the person's certificate unless the teacher or school administrator
7 notifies the ~~Board-Superintendent~~ in writing within 10 days after receipt of
8 the notice that the defendant identified in the criminal record is not the same
9 person as the teacher or school administrator. If the teacher or school
10 administrator provides this written notice to the ~~Board-Superintendent~~, the
11 ~~Board-Superintendent~~ shall not revoke the certificate unless it can establish
12 as a fact that the defendant and the teacher or school administrator are the
13 same person.

14 (3) In addition, the ~~State-Board-Superintendent~~ may revoke or refuse to renew a
15 teacher's certificate when:

- 16 a. The ~~Board-Superintendent~~ identifies the school in which the teacher
17 is employed as low-performing under G.S. 115C-105.37 or
18 G.S. 143B-146.5; and
19 b. The assistance team assigned to that school makes the
20 recommendation to revoke or refuse to renew the teacher's certificate
21 for one or more reasons established by the ~~State-Board~~
22 ~~Superintendent~~ in ~~its~~-the rules for certificate suspension or
23 revocation.

24 The ~~State-Board-Superintendent~~ may issue subpoenas for the purpose of obtaining
25 documents or the testimony of witnesses in connection with proceedings to suspend or revoke
26 certificates. In addition, the ~~Board-Superintendent~~ shall have the authority to contract with
27 individuals who are qualified to conduct investigations in order to obtain all information
28 needed to assist the ~~Board-Superintendent~~ in the proper disposition of allegations of misconduct
29 by certificated persons.

30 (e) The ~~State-Board-of-Education-Superintendent of Public Instruction~~ shall develop a
31 mentor program to provide ongoing support for teachers entering the profession. In developing
32 the mentor program, the ~~State-Board-Superintendent~~ shall conduct a comprehensive study of
33 the needs of new teachers and how those needs can be met through an orientation and mentor
34 support program. For the purpose of helping local boards to support new teachers, the ~~State~~
35 ~~Board-Superintendent~~ shall develop and distribute guidelines which address optimum teaching
36 load, extracurricular duties, student assignment, and other working condition considerations.
37 These guidelines shall provide that initially certified teachers not be assigned extracurricular
38 activities unless they request the assignments in writing and that other noninstructional duties
39 of these teachers be minimized. The ~~State-Board-Superintendent~~ shall develop and coordinate a
40 mentor teacher training program. The ~~State-Board-Superintendent~~ shall develop criteria for
41 selecting excellent, experienced, and qualified teachers to be participants in the mentor teacher
42 training program.

43 (e1) The ~~State-Board-of-Education-Superintendent of Public Instruction~~ shall allot funds
44 for mentoring services to local school ~~administrative-administrative~~ units based on the highest
45 number of employees in the preceding three school years who (i) are paid with State, federal, or
46 local funds and (ii) are either teachers paid on the first or second steps of the teacher salary
47 schedule or instructional support personnel paid on the first step of the instructional support
48 personnel salary schedule.

49 Local school administrative units shall use these funds to provide mentoring support to
50 eligible employees in accordance with a plan approved by the ~~State-Board-of-Education-~~
51 ~~Superintendent~~. The plan shall include information on how all mentors in the local school

1 administrative unit will be adequately trained to provide mentoring support. The ~~State Board of~~
2 ~~Education-Superintendent~~ shall report to the Joint Legislative Education Oversight Committee
3 prior to January 15 of each year on the use of funds for mentoring services. The report shall
4 include, at a minimum, the impact of each unit's mentoring program on teacher retention and
5 how all mentors in the unit are trained.

6 (f) The ~~State Board of Education, Superintendent of Public Instruction,~~ after
7 consultation with the Board of Governors of The University of North Carolina, shall develop a
8 new category of teacher certificate known as the "Masters/Advanced Competencies" certificate.
9 To receive this certificate, an applicant shall successfully complete a masters degree program
10 that includes rigorous academic preparation in the subject area which the applicant will teach
11 and in the skills and knowledge expected of a master teacher or the applicant shall demonstrate
12 to the satisfaction of the ~~State Board-Superintendent~~ that the candidate has acquired the skills
13 and knowledge expected of a master teacher.

14 Persons who qualify for a "G" certificate prior to September 1, 2000, shall be awarded a
15 "Masters/Advanced Competencies" certificate without meeting additional requirements. On and
16 after September 1, 2000, no additional "G" certificates shall be awarded."

17 **SECTION 170.** G.S. 115C-296.2 reads as rewritten:

18 **"§ 115C-296.2. National Board for Professional Teaching Standards Certification.**

19 ...

20 (b) Definitions. – As used in this subsection:

21 (1) A "North Carolina public school" is a school operated by a local board of
22 education, the Department of Health and Human Services, the Department of
23 Correction, the Department of Juvenile Justice and Delinquency Prevention
24 or The University of North Carolina; a school affiliated with The University
25 of North Carolina; or a charter school approved by the ~~State Board of~~
26 ~~Education-Superintendent of Public Instruction.~~

27 (2) A "teacher" is a person who:

28 a. Either:

29 1. Is certified to teach in North Carolina; or

30 2. Holds a certificate or license issued by the ~~State Board of~~
31 ~~Education-Superintendent of Public Instruction~~ that meets the
32 professional license requirement for NBPTS certification;

33 b. Is a State-paid employee of a North Carolina public school;

34 c. Is paid on the teacher salary schedule; and

35 d. **(Effective until June 30, 2011)** Fulfills one of the following:

36 1. Spends at least seventy percent (70%) of his or her work time
37 in classroom instruction, if the employee is employed as a
38 teacher. Most of the teacher's remaining time shall be spent in
39 one or more of the following: mentoring teachers, doing
40 demonstration lessons for teachers, writing curricula,
41 developing and leading staff development programs for
42 teachers;

43 2. Spends at least seventy percent (70%) of his or her work time
44 in work within the employee's area of certification or
45 licensure, if the employee is employed in an area of NBPTS
46 certification other than direct classroom instruction; or

47 3. Serves as a full-time mentor under subsection (e1) of this
48 section.

49 d. **(Effective June 30, 2011)** Spends at least seventy percent (70%) of
50 his or her work time:

- 1 1. In classroom instruction, if the employee is employed as a
2 teacher. Most of the teacher's remaining time shall be spent in
3 one or more of the following: mentoring teachers, doing
4 demonstration lessons for teachers, writing curricula,
5 developing and leading staff development programs for
6 teachers; or
- 7 2. In work within the employee's area of certification or
8 licensure, if the employee is employed in an area of NBPTS
9 certification other than direct classroom instruction.

10 (c) Payment of the NBPTS Participation Fee; Paid Leave. – The State shall lend
11 teachers the participation fee and shall provide up to three days of approved paid leave to all
12 teachers participating in the NBPTS program who:

- 13 (1) Have completed three full years of teaching in a North Carolina public
14 school; and
- 15 (2) Have (i) not previously received State funds for participating in any
16 certification area in the NBPTS program, (ii) repaid any State funds
17 previously received for the NBPTS certification process, or (iii) received a
18 waiver of repayment from the ~~State Board of Education~~. Superintendent of
19 Public Instruction.

20 Teachers participating in the program shall take paid leave only with the approval of their
21 supervisors.

22 ...
23 (f) Rules. – The State Education Assistance Authority shall adopt rules and guidelines
24 regarding the loan and repayment of the NBPTS application fee. The ~~State Board~~
25 ~~Superintendent~~ shall adopt policies and guidelines to implement the remainder of this section."

26 **SECTION 171.** G.S. 115C-296.5(e) reads as rewritten:

27 "(e) The Executive Director shall submit a copy of the NCCAT annual report to the
28 Chair of the ~~State Board of Education~~ Superintendent of Public Instruction at the time of
29 issuance."

30 **SECTION 172.** G.S. 115C-299(b) reads as rewritten:

31 "(b) No person otherwise qualified shall be denied the right to receive credentials from
32 the ~~State Board of Education~~, Superintendent of Public Instruction, to receive training for the
33 purpose of becoming a teacher, or to engage in practice teaching in any school on the grounds
34 that such person is totally or partially blind; nor shall any local board of education refuse to
35 employ such a person on such grounds."

36 **SECTION 173.** G.S. 115C-301 reads as rewritten:

37 "**§ 115C-301. Allocation of teachers; class size.**

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

43 (b) Allocation of Positions. – The ~~State Board of Education~~ Superintendent of Public
44 Instruction is authorized to adopt rules to allot instructional personnel and teachers, within
45 funds appropriated.

46 ...
47 (e) Alternative Maximum Class Sizes. – The ~~State Board of Education~~, Superintendent
48 of Public Instruction in ~~its~~ the Superintendent's discretion, may set higher maximum class sizes
49 and daily teaching loads for classes in music, physical education, and other similar subjects, so
50 long as the effectiveness of the instructional programs in those areas is not thereby impaired.

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

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

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

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

21 (h) ~~State Board-Superintendent's Rules~~. – The ~~State Board of Education-Superintendent~~
22 ~~of Public Instruction~~ shall adopt rules necessary for the implementation of class size and
23 teaching load provisions.

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

28 **SECTION 174.** G.S. 115C-302.1 reads as rewritten:

29 **"§ 115C-302.1. Salary.**

30 ...

31 (b1) The ~~State Board of Education-Superintendent of Public Instruction~~ shall maintain
32 the same policies related to masters pay for teachers that were in effect for the 2008-2009 fiscal
33 year.

34 ...

35 (g) Service in Armed Forces. – The ~~State Board of Education-Superintendent of Public~~
36 ~~Instruction~~, in fixing the State standard salary schedule of teachers as authorized by law, shall
37 provide that teachers who entered the armed or auxiliary forces of the United States after
38 September 16, 1940, and who left their positions for such service shall be allowed experience
39 increments for the period of such service as though the same had not been interrupted thereby,
40 in the event such persons return to the position of teachers, principals, and superintendents in
41 the public schools of the State after having been honorably discharged from the armed or
42 auxiliary forces of the United States.

43 (g1) Payment During Military Duty. – The ~~State Board of Education-Superintendent of~~
44 ~~Public Instruction~~ shall adopt rules relating to leaves of absence, without loss of pay or time,
45 for periods of military training and for State or federal military duty or for special emergency
46 management service. The rules shall apply to all public school employees, including, but not
47 limited to, school teachers, administrators, guidance counselors, speech language pathologists,
48 nurses, and custodians employed by local boards of education or by charter schools. The rules
49 shall provide that (i) the State pays any salary differential to all public school employees in
50 State-funded positions, (ii) the employing local board of education pays any pay differential to
51 all public school employees in locally funded positions, (iii) the employing charter school pays

1 any pay differential to all public school employees in the charter school, and (iv) the employing
2 local board of education pays the local supplement.

3"

4 **SECTION 175.** G.S. 115C-303(a) reads as rewritten:

5 "(a) No teacher shall be placed on the payroll of a local school administrative unit unless
6 he holds a certificate as required by law, and unless a copy of the teacher's contract has been
7 filed with the superintendent. No teacher may be paid more than he is due under the local
8 school salary schedule in force in the local school administrative unit. Substitute and interim
9 teachers shall be paid under rules of the ~~State Board of Education~~. Superintendent of Public
10 Instruction."

11 **SECTION 176.** G.S. 115C-307 reads as rewritten:

12 **"§ 115C-307. Duties of teachers.**

13 (a) To Maintain Order and Discipline. – It shall be the duty of all teachers, including
14 student teachers, substitute teachers, voluntary teachers, and teacher assistants when given
15 authority over some part of the school program by the principal or supervising teacher, to
16 maintain good order and discipline in their respective schools. A teacher, student teacher,
17 substitute teacher, voluntary teacher, or teacher assistant shall report to the principal acts of
18 violence in school and students suspended or expelled from school as required to be reported in
19 accordance with ~~State Board~~ the Superintendent of Public Instruction's policies.

20 ...

21 (f) To Discourage Nonattendance. – Teachers shall cooperate with the principal in
22 ascertaining the cause of nonattendance of pupils that he may report all violators of the
23 compulsory attendance law to the school social worker in accordance with rules promulgated
24 by the ~~State Board of Education~~. Superintendent of Public Instruction.

25"

26 **SECTION 177.** G.S. 115C-309(a) reads as rewritten:

27 "(a) Student Teacher and Student Teaching Defined. – A "student teacher" is any student
28 enrolled in an institution of higher education approved by the ~~State Board of Education~~
29 Superintendent of Public Instruction for the preparation of teachers who is jointly assigned by
30 that institution and a local board of education to student-teach under the direction and
31 supervision of a regularly employed certified teacher.

32 "Student teaching" may include those duties granted to a teacher by G.S. 115C-307 and
33 115C-390 and any other part of the school program for which either the supervising teacher or
34 the principal is responsible."

35 **SECTION 178.** G.S. 115C-310 reads as rewritten:

36 **"§ 115C-310. Teacher assistants engaged in student teaching.**

37 ~~The State Board of Education~~ Superintendent of Public Instruction shall adopt a program to
38 facilitate the process by which teacher assistants may become teachers.

39 Teacher assistants who participate in this program:

- 40 (1) Shall be enrolled in an approved teacher education program in a North
41 Carolina institution of higher education; and
- 42 (2) Shall be employed in a North Carolina public school.

43 Local school administrative units are encouraged to assign teacher assistants to a different
44 classroom during student teaching than the classroom they are assigned to as a teacher
45 assistant. To the extent possible, they may be assigned to another school within the same local
46 school administrative unit.

47 At the discretion of the local school administrative unit, teacher assistants may continue to
48 receive their salary and benefits while student teaching in the same local school administrative
49 unit where they are employed as a teacher assistant.

50 ~~The State Board of Education~~ Superintendent shall consult with the Board of Governors of
51 The University of North Carolina and the North Carolina Independent Colleges and

1 Universities in the development of the program. Each approved teacher education program and
2 each local school administrative unit shall administer this program beginning with the
3 2005-2006 academic year."

4 **SECTION 179.** G.S. 115C-315 reads as rewritten:

5 "**§ 115C-315. Hiring of school personnel.**

6 ...

7 (c) Prerequisites for Employment. – All professional personnel employed in the public
8 schools of the State or in schools receiving public funds shall be required either to hold or be
9 qualified to hold a certificate in compliance with the provision of the law or in accordance with
10 the regulations of the ~~State Board of Education~~ Superintendent of Public Instruction. Provided,
11 that nothing herein shall prevent the employment of temporary personnel under such rules as
12 the ~~State Board of Education~~ Superintendent may prescribe.

13 (d) Certification for Professional Positions. – The State Board of Education shall have
14 entire control of certifying all applicants for professional positions in all public elementary and
15 high schools of North Carolina; and it shall prescribe the rules and regulations for the renewal
16 and extension of all certificates and shall determine and fix the salary for each grade and type
17 of certificate which it authorizes: Provided, that the ~~State Board of Education~~ Superintendent of
18 Public Instruction shall require each applicant for an initial certificate or graduate certificate to
19 demonstrate his or her academic and professional preparation by achieving a prescribed
20 minimum score at least equivalent to that required by the State Board of Education on
21 November 30, 1972, on a standard examination appropriate and adequate for that purpose:
22 Provided, further, that in the event the ~~Board~~ Superintendent of Public Instruction shall specify
23 the National Teachers Examination for this purpose, the required minimum score shall not be
24 lower than that which the State Board of Education required on November 30, 1972.

25 (d1) Certification for School Nurses. – Notwithstanding any other provision of law or
26 rule, school nurses employed in the public schools prior to July 1, 1998, shall not be required to
27 be nationally certified to continue employment. School nurses not certified by the American
28 Nurses' Association or the National Association of School Nurses shall continue to be paid
29 based on the noncertified nurse salary range as established by the ~~State Board of Education~~.
30 Superintendent of Public Instruction.

31 (e) Repealed by Session Laws 1989, c. 385, s. 3.

32 (f) Employing Persons Not Holding Nor Qualified to Hold Certificate. – It shall be
33 unlawful for any board of education to employ or keep in service any professional person who
34 neither holds nor is qualified to hold a certificate in compliance with the provisions of the law
35 or in accordance with the regulations of the ~~State Board of Education~~. Superintendent of Public
36 Instruction."

37 **SECTION 180.** G.S. 115C-316(a) reads as rewritten:

38 "(a) School officials and other employees shall be paid promptly when their salaries are
39 due provided the legal requirements for their employment and service have been met. All
40 school officials and other employees employed by any local school administrative unit who are
41 to be paid from local funds shall be paid promptly as provided by law and as state-allotted
42 school officials and other employees are paid.

43 Public school employees paid from State funds shall be paid as follows:

44 ...

45 (2) School Employees Paid on an Hourly or Other Basis. – Salary payments to
46 employees other than those covered in G.S. 115C-272(b)(1), 115C-285(a)(1)
47 and (2), 115C-302.1(b) and 115C-316(a)(1) shall be made at a time
48 determined by each local board of education. Expenditures for the salary of
49 these employees from State funds shall be within allocations made by the
50 ~~State Board of Education~~ Superintendent of Public Instruction and in
51 accordance with rules and regulations approved by the ~~State Board of~~

1 ~~Education~~ Superintendent of Public Instruction concerning allocations of
2 State funds: Provided, that school employees employed for a term of 10
3 calendar months in year-round schools shall be paid in 12 equal installments:
4 Provided further, that any individual school employee employed for a term
5 of 10 calendar months who is not employed in a year-round school may be
6 paid in 12 monthly installments if the employee so requests on or before the
7 first day of the school year. Such request shall be filed in the administrative
8 unit which employs the employee. The payment of the annual salary in 12
9 installments instead of 10 shall not increase or decrease said annual salary
10 nor in any other way alter the contract between the employee and the said
11 administrative unit. Employees may be prepaid on the set pay date for days
12 not yet worked. An employee who fails to attend scheduled workdays or
13 who has not worked the number of days for which the employee has been
14 paid and who resigns or is dismissed shall repay to the local board any salary
15 payments received for days not yet worked. An employee who has been
16 prepaid and who continues to be employed by a local board but fails to
17 attend scheduled workdays may be subject to dismissal or other appropriate
18 discipline. The daily rate of pay shall equal the number of weekdays in the
19 pay period. Included within the term of employment shall be provided for
20 full-time employees annual vacation leave at the same rate provided for
21 State employees, computed at one-twelfth (1/12) of the annual rate for State
22 employees for each calendar month of employment, to be taken under
23 policies determined by each local board of education. On a day that
24 employees are required to report for a workday but pupils are not required to
25 attend school due to inclement weather, an employee may elect not to report
26 due to hazardous travel conditions and to take one of his annual vacation
27 days or to make up the day at a time agreed upon by the employee and his
28 immediate supervisor or principal. On a day that school is closed to
29 employees and pupils due to inclement weather, the employee shall work on
30 the scheduled makeup day. Included within their term of employment, each
31 local board of education shall designate the same or an equivalent number of
32 legal holidays occurring within the period of employment as those
33 designated by the State Personnel Commission for State employees.

- 34 (3) Notwithstanding any provisions of this section to the contrary no person
35 shall be entitled to pay for any vacation day not earned by that person. The
36 first 10 days of annual leave earned by a 10- or 11-month employee during
37 any fiscal year period shall be scheduled to be used in the school calendar
38 adopted by the respective local boards of education. Vacation days shall not
39 be used for extending the term of employment of individuals. Ten- or
40 11-month employees may accumulate annual vacation leave days as follows:
41 annual leave may be accumulated without any applicable maximum until
42 June 30 of each year. On June 30 of each year, any of these employees with
43 more than 30 days of accumulated leave shall have the excess accumulation
44 converted to sick leave so that only 30 days are carried forward to July 1 of
45 the same year. All vacation leave taken by these employees shall be upon the
46 authorization of their immediate supervisor and under policies established by
47 the local board of education. Vacation leave for instructional personnel who
48 do not require a substitute shall not be restricted to days that students are not
49 in attendance. An employee shall be paid in a lump sum for accumulated
50 annual leave not to exceed a maximum of 240 hours or 30 days when
51 separated from service due to resignation, dismissal, reduction in force,

1 death or service retirement. Upon separation from service due to service
2 retirement, any annual vacation leave over 30 days will convert to sick leave
3 and may be used for creditable service at retirement in accordance with
4 G.S. 135-4(e). If the last day of terminal leave falls on the last workday in
5 the month, payment shall be made for the remaining nonworkdays in that
6 month. Employees retiring on disability retirement may exhaust annual leave
7 rather than be paid in a lump sum. The provisions of this subdivision shall be
8 accomplished without additional State and local funds being appropriated for
9 this purpose. The ~~State Board of Education~~ Superintendent of Public
10 Instruction shall adopt rules and regulations for the administration of this
11 subdivision.

- 12 (4) Twelve-month school employees other than superintendents, supervisors and
13 classified principals paid on an hourly or other basis whether paid from State
14 or from local funds may accumulate annual vacation leave days as follows:
15 annual leave may be accumulated without any applicable maximum until
16 June 30 of each year. On June 30 of each year, any employee with more than
17 30 days of accumulated leave shall have the excess accumulation converted
18 to sick leave so that only 30 days are carried forward to July 1 of the same
19 year. All vacation leave taken by the employee will be upon the
20 authorization of his immediate supervisor and under policies established by
21 the local board of education. An employee shall be paid in a lump sum for
22 accumulated annual leave not to exceed a maximum of 240 hours or 30 days
23 when separated from service due to resignation, dismissal, reduction in
24 force, death, or service retirement. Upon separation from service due to
25 service retirement, any annual vacation leave over 30 days will convert to
26 sick leave and may be used for creditable service at retirement in accordance
27 with G.S. 135-4(e). If the last day of terminal leave falls on the last workday
28 in the month, payment shall be made for the remaining nonworkdays in that
29 month. Employees retiring on disability retirement may exhaust annual leave
30 rather than be paid in a lump sum. The provisions of this subdivision shall be
31 accomplished without additional State and local funds being appropriated for
32 this purpose. The ~~State Board of Education~~ Superintendent of Public
33 Instruction shall adopt rules and regulations for the administration of this
34 subdivision.

35 "...."

36 **SECTION 181.** G.S. 115C-318 reads as rewritten:

37 **"§ 115C-318. Liability insurance for nonteaching public school personnel.**

38 The ~~State Board of Education~~ Superintendent of Public Instruction shall provide funds for
39 liability insurance for nonteaching public school personnel to the extent that such personnel's
40 salaries are funded by the State. The insurance shall cover claims made for injury liability and
41 property damage liability on account of an act done or an omission made in the course of the
42 employee's duties. As provided by law or the rules and policies of the ~~State Board of Education~~
43 Superintendent or the local school administrative unit, the ~~State Board of Education~~
44 Superintendent shall comply with the State's laws in securing the insurance and shall provide it
45 at the earliest possible date for the 1982-83 school year. Nothing in this section shall prevent
46 the ~~State Board Superintendent~~ from furnishing the same liability insurance protection for
47 nonteaching public school personnel not supported by State funds, provided that the cost of the
48 protection shall be funded from the same source that supports the salaries of these employees."

49 **SECTION 182.** G.S. 115C-325 reads as rewritten:

50 **"§ 115C-325. System of employment for public school teachers.**

- 51 (a) Definition of Terms. – As used in this section unless the context requires otherwise:

- 1 ...
- 2 (4) "Demote" means to reduce the salary of a person who is classified or paid by
- 3 the ~~State Board of Education~~ Superintendent of Public Instruction as a
- 4 classroom teacher or as a school administrator. The word "demote" does not
- 5 include: (i) a suspension without pay pursuant to G.S. 115C-325(f)(1); (ii)
- 6 the elimination or reduction of bonus payments, including merit-based
- 7 supplements, or a systemwide modification in the amount of any applicable
- 8 local supplement; or (iii) any reduction in salary that results from the
- 9 elimination of a special duty, such as the duty of an athletic coach or a choral
- 10 director.
- 11 ...
- 12 (6) "Teacher" means a person who holds at least a current, not provisional or
- 13 expired, Class A certificate or a regular, not provisional or expired,
- 14 vocational certificate issued by the Department of Public Instruction; whose
- 15 major responsibility is to teach or directly supervises teaching or who is
- 16 classified by the ~~State Board of Education~~ Superintendent of Public
- 17 Instruction or is paid either as a classroom teacher or instructional support
- 18 personnel; and who is employed to fill a full-time, permanent position.
- 19 ...
- 20 (h1) Case Managers; Qualifications; Training; Compensation.
- 21 (1) Each year the ~~State Board of Education~~ Superintendent of Public Instruction
- 22 shall select and maintain a master list of no more than 42 qualified case
- 23 managers.
- 24 (2) Persons selected by the ~~State Board~~ Superintendent as case managers shall
- 25 be: (i) certified as a North Carolina Superior Court mediator; (ii) a member
- 26 of the American Arbitration Association's roster of arbitrators and mediators;
- 27 or (iii) have comparable certification in alternative dispute resolution. Case
- 28 managers must complete a special training course approved by the ~~State~~
- 29 ~~Board of Education~~ Superintendent.
- 30 (3) The ~~State Board of Education~~ Superintendent shall determine the
- 31 compensation for a case manager. The ~~State Board~~ Superintendent shall pay
- 32 the case manager's compensation and reimbursement for expenses.
- 33 ...
- 34 (j) Hearing by a Case Manager. – The following provisions shall apply to a hearing
- 35 conducted by the case manager.
- 36 ...
- 37 (2) The hearing shall be conducted in accordance with reasonable rules and
- 38 regulations adopted by the ~~State Board of Education~~ Superintendent of
- 39 Public Instruction to govern case manager hearings.
- 40 ...
- 41 (j3) Board Hearing for Certain Disciplinary Suspensions, Demotions of Career School
- 42 Administrators, and for Reductions in Force. – The following procedures shall apply for a
- 43 board hearing under G.S. 115C-325(e)(2), G.S. 115C-325(f2), and G.S. 115C-325(f)(2)a:
- 44 ...
- 45 (2) The hearing shall be conducted in accordance with reasonable rules adopted
- 46 by the ~~State Board of Education~~ Superintendent of Public Instruction to
- 47 govern such hearings.
- 48 ...
- 49 (o) Resignation. –

- 1 (1) If a career employee has been recommended for dismissal under
2 G.S. 115C-325(e)(1) and the employee chooses to resign without the written
3 agreement of the superintendent, then:
4 a. The superintendent shall report the matter to the ~~State Board of~~
5 ~~Education~~ Superintendent of Public Instruction.
6 b. The employee shall be deemed to have consented to (i) the placement
7 in the employee's personnel file of the written notice of the
8 superintendent's intention to recommend dismissal and (ii) the release
9 of the fact that the superintendent has reported this employee to the
10 ~~State Board of Education~~ Superintendent of Public Instruction to
11 prospective employers, upon request. The provisions of
12 G.S. 115C-321 shall not apply to the release of this particular
13 information.
14 c. The employee shall be deemed to have voluntarily surrendered his or
15 her certificate pending an investigation by the ~~State Board of~~
16 ~~Education~~ Superintendent of Public Instruction in a determination
17 whether or not to seek action against the employee's certificate. This
18 certificate surrender shall not exceed 45 days from the date of
19 resignation. Provided further that the cessation of the certificate
20 surrender shall not prevent the ~~State Board of Education~~
21 ~~Superintendent~~ from taking any further action it deems appropriate.
22 The ~~State Board of Education~~ Superintendent shall initiate
23 investigation within five working days of the written notice from the
24 superintendent and shall make a final decision as to whether to
25 revoke or suspend the employee's certificate within 45 days from the
26 date of resignation.
- 27 (2) A teacher, career or probationary, who is not recommended for dismissal
28 should not resign without the consent of the superintendent unless he or she
29 has given at least 30 days' notice. If a teacher who is not recommended for
30 dismissal does resign without giving at least 30 days' notice, the board may
31 request that the ~~State Board of Education~~ Superintendent of Public
32 Instruction revoke the teacher's certificate for the remainder of that school
33 year. A copy of the request shall be placed in the teacher's personnel file.
34 ...
- 35 (p1) Procedure for Dismissal of School Administrators and Teachers Employed in
36 Low-Performing Residential Schools. –
- 37 (1) Notwithstanding any other provision of this section or any other law, this
38 subdivision shall govern the dismissal by the Secretary of Health and Human
39 Services of teachers, principals, assistant principals, directors, supervisors,
40 and other certificated personnel assigned to a residential school that the ~~State~~
41 ~~Board~~ Superintendent of Public Instruction has identified as low-performing
42 and to which the ~~State Board~~ Superintendent has assigned an assistance team
43 under Part 3A of Article 3 of Chapter 143B of the General Statutes. The
44 Secretary shall dismiss a teacher, principal, assistant principal, director,
45 supervisor, or other certificated personnel when the Secretary receives two
46 consecutive evaluations that include written findings and recommendations
47 regarding that person's inadequate performance from the assistance team.
48 These findings and recommendations shall be substantial evidence of the
49 inadequate performance of the teacher or school administrator.
50 The Secretary may dismiss a teacher, principal, assistant principal,
51 director, supervisor, or other certificated personnel when:

1 a. The Secretary determines that the school has failed to make
2 satisfactory improvement after the ~~State Board Superintendent~~
3 assigned an assistance team to that school under Part 3A of Article 3
4 of Chapter 143B of the General Statutes; and

5 b. That assistance team makes the recommendation to dismiss the
6 teacher, principal, assistant principal, director, supervisor, or other
7 certificated personnel for one or more grounds established in
8 G.S. 115C-325(e)(1) for dismissal or demotion of a career employee.

9 Within 30 days of any dismissal under this subdivision, a teacher, principal,
10 assistant principal, director, supervisor, or other certificated personnel may
11 request a hearing before a panel of three members designated by the
12 Secretary. The Secretary shall adopt procedures to ensure that due process
13 rights are afforded to persons recommended for dismissal under this
14 subdivision. Decisions of the panel may be appealed on the record to the
15 Secretary, with further right of judicial review under Chapter 150B of the
16 General Statutes.

17 (2) Notwithstanding any other provision of this section or any other law, this
18 subdivision shall govern the dismissal by the Secretary of Health and Human
19 Services of certificated staff members who have engaged in a remediation
20 plan under G.S. 115C-105.38A(c) but who, after one retest, fail to meet the
21 general knowledge standard set by the ~~State Board Superintendent~~. The
22 failure to meet the general knowledge standard after one retest shall be
23 substantial evidence of the inadequate performance of the certified staff
24 member.

25 Within 30 days of any dismissal under this subdivision, a certificated
26 staff member may request a hearing before a panel of three members
27 designated by the Secretary of Health and Human Services. The Secretary
28 shall adopt procedures to ensure that due process rights are afforded to
29 certificated staff members recommended for dismissal under this
30 subdivision. Decisions of the panel may be appealed on the record to the
31 Secretary, with further right of judicial review under Chapter 150B of the
32 General Statutes.

33 ...

34 (q) Procedure for Dismissal of School Administrators and Teachers Employed in
35 Low-Performing Schools.

36 (1) Notwithstanding any other provision of this section or any other law, this
37 subdivision governs the ~~State Board's Superintendent of Public Instruction's~~
38 dismissal of principals assigned to low-performing schools to which the
39 ~~Board Superintendent~~ has assigned an assistance team:

40 a. The ~~State Board Superintendent~~ through ~~its~~ a designee may, at any
41 time, recommend the dismissal of any principal who is assigned to a
42 low-performing school to which an assistance team has been
43 assigned. The ~~State Board Superintendent~~ through ~~its~~ a designee shall
44 recommend the dismissal of any principal when ~~the Board~~
45 ~~Superintendent~~ receives from the assistance team assigned to that
46 principal's school two consecutive evaluations that include written
47 findings and recommendations regarding the principal's inadequate
48 performance.

49 b. If the ~~State Board Superintendent~~ through ~~its~~ a designee recommends
50 the dismissal of a principal under this subdivision, the principal shall
51 be suspended with pay pending a hearing before a panel of three

1 members of the ~~State Board Superintendent~~. The purpose of this
2 hearing, which shall be held within 60 days after the principal is
3 suspended, is to determine whether the principal shall be dismissed.

- 4 ...
- 5 d. The panel may order the dismissal of the principal if (i) it determines
6 that the school has not made satisfactory improvement after the ~~State~~
7 ~~Board Superintendent~~ assigned an assistance team to that school; and
8 (ii) the assistance team makes the recommendation to dismiss the
9 principal for one or more grounds established in G.S. 115C-325(e)(1)
10 for dismissal or demotion of a career employee.
- 11 e. If the ~~State Board Superintendent~~ or ~~its~~ a designee recommends the
12 dismissal of a principal before the assistance team assigned to the
13 principal's school has evaluated that principal, the panel may order
14 the dismissal of the principal if the panel determines from other
15 available information that the low performance of the school is due
16 to the principal's inadequate performance.
- 17 f. In all hearings under this subdivision, the burden of proof is on the
18 principal to establish that the factors leading to the school's low
19 performance were not due to the principal's inadequate performance.
20 In all hearings under sub-subdivision d. of this subdivision, the
21 burden of proof is on the ~~State Board Superintendent~~ to establish that
22 the school failed to make satisfactory improvement after an
23 assistance team was assigned to the school and to establish one or
24 more of the grounds established for dismissal or demotion of a career
25 employee under G.S. 115C-325(e)(1).

- 26 ...
- 27 h. The ~~State Board Superintendent~~ shall adopt procedures to ensure that
28 due process rights are afforded to principals under this subdivision.
29 Decisions of the panel may be appealed on the record to the ~~State~~
30 ~~Board Superintendent~~, with further right of judicial review under
31 Chapter 150B of the General Statutes.

- 32 (2) Notwithstanding any other provision of this section or any other law, this
33 subdivision shall govern the ~~State Board's Superintendent's~~ dismissal of
34 teachers, assistant principals, directors, and supervisors assigned to schools
35 that the ~~State Board Superintendent~~ has identified as low-performing and to
36 which the State Board has assigned an assistance team under Article 8B of
37 this Chapter. The ~~State Board Superintendent~~ shall dismiss a teacher,
38 assistant principal, director, or supervisor when the ~~State Board~~
39 ~~Superintendent~~ receives two consecutive evaluations that include written
40 findings and recommendations regarding that person's inadequate
41 performance from the assistance team. These findings and recommendations
42 shall be substantial evidence of the inadequate performance of the teacher or
43 school administrator.

44 The ~~State Board Superintendent~~ may dismiss a teacher, assistant
45 principal, director, or supervisor when:

- 46 a. The ~~State Board Superintendent~~ determines that the school has failed
47 to make satisfactory improvement after the ~~State Board~~
48 ~~Superintendent~~ assigned an assistance team to that school under
49 G.S. 115C-105.38; and
- 50 b. That assistance team makes the recommendation to dismiss the
51 teacher, assistant principal, director, or supervisor for one or more

1 grounds established in G.S. 115C-325(e)(1) for dismissal or
2 demotion of a career teacher.

3 A teacher, assistant principal, director, or supervisor may request a hearing
4 before a panel of three members of the ~~State Board Superintendent~~ within 30
5 days of any dismissal under this subdivision. The ~~State Board~~
6 ~~Superintendent~~ shall adopt procedures to ensure that due process rights are
7 afforded to persons recommended for dismissal under this subdivision.
8 Decisions of the panel may be appealed on the record to the ~~State Board,~~
9 ~~Superintendent,~~ with further right of judicial review under Chapter 150B of
10 the General Statutes.

- 11 (2a) Notwithstanding any other provision of this section or any other law, this
12 subdivision shall govern the ~~State Board's Superintendent's~~ dismissal of
13 certified staff members who have engaged in a remediation plan under
14 G.S. 115C-105.38A(a) but who, after one retest, fail to meet the general
15 knowledge standard set by the ~~State Board Superintendent.~~ The failure to
16 meet the general knowledge standard after one retest shall be substantial
17 evidence of the inadequate performance of the certified staff member.

18 A certified staff member may request a hearing before a panel of three
19 members of the ~~State Board Superintendent~~ within 30 days of any dismissal
20 under this subdivision. The ~~State Board Superintendent~~ shall adopt
21 procedures to ensure that due process rights are afforded to certified staff
22 members recommended for dismissal under this subdivision. Decisions of
23 the panel may be appealed on the record to the ~~State Board, Superintendent,~~
24 with further right of judicial review under Chapter 150B of the General
25 Statutes.

- 26 (3) The ~~State Board of Education Superintendent of Public Instruction~~ or a local
27 board may terminate the contract of a school administrator dismissed under
28 this subsection. Nothing in this subsection shall prevent a local board from
29 refusing to renew the contract of any person employed in a school identified
30 as low-performing under G.S. 115C-105.37.
- 31 (4) Neither party to a school administrator contract is entitled to damages under
32 this subsection.
- 33 (5) The ~~State Board Superintendent of Public Instruction~~ shall have the right to
34 subpoena witnesses and documents on behalf of any party to the proceedings
35 under this subsection."

36 **SECTION 183.** G.S. 115C-326.5(c) reads as rewritten:

37 "(c) The ~~State Board of Education Superintendent of Public Instruction~~ shall adopt rules
38 to facilitate job sharing by public school employees. These rules shall provide that an employee
39 in a job-sharing position shall receive paid legal holidays, annual vacation leave, sick leave,
40 and personal leave on a pro rata basis. Such an employee shall also receive service credit under
41 the Teachers' and State Employees' Retirement System as provided in G.S. 135-4(b) and
42 insurance benefits as provided in Article 3 of Chapter 135 of the General Statutes."

43 **SECTION 184.** G.S. 115C-332 reads as rewritten:

44 **"§ 115C-332. School personnel criminal history checks.**

45 ...

46 (e) The local board of education, or the superintendent if designated by the local board
47 of education, shall provide to the ~~State Board of Education Superintendent of Public Instruction~~
48 the criminal history it receives on a person who is certificated, certified, or licensed by the ~~State~~
49 ~~Board of Education Superintendent.~~ The ~~State Board of Education Superintendent~~ shall review
50 the criminal history and determine whether the person's certificate or license should be revoked
51 in accordance with State laws and rules regarding revocation.

1 (f) All the information received by the local board of education through the checking of
2 the criminal history or by the ~~State Board of Education~~ Superintendent of Public Instruction in
3 accordance with this section is privileged information and is not a public record but is for the
4 exclusive use of the local board of education or the ~~State Board of Education~~ Superintendent.
5 The local board of education or the ~~State Board of Education~~ Superintendent may destroy the
6 information after it is used for the purposes authorized by this section after one calendar year.

7 (g) There shall be no liability for negligence on the part of a local board of education, or
8 its employees, or the ~~State Board of Education~~ Superintendent, or ~~its~~ the Department of Public
9 Instruction's employees, arising from any act taken or omission by any of them in carrying out
10 the provisions of this section. The immunity established by this subsection shall not extend to
11 gross negligence, wanton conduct, or intentional wrongdoing that would otherwise be
12 actionable. The immunity established by this subsection shall be deemed to have been waived
13 to the extent of indemnification by insurance, indemnification under Articles 31A and 31B of
14 Chapter 143 of the General Statutes, and to the extent sovereign immunity is waived under the
15 Tort Claims Act, as set forth in Chapter 31 of Chapter 143 of the General Statutes.

16"

17 **SECTION 186.** G.S. 115C-333 reads as rewritten:

18 **"§ 115C-333. Evaluation of certified employees including certain superintendents; action**
19 **plans; State board notification upon dismissal of employees.**

20 (a) Annual Evaluations; Low-Performing Schools. – Local school administrative units
21 shall evaluate at least once each year all certified employees assigned to a school that has been
22 identified as low-performing, but has not received an assistance team. The evaluation shall
23 occur early enough during the school year to provide adequate time for the development and
24 implementation of an action plan if one is recommended under subsection (b) of this section. If
25 the employee is a teacher as defined under G.S. 115C-325(a)(6), either the principal, the
26 assistant principal who supervises the teacher, or an assessment team assigned under
27 G.S. 115C-334 shall conduct the evaluation. If the employee is a school administrator as
28 defined under G.S. 115C-287.1(a)(3), either the superintendent or the superintendent's designee
29 shall conduct the evaluation.

30 Notwithstanding this subsection or any other law, all teachers who have not attained career
31 status shall be observed at least three times annually by the principal or the principal's designee
32 and at least once annually by a teacher and shall be evaluated at least once annually by a
33 principal. All other employees defined as teachers under G.S. 115C-325(a)(6) who are assigned
34 to schools that are not designated as low-performing shall be evaluated annually unless a local
35 board adopts rules that allow specified categories of teachers with career status to be evaluated
36 more or less frequently. Local boards also may adopt rules requiring the annual evaluation of
37 noncertified employees. This section shall not be construed to limit the duties and authority of
38 an assistance team assigned to a low-performing school under G.S. 115C-105.38.

39 A local board shall use the performance standards and criteria adopted by the ~~State Board~~
40 Superintendent of Public Instruction unless the board develops an alternative evaluation that is
41 properly validated and that includes standards and criteria similar to those adopted by the ~~State~~
42 ~~Board~~ Superintendent. All other provisions of this section shall apply if a local board uses an
43 evaluation other than one adopted by the ~~State Board~~ Superintendent.

44 (b) Action Plans. –

45 (1) If a certified employee in a low-performing school receives an unsatisfactory
46 or below standard rating on any function of the evaluation that is related to
47 the employee's instructional duties, the individual or team that conducted the
48 evaluation shall recommend to the superintendent that: (i) the employee
49 receive an action plan designed to improve the employee's performance; or
50 (ii) the superintendent recommend to the local board that the employee be
51 dismissed or demoted. The superintendent shall determine whether to

1 develop an action plan or to recommend a dismissal proceeding. Action
2 plans shall be developed by the person who evaluated the employee or the
3 employee's supervisor unless the evaluation was conducted by an assistance
4 team or an assessment team. If the evaluation was conducted by an
5 assistance team or an assessment team, that team shall develop the action
6 plan in collaboration with the employee's supervisor. Action plans shall be
7 designed to be completed within 90 instructional days or before the
8 beginning of the next school year. The ~~State Board-Superintendent~~ shall
9 develop guidelines that include strategies to assist local boards in evaluating
10 certified employees and developing effective action plans within the time
11 allotted under this section. Local boards may adopt policies for the
12 development and implementation of action plans or professional
13 development plans for employees who do not require action plans under this
14 section.

- 15 (2) Local boards shall adopt policies to require action plans for all certified
16 employees who receive a below standard or unsatisfactory rating on an
17 evaluation in the event the superintendent does not recommend dismissal,
18 demotion, or nonrenewal.

19 (c) Reevaluation. – Upon completion of an action plan under subdivision (1) of
20 subsection (b) of this section, the superintendent, the superintendent's designee, or the
21 assessment team shall evaluate the employee a second time. If on the second evaluation the
22 employee receives one unsatisfactory or more than one below standard rating on any function
23 that is related to the employee's instructional duties, the superintendent shall recommend that
24 the employee be dismissed or demoted under G.S. 115C-325. The results of the second
25 evaluation shall constitute substantial evidence of the employee's inadequate performance.

26 (d) ~~State Board Notification-Notification of the Superintendent of Public Instruction.~~ –
27 If a local board dismisses an employee for any reason except a reduction in force under
28 G.S. 115C-325(e)(1)l. it shall notify the ~~State Board-Superintendent of Public Instruction~~ of the
29 action, and the ~~State Board-Superintendent~~ annually shall provide to all local boards the names
30 of those individuals. If a local board hires one of these individuals, within 60 days the
31 superintendent or the superintendent's designee shall observe the employee, develop an action
32 plan to assist the employee, and submit the plan to the ~~State Board-Superintendent~~. The ~~State~~
33 ~~Board-Superintendent~~ shall review the action plan and may provide comments and suggestions
34 to the superintendent. If on the next evaluation the employee receives an unsatisfactory or
35 below standard rating on any function that is related to the employee's instructional duties, the
36 local board shall notify the ~~State Board-Superintendent~~ and the ~~State Board-Superintendent~~
37 shall revoke the employee's certificate under G.S. 115C-296(d). If on the next evaluation the
38 employee receives at least a satisfactory rating on all the functions related to the employee's
39 instructional duties, the local board shall notify the ~~State Board-Superintendent~~ that the
40 employee is in good standing and the ~~State Board-Superintendent~~ shall not continue to provide
41 the individual's name to local boards under this subsection unless the employee is subsequently
42 dismissed under G.S. 115C-325 except for a reduction in force.

43 (e) Civil Immunity. – There shall be no liability for negligence on the part of the ~~State~~
44 ~~Board of Education-Superintendent of Public Instruction~~, or a local board of education, or their
45 employees, arising from any action taken or omission by any of them in carrying out the
46 provisions of this section. The immunity established by this subsection shall not extend to gross
47 negligence, wanton conduct, or intentional wrongdoing that would otherwise be actionable. The
48 immunity established by this subsection shall be deemed to have been waived to the extent of
49 indemnification by insurance, indemnification under Articles 31A and 31B of Chapter 143 of
50 the General Statutes, and to the extent sovereign immunity is waived under the Tort Claims
51 Act, as set forth in Article 31 of Chapter 143 of the General Statutes.

1 (f) Local Board Evaluation of Certain Superintendents. – Each year the local board of
2 education shall evaluate the superintendent employed by the local school administrative unit
3 and report to the ~~State Board Superintendent of Public Instruction~~ the results of that evaluation
4 if during that year the ~~State Board Superintendent~~ designated as low-performing:

- 5 (1) One or more schools in a local school administrative unit that has no more
6 than 10 schools.
- 7 (2) Two or more schools in a local school administrative unit that has no more
8 than 20 schools.
- 9 (3) Three or more schools in a local school administrative unit that has more
10 than 20 schools."

11 **SECTION 187.** G.S. 115C-334 reads as rewritten:

12 **"§ 115C-334. Assessment teams.**

13 The ~~State Board Superintendent of Public Instruction~~ shall develop guidelines for local
14 boards to use to create assessment teams. A local board shall assign an assessment team to
15 every low-performing school in the local school administrative unit that has not received an
16 assistance team. Local boards shall ensure that assessment team members are trained in the
17 proper administration of the employee evaluation used by the local school administrative unit.
18 If service on an assessment team is an additional duty for an employee of a local board, the
19 board may pay the employee for that additional work.

20 Assessment teams shall have the following duties:

- 21 (1) Conduct evaluations of certified employees in low-performing schools;
- 22 (2) Provide technical assistance and training to principals, assistant principals,
23 superintendents, and superintendents' designees who conduct evaluations of
24 certified employees;
- 25 (3) Develop action plans for certified employees; and
- 26 (4) Assist principals, assistant principals, superintendents, and superintendents'
27 designees in the development and implementation of action plans."

28 **SECTION 188.** G.S. 115C-335 reads as rewritten:

29 **"§ 115C-335. Development of performance standards and criteria for certified
30 employees; training and remediation programs.**

31 (a) Development of Performance Standards. – The ~~State Board, Superintendent of~~
32 Public Instruction, in consultation with local boards of education, shall revise and develop
33 uniform performance standards and criteria to be used in evaluating certified public school
34 employees, including school administrators. These standards and criteria shall include
35 improving student achievement, employee skills, and employee knowledge. The standards and
36 criteria for school administrators also shall include building-level gains in student learning and
37 effectiveness in providing for school safety and enforcing student discipline. The ~~State Board~~
38 Superintendent shall develop rules regarding the use of these standards and criteria. The ~~State~~
39 ~~Board Superintendent~~ also shall develop guidelines for evaluating superintendents. The
40 guidelines shall include criteria for evaluating a superintendent's effectiveness in providing safe
41 schools and enforcing student discipline.

42 (b) Training. – The ~~State Board, Superintendent~~, in collaboration with the Board of
43 Governors of The University of North Carolina, shall develop programs designed to train
44 principals and superintendents in the proper administration of the employee evaluations
45 developed by the ~~State Board Superintendent~~. The Board of Governors shall use the
46 professional development programs for public school employees that are under its authority to
47 make this training available to all principals and superintendents at locations that are
48 geographically convenient to local school administrative units. The programs shall include
49 methods to determine whether an employee's performance has improved student learning, the
50 development and implementation of appropriate action plans, the process for contract
51 nonrenewal, and the dismissal process under G.S. 115C-325. The Board of Governors shall

1 ensure that the subject matter of the training programs is incorporated into the masters in school
2 administration programs offered by the constituent institutions. The ~~State Board,~~
3 ~~Superintendent,~~ in collaboration with the Board of Governors, also shall develop in-service
4 programs for certified public school employees that may be included in an action plan created
5 under G.S. 115C-333(b). The Board of Governors shall use the professional development
6 programs for public school employees that are under its authority to make this training
7 available at locations that are geographically convenient to local school administrative units."

8 **SECTION 189.** G.S. 115C-336 reads as rewritten:

9 **"§ 115C-336. Sick leave.**

10 (a) All public school employees shall be permitted a minimum of five days per school
11 term of sick leave, pursuant to rules and regulations promulgated by the ~~State Board of~~
12 ~~Education Superintendent of Public Instruction~~ as provided in G.S. 115C-12(8).

13 (b) The ~~State Board of Education Superintendent of Public Instruction~~ shall adopt rules
14 and regulations for the establishment of voluntary sick leave banks by local boards of
15 education, from which an employee, upon exhaustion of accumulated sick leave and annual
16 leave, when allowable, may withdraw sick leave days in the event of emergency or catastrophic
17 illness. These rules may include, but not be limited to, (i) requirements of minimum service and
18 minimum balance of sick leave before an employee may join the sick leave bank, (ii)
19 enrollment periods for present employees and new hires, (iii) time limits for rejoining the sick
20 leave bank, (iv) limitation on number of days which can be withdrawn by any employee, (v)
21 waiting period before being eligible to withdraw sick leave, (vi) exclusion of illness or injury
22 covered by Workers' Compensation Benefits, (vii) certification by physician attesting to
23 member's illness or accident, (viii) administration of each sick leave bank by a Sick Leave
24 Bank Committee to be made up of representatives of different classifications of employees, and
25 (ix) other requirements to prevent any adverse selection by employees. The rules concerning
26 the establishment of sick leave banks shall include provisions for notifying employees who
27 donate sick leave to and employees who withdraw sick leave from the sick leave bank, of the
28 State retirement credit consequences as to the donated sick leave.

29 (c) The ~~State Board of Education Superintendent of Public Instruction~~ shall also adopt
30 rules and regulations to authorize an employee who requires a substitute to use annual leave on
31 days that students are in attendance if the employee has exhausted all of the employee's sick
32 leave and if the employee's absence is due to the catastrophic illness of the employee. The
33 employee shall not be required to pay the substitute.

34 (d) The ~~State Board of Education Superintendent of Public Instruction~~ shall adopt rules
35 relating to the reinstatement of unused sick leave when an employee who was employed on a
36 10-month contract at the time of separation returns to employment on a 10-month contract.
37 Under these rules, the maximum period of separation after which unused sick leave is
38 reinstated shall be three calendar months longer for school personnel employed on a 10-month
39 contract than for school personnel employed on a 12-month contract."

40 **SECTION 190.** G.S. 115C-337 reads as rewritten:

41 **"§ 115C-337. Workers' compensation for school employees.**

42 (a) Workers' Compensation Act Applicable to School Employees. – The provisions of
43 the Workers' Compensation Act shall be applicable to all school employees, and the ~~State~~
44 ~~Board of Education Superintendent of Public Instruction~~ shall make arrangements necessary to
45 carry out the provisions of the Workers' Compensation Act applicable to these employees paid
46 from State school funds. Liability of the State for compensation shall be confined to school
47 employees paid by the State from State school funds for injuries or death caused by accident
48 arising out of and in the course of their employment in connection with the state-operated
49 school term. The State shall be liable for this compensation on the basis of the average weekly
50 wage of the employees as defined in the Workers' Compensation Act, to the extent of the
51 proportionate part of each employee's salary that is paid from State funds. The State shall also

1 be liable for workers' compensation for all school employees employed in connection with the
2 teaching of vocational agriculture, home economics, trades and industries, and other vocational
3 subjects, supported in part by State and federal funds, which liability shall cover the entire
4 period of service of these employees, to the extent of the proportionate part of each employee's
5 salary that is paid from State funds. The local school administrative units shall be liable for
6 workers' compensation for school employees, including lunchroom employees, whose salaries
7 or wages are paid by the local units from local or special funds. The local units may provide
8 insurance to cover this compensation liability and to include the cost of this insurance in their
9 annual budgets.

10 The provisions of this subsection shall not apply to any person, firm, or corporation making
11 voluntary contributions to schools for any purpose, and the person, firm, or corporation shall
12 not be liable for the payment of any sum of money under this Chapter.

13 (b) Payment of Awards to School Bus Drivers Pursuant to the Workers' Compensation
14 Act. – In the event that the Industrial Commission shall make an award pursuant to the
15 Workers' Compensation Act against any local board of education on account of injuries to or
16 the death of a school bus driver arising out of and in the course of his employment as such
17 driver, the local board of education shall draw a requisition upon the ~~State Board of Education~~
18 Superintendent of Public Instruction for the amount required to pay such award. The ~~State~~
19 ~~Board of Education~~ Superintendent shall honor such requisition to the extent funds are
20 available that it shall have in its hands, or subject to its control, available funds which have
21 been or shall thereafter be appropriated by the General Assembly for the support of the school
22 term. It shall be the duty of the local board of education to apply all funds received by it from
23 the ~~State Board of Education~~ Superintendent pursuant to such requisition to the payment of
24 such award. Neither the State nor the ~~State Board of Education~~ Superintendent shall be deemed
25 the employer of such school bus driver, nor shall the State or the ~~State Board of Education~~
26 Superintendent be liable to any school bus driver or any other person for the payment of any
27 claim, award, or judgment under the provisions of the Workers' Compensation Act or of any
28 other law of this State for any injury or death arising out of or in the course of the operation by
29 such driver of a public school bus. Neither the local board of education, the local school
30 administrative unit, nor the tax levying authorities for the local school administrative unit shall
31 be liable for the payment of any award made pursuant to the provisions of this subsection in
32 excess of the amount paid upon such requisition by the ~~State Board of Education,~~
33 Superintendent, nor shall the local school board of education, the local school administrative
34 unit, nor the said tax levying authorities be required to provide or carry workers' compensation
35 insurance for such purpose."

36 **SECTION 191.** G.S. 115C-340 reads as rewritten:

37 "**§ 115C-340. Health insurance.**

38 (a) The ~~State Board of Education~~ Superintendent of Public Instruction may authorize
39 and empower any local board of education, the board of trustees of any community college, or
40 other governing authority, within the State, to establish a voluntary payroll deduction plan for
41 premiums for any type of group insurance, including health insurance, established and
42 authorized by the laws of this State.

43 (b) Any employee of any local board of education, any community college, or of any
44 educational association, may enter into a written agreement with his employer for the purpose
45 of carrying out the provisions of this section. The ~~State Board of Education~~ Superintendent of
46 Public Instruction is authorized and empowered to make and promulgate rules and regulations
47 to carry out the purposes of this section."

48 **SECTION 192.** G.S. 115C-341 reads as rewritten:

49 "**§ 115C-341. Annuity contracts.**

50 Notwithstanding the provisions of this Chapter for the adoption of State and local salary
51 schedules for the pay of teachers, principals, superintendents, and other school employees, local

boards of education may enter into annual contracts with any employee of such board which provide for a reduction in salary below the total established compensation or salary schedule for a term of one year. The local board of education shall use the funds derived from the reduction in the salary of the employee to purchase a nonforfeitable annuity contract for the benefit of said employee. An employee who has agreed to a salary reduction for this purpose shall not have the right to receive the amount of the salary reduction in cash or in any other way except the annuity contract. Funds used by the local boards of education for the purchase of an annuity contract shall not be in lieu of any amount earned by the employee before his election for a salary reduction has become effective.

The agreement for salary reductions referred to herein shall be effected under any necessary regulations and procedures adopted by the ~~State Board of Education~~ Superintendent of Public Instruction and on forms prepared by the ~~State Board of Education~~ Superintendent.

Notwithstanding any other provisions of this section, the amount by which the salary of any employee is reduced pursuant to this section shall be included in computing and making payroll deductions for social security and retirement system purposes, and in computing and providing matching funds for retirement system purposes.

In lieu of the annuity contracts provided for under this section, interests in custodial accounts pursuant to Section 401(f), Section 403(b)(7), and related sections of the Internal Revenue Code of 1986 as amended may be purchased for the benefit of qualified employees under this section with the funds derived from the reduction in the salaries of such employees."

SECTION 193. G.S. 115C-341.1 reads as rewritten:

"§ 115C-341.1. Flexible Compensation Plan.

Notwithstanding any other provisions of law relating to the salaries of employees of local boards of education, the ~~State Board of Education~~ Superintendent of Public Instruction is authorized to provide a plan of flexible compensation to eligible employees of local school administrative units for benefits available under Section 125 and related sections of the Internal Revenue Code of 1986 as amended. This plan shall not include those benefits provided to employees under Articles 1, 3, and 6 of Chapter 135 of the General Statutes nor any vacation leave, sick leave, or any other leave that may be carried forward from year to year by employees as a form of deferred compensation. In providing a plan of flexible compensation, the ~~State Board~~ Superintendent may authorize local school administrative units to enter into agreements with their employees for reductions in the salaries of employees electing to participate in the plan of flexible compensation provided by this section. Should the ~~State Board~~ Superintendent decide to contract with a third party to administer the terms and conditions of a plan of flexible compensation as provided by this section, it may select such a contractor only upon a thorough and completely advertised competitive procurement process."

SECTION 194. G.S. 115C-342 reads as rewritten:

"§ 115C-342. Group insurance and credit unions.

(a) The ~~State Board of Education~~ Superintendent of Public Instruction may authorize and empower any local board of education, the board of trustees of any community college, or other governing authority, within the State, to establish a voluntary payroll deduction plan for:

- (1) Premiums for any type of group insurance established and authorized by the laws of this State.
- (2) Amounts authorized by members of the State Employees' Credit Union or any local teachers' credit unions to be deposited with such organizations.
- (3) Loans made to teachers by credit unions.

(b) Any employee of any local board of education, any community college, or of any educational association, may enter into a written agreement with his employer for the purpose of carrying out the provisions of this section. The ~~State Board of Education~~ Superintendent of Public Instruction is authorized and empowered to make and promulgate rules and regulations to carry out the purposes of this section.

1 (c) Any public school teacher who is a member of a credit union organized and
2 established under Chapter 54 of the General Statutes may, by executing a written consent to the
3 local school administrative unit by whom employed, authorize periodical payment or obligation
4 to such credit union to be deducted from their salaries or wages, and such deductions shall be
5 made and paid to said credit union as and when said salaries and wages are payable."

6 **SECTION 195.** G.S. 115C-343(a) reads as rewritten:

7 "(a) ~~The State Board of Education~~ Superintendent of Public Instruction may authorize
8 any local school administrative school unit within the State to establish a voluntary payroll
9 deduction plan for the purchase of United States Savings Bonds by the employees of such local
10 school administrative unit, and to set up the necessary machinery for carrying out the purposes
11 of this section."

12 **SECTION 196.** G.S. 115C-358 reads as rewritten:

13 **"§ 115C-358. Designated state official.**

14 For the purposes of the agreement set forth in this Article the "designated state official" for
15 this State shall be the Superintendent of Public Instruction. He shall enter into contracts
16 pursuant to ~~G.S. 115C-351 only with the approval of the specific text thereof by the State~~
17 ~~Board of Education.~~ G.S. 115C-351."

18 **SECTION 197.** G.S. 115C-363.22 reads as rewritten:

19 **"§ 115C-363.22. North Carolina Teaching Fellows Commission established.**

20 There is established the North Carolina Teaching Fellows Commission. This Commission
21 shall exercise its powers and functions independently of the ~~State Board of Education and the~~
22 Department of Public Instruction. The Public School Forum of North Carolina, Inc., shall
23 provide staff and office space to the Commission. Staff to the Commission are not State
24 employees."

25 **SECTION 198.** G.S. 115C-363.23(a)(1) reads as rewritten:

26 "(1) ~~The Chairman of the State Board of Education,~~ Superintendent of Public
27 Instruction or his a designee;."

28 **SECTION 199.** G.S. 115C-363.23A(e) reads as rewritten:

29 "(e) The Commission shall forgive the loan if, within seven years after graduation, the
30 recipient teaches for four years at a North Carolina public school or at a school operated by the
31 United States government in North Carolina. The Commission shall also forgive the loan if,
32 within seven years after graduation, the recipient teaches for three consecutive years, unless the
33 recipient takes an approved leave of absence, at a North Carolina public school in a local
34 school administrative unit that, at the time the recipient accepts employment with the unit, is a
35 low-performing school system identified in accordance with Article 6A of this Chapter or is on
36 warning status as defined by the ~~State Board of Education.~~ Superintendent of Public
37 Instruction. The Commission shall also forgive the loan if it finds that it is impossible for the
38 recipient to teach for four years, within seven years after graduation, at a North Carolina public
39 school or at a school operated by the United States government in North Carolina, because of
40 the death or permanent disability of the recipient."

41 **SECTION 200.** G.S. 115C-364(d) reads as rewritten:

42 "(d) A child who has passed the fourth anniversary of the child's birth on or before April
43 16 may enter kindergarten if the child is presented for enrollment no later than the end of the
44 first month of the school year and if the principal of the school finds, based on information
45 submitted by the child's parent or guardian, that the child is gifted and that the child has the
46 maturity to justify admission to the school. ~~The State Board of Education~~ Superintendent of
47 Public Instruction shall establish guidelines for the principal to use in making this finding."

48 **SECTION 201.** G.S. 115C-366 reads as rewritten:

49 **"§ 115C-366. Assignment of student to a particular school.**

50 ...

1 (a2) It is the policy of the State that every child of a homeless individual and every
2 homeless child and youth has access to a free, appropriate public education. The ~~State Board of~~
3 ~~Education-Superintendent of Public Instruction~~ and every local board of education shall ensure
4 compliance with the federal McKinney-Vento Homeless Education Assistance Improvements
5 Act of 2001. A local board of education shall not charge a homeless child or youth tuition for
6 enrollment. An unaccompanied youth or a homeless child's or youth's parent, guardian, or legal
7 custodian may apply to the ~~State Board of Education-Superintendent of Public Instruction~~ for a
8 determination of whether a particular local board of education shall enroll the homeless child or
9 youth, and this determination shall be binding on the local board of education, subject to
10 judicial review.

11 ...

12 (e) The boards of education of adjacent local school administrative units may operate
13 schools in adjacent units upon written agreements between the respective boards of education
14 and approval by the county commissioners and the ~~State Board of Education-Superintendent of~~
15 ~~Public Instruction~~.

16 (f) This section shall not be construed to allow students to transfer from one local
17 school administrative unit to another for athletic participation purposes in violation of
18 eligibility requirements established by the ~~State Board of Education-Superintendent of Public~~
19 ~~Instruction~~ and the North Carolina High School Athletic Association.

20 ...

21 (h) The following definitions apply in this section:

- 22 (1) Abused or neglected. – A student is considered abused or neglected if there
23 has been an adjudication of that issue. The ~~State Board-Superintendent of~~
24 ~~Public Instruction~~ may adopt an additional definition of abuse and neglect,
25 and that definition also shall apply to this section.

26"

27 **SECTION 202.** G.S. 115C-375.1 reads as rewritten:

28 **"§ 115C-375.1. To provide some medical care to students.**

29 It is within the scope of duty of teachers, including substitute teachers, teacher assistants,
30 student teachers, or any other public school employee when authorized by the board of
31 education or its designee, (i) to administer any drugs or medication prescribed by a doctor upon
32 written request of the parents, (ii) to give emergency health care when reasonably apparent
33 circumstances indicate that any delay would seriously worsen the physical condition or
34 endanger the life of the pupil, and (iii) to perform any other first aid or lifesaving techniques in
35 which the employee has been trained in a program approved by the ~~State Board of Education-~~
36 ~~Superintendent of Public Instruction~~. No employee, however, shall be required to administer
37 drugs or medication or attend lifesaving techniques programs.

38 Any public school employee, authorized by the board of education or its designee to act
39 under (i), (ii), or (iii) above, shall not be liable in civil damages for any authorized act or for
40 any omission relating to that act unless the act or omission amounts to gross negligence,
41 wanton conduct, or intentional wrongdoing. Any person, serving in a voluntary position at the
42 request of or with the permission or consent of the board of education or its designee, who has
43 been given the authority by the board of education or its designee to act under (ii) above shall
44 not be liable in civil damages for any authorized act or for any omission relating to the act
45 unless the act amounts to gross negligence, wanton conduct, or intentional wrongdoing.

46 At the commencement of each school year, but before the beginning of classes, and
47 thereafter as circumstances require, the principal of each school shall determine which persons
48 will participate in the medical care program."

49 **SECTION 203.** G.S. 115C-357.3 reads as rewritten:

50 **"§ 115C-375.3. Guidelines to support and assist students with diabetes.**

1 Local boards of education and boards of directors of charter schools shall ensure that the
2 guidelines adopted by the ~~State Board of Education~~ Superintendent of Public Instruction under
3 G.S. 115C-12(31) are implemented in schools in which students with diabetes are enrolled. In
4 particular, the boards shall require the implementation of the procedures set forth in those
5 guidelines for the development and implementation of individual diabetes care plans. The
6 boards also shall make available necessary information and staff development to teachers and
7 school personnel in order to appropriately support and assist students with diabetes in
8 accordance with their individual diabetes care plans. Local boards of education and boards of
9 directors of charter schools shall report to the ~~State Board of Education~~ Superintendent of
10 Public Instruction annually, on or before August 15, whether they have students with diabetes
11 enrolled and provide information showing compliance with the guidelines adopted by the ~~State~~
12 ~~Board of Education~~ Superintendent of Public Instruction under G.S. 115C-12(31). These
13 reports shall be in compliance with the federal Family Educational Rights and Privacy Act, 20
14 U.S.C. § 1232g."

15 **SECTION 204.** G.S. 115C-378(c) reads as rewritten:

16 "(c) The principal, superintendent, or a designee of the principal or superintendent shall
17 have the right to excuse a child temporarily from attendance on account of sickness or other
18 unavoidable cause that does not constitute unlawful absence as defined by the ~~State Board of~~
19 ~~Education~~ Superintendent of Public Instruction. The term "school" as used in this section
20 includes all public schools and any nonpublic schools which have teachers and curricula that
21 are approved by the ~~State Board of Education~~ Superintendent of Public Instruction."

22 **SECTION 205.** G.S. 115C-379 reads as rewritten:

23 **"§ 115C-379. Method of enforcement.**

24 It shall be the duty of the ~~State Board of Education~~ Superintendent of Public Instruction to
25 formulate the rules that may be necessary for the proper enforcement of the provisions of this
26 Part. The ~~Board~~ Superintendent shall prescribe (i) what shall constitute unlawful absence, (ii)
27 what causes may constitute legitimate excuses for temporary nonattendance due to a student's
28 physical or mental inability to attend or a student's participation in a valid educational
29 opportunity such as service as a legislative page or a Governor's page, and (iii) under what
30 circumstances teachers, principals, or superintendents may excuse pupils for nonattendance due
31 to immediate demands of the farm or the home in certain seasons of the year in the several
32 sections of the State.

33 The rules shall require school principals to authorize a minimum of two excused absences
34 each academic year for religious observances required by the faith of a student or the student's
35 parents. The rules may require that the student's parents give the principal written notice of the
36 request for an excused absence a reasonable time prior to the religious observance. The student
37 shall be given the opportunity to make up any tests or other work missed due to an excused
38 absence for a religious observance.

39 It shall be the duty of all school officials to carry out such instructions from the ~~State Board~~
40 ~~of Education~~ Superintendent, and any school official failing to carry out such instructions shall
41 be guilty of a Class 3 misdemeanor: Provided, that the compulsory attendance law herein
42 prescribed shall not be in force in any local school administrative unit that has a higher
43 compulsory attendance feature than that provided herein."

44 **SECTION 206.** G.S. 115C-381 reads as rewritten:

45 **"§ 115C-381. School social workers; reports; prosecutions.**

46 The Superintendent of Public Instruction shall prepare such rules and procedures and
47 furnish such blanks for teachers and other school officials as may be necessary for reporting
48 such case of unlawful absence or lack of attendance to the school social worker of the
49 respective local school administrative units. Such rules shall provide, among other things, for a
50 notification in writing, to the person responsible for the nonattendance of any child, that the
51 case is to be reported to the school social worker of the local school administrative unit unless

1 the law is complied with immediately. Upon recommendation of the superintendent, local
2 boards of education may employ school social workers and such school social workers shall
3 have authority to report and verify on oath the necessary criminal warrants or other documents
4 for the prosecutions of violations of this Part: Provided, that local school administrative units
5 shall provide in their local operating budgets for travel and necessary office expense for such
6 school social workers as may be employed through State or local funds, or both. The ~~State~~
7 ~~Board of Education-Superintendent of Public Instruction~~ shall determine the process for
8 allocating school social workers to the various local school administrative units, establish their
9 qualifications, and develop a salary schedule which shall be applicable to such personnel:
10 Provided, that persons now employed by local boards of education as attendance counselors
11 shall be deemed qualified as school social workers under the terms of this Part subject to the
12 approval of said local boards of education.

13 The school social worker shall investigate all violators of the provisions of this Part. The
14 reports of unlawful absence required to be made by teachers and principals to the school social
15 worker shall, in his hands, in case of any prosecution, constitute prima facie evidence of the
16 violation of this Part and the burden of proof shall be upon the defendant to show the lawful
17 attendance of the child or children upon an authorized school."

18 **SECTION 207.** G.S. 115C-39(a1) reads as rewritten:

19 "(a1) Each local board of education shall report annually to the ~~State Board of Education,~~
20 Superintendent of Public Instruction, in a manner prescribed by the ~~State Board of Education,~~
21 Superintendent of Public Instruction on the number of times that corporal punishment was
22 administered. The report shall be in compliance with the federal Family Educational Rights and
23 Privacy Act, 20 U.S.C. § 1232g and shall include the following:

- 24 (1) The number of students who received corporal punishment.
- 25 (2) The number of students who received corporal punishment who were also
26 students with disabilities and were eligible to receive special education and
27 related services under the federal Individuals with Disabilities Education
28 Improvement Act, 20 U.S.C. § 1400, et seq.
- 29 (3) The grade level of the students who received corporal punishment.
- 30 (4) The race and ethnicity of the students who received corporal punishment.
- 31 (5) The reason for the administration of the corporal punishment for each
32 student who received corporal punishment."

33 **SECTION 208.** G.S. 115C-407.6 reads as rewritten:

34 **"§ 115C-407.6. Creation of a State Council.**

35 The ~~State Board of Education-Superintendent of Public Instruction~~ shall establish a State
36 Council, as required by Article VIII of the compact. The membership of the State Council shall
37 include, at a minimum, the Superintendent of Public Instruction, a superintendent of a local
38 school administrative unit with a high concentration of military children, a representative from
39 a military installation, a representative of the executive branch of government, a representative
40 of the North Carolina School Boards Association, a representative of the North Carolina
41 Association of School Administrators, a member appointed by the General Assembly upon the
42 recommendation of the President Pro Tempore of the Senate, and a member appointed by the
43 General Assembly upon the recommendation of the Speaker of the House of Representatives."

44 **SECTION 209.** The title of Article 30 of Chapter 115C of the General Statutes
45 reads as rewritten:

46 "Article 30

47 Financial Powers of the ~~State Board of Education-Superintendent of Public Instruction.~~"

48 **SECTION 210.** G.S. 115C-408 reads as rewritten:

49 **"§ 115C-408. Funds under control of the ~~State Board of Education-Superintendent of~~**
50 **Public Instruction.**

1 (a) It is the policy of the State of North Carolina to create a public school system that
2 graduates good citizens with the skills demanded in the marketplace, and the skills necessary to
3 cope with contemporary society, using State, local and other funds in the most cost-effective
4 manner. The ~~Board-Superintendent of Public Instruction~~ shall have general supervision and
5 administration of the educational funds provided by the State and federal governments, except
6 those mentioned in Section 7 of Article IX of the State Constitution, and also excepting such
7 local funds as may be provided by a county, city, or district.

8"

9 **SECTION 211.** G.S. 115C-409 reads as rewritten:

10 **"§ 115C-409. Power to accept federal funds and aid.**

11 (a) The ~~Board-Superintendent of Public Instruction~~ is authorized to accept, receive, use
12 or reallocate to local school administrative units any federal funds, or aids, that may be
13 appropriated now or hereafter by the federal government for the encouragement and
14 improvement of any phase of the free public school program which, in the judgment of the
15 ~~Board-Superintendent of Public Instruction~~, will be beneficial to the operation of the schools.
16 However, the ~~Board-Superintendent of Public Instruction~~ is not authorized to accept any such
17 funds upon any condition that the public schools of this State shall be operated contrary to any
18 provisions of the Constitution or statutes of this State.

19 (b) The ~~State Board of Education-Department of Public Instruction~~ or any other State
20 agency designated by the Governor shall have the power and authority to provide library
21 resources, textbooks, and other instructional materials purchased from federal funds
22 appropriated for the funding of the Elementary and Secondary Education Act of 1965 (Public
23 Law 89-10, 89th Congress, HR 2362, effective April 11, 1965) or other acts of Congress for
24 the use of children and teachers in private elementary and secondary schools in the State as
25 required by acts of Congress and rules and regulations promulgated thereunder."

26 **SECTION 212.** G.S. 115C-410 reads as rewritten:

27 **"§ 115C-410. Power to accept gifts and grants.**

28 The ~~Board-Superintendent of Public Instruction~~ is authorized to accept, receive, use, or
29 reallocate to local school administrative units any gifts, donations, grants, bequests, or other
30 forms of voluntary contributions."

31 **SECTION 213.** G.S. 115C-411 reads as rewritten:

32 **"§ 115C-411. Authority to invest school funds.**

33 The ~~Board-Superintendent of Public Instruction~~ is authorized to direct the State Treasurer to
34 invest in interest-bearing securities any funds which may come into ~~its-the Superintendent's~~
35 possession, and which ~~it-the Superintendent~~ deems expedient to invest, as other funds of the
36 State are now or may be hereafter invested."

37 **SECTION 214.** G.S. 115C-412 reads as rewritten:

38 **"§ 115C-412. Power to purchase at mortgage sales.**

39 The ~~State Board of Education-Superintendent of Public Instruction~~ is authorized to purchase
40 at public sale any land upon which it has a mortgage or deed of trust securing the purchase
41 price, or any part thereof, and when any land so sold and purchased by the said ~~Board of~~
42 ~~Education-Superintendent of Public Instruction~~ is a part of a drainage district theretofore
43 constituted, upon which said land assessments have been levied for the maintenance thereof,
44 such assessments shall be paid by the said ~~State Board of Education, Superintendent of Public~~
45 ~~Instruction~~, as if said land had been purchased or owned by an individual."

46 **SECTION 215.** G.S. 115C-413 reads as rewritten:

47 **"§ 115C-413. Power to adjust debts.**

48 The ~~State Board of Education-Superintendent of Public Instruction~~ is hereby authorized and
49 empowered to settle, compromise or otherwise adjust any indebtedness due it upon the
50 purchase price of any land or property sold by it, or to cancel and surrender the notes,
51 mortgages, trust deeds, or other evidence of indebtedness without payment, when, in the

1 discretion of said ~~Board, Superintendent,~~ it appears that it is proper to do so. The ~~Board of~~
2 ~~Education-Superintendent~~ is further authorized and empowered to sell or otherwise dispose of
3 any such notes, mortgages, trust deeds, or other evidence of indebtedness."

4 **SECTION 216.** G.S. 115C-414 reads as rewritten:

5 "**§ 115C-414. ~~State Board-Superintendent of Public Instruction~~ as successor to powers of**
6 **abolished commissions and boards.**

7 The ~~Board-Superintendent of Public Instruction~~ shall succeed to all the powers and trusts of
8 the president and directors of the Literary Fund of North Carolina; and to all the powers,
9 functions, duties, and property of all abolished commissions and boards including the State
10 Board of Education, the State School Commission, the State Textbook Commission, the
11 Department of Health and Human Services, and the State Board of Commercial Education,
12 including the power to take, hold and convey property, both real and personal, to the same
13 extent that any corporation might take, hold and convey the same under the laws of this State."

14 **SECTION 217.** G.S. 115C-416 reads as rewritten:

15 "**§ 115C-416. Power to allot funds for teachers and other personnel.**

16 The ~~Board-Superintendent of Public Instruction~~ shall have power to provide for the
17 enrichment and strengthening of educational opportunities for the children of the State, and
18 when sufficient State funds are available to provide first for the allotment of such a number of
19 teachers as to prevent the teacher loan from being too great in any school, the ~~Board~~
20 ~~Superintendent~~ is authorized, in ~~its~~ his or her discretion, to make an additional allotment of
21 teaching personnel to local school administrative units of the State to be used either jointly or
22 separately, as the ~~Board-Superintendent~~ may prescribe. Such additional teaching personnel may
23 be used in the local school administrative units as librarians, special teachers, or supervisors of
24 instruction and for other special instructional services such as art, music, physical education,
25 adult education, special education, or industrial arts as may be authorized and approved by the
26 ~~Board-Superintendent.~~ The salary of all such personnel shall be determined in accordance with
27 the State salary schedule adopted by the ~~Board-Superintendent.~~

28 In addition, the ~~Board-Superintendent~~ is authorized and empowered in ~~its~~ his or her
29 discretion, to make allotments of funds for clerical assistants for classified principals and for
30 school social workers.

31 The ~~Board-Superintendent~~ is further authorized, in ~~its~~ his or her discretion, to allot teaching
32 personnel to local school administrative units for experimental programs and purposes.

33 The ~~Board-Superintendent~~ may also allot teaching and other positions, within funds
34 available, to local school administrative units to allow local units to place personnel occupying
35 those positions in private hospitals and treatment facilities for the limited purpose of providing
36 education to students confined to those institutions. The ~~Board-Superintendent~~ shall adopt rules
37 to ensure that any such placements do not contribute to the profitability of private institutions
38 and that they are otherwise in accordance with State and federal law."

39 **SECTION 218.** G.S. 115C-417 reads as rewritten:

40 "**§ 115C-417. Availability of funds allocated for staff development.**

41 Funds allocated by the ~~State Board of Education-Superintendent of Public Instruction~~ for
42 staff development at the local level shall become available for expenditure on July 1 of each
43 fiscal year and shall remain available for expenditure until December 31 of the subsequent
44 fiscal year."

45 **SECTION 219.** G.S. 115C-426 reads as rewritten:

46 "**§ 115C-426. Uniform budget format.**

47 (a) The ~~State Board of Education,~~ Superintendent of Public Instruction, in cooperation
48 with the Local Government Commission, shall cause to be prepared and promulgated a
49 standard budget format for use by local school administrative units throughout the State.

50 ...

1 (d) The State Public School Fund shall include appropriations for the current operating
2 expenses of the public school system from moneys made available to the local school
3 administrative unit by the ~~State Board of Education~~. Superintendent of Public Instruction.

4 ...

5 (f) The capital outlay fund shall include appropriations for:

- 6 (1) The acquisition of real property for school purposes, including but not
7 limited to school sites, playgrounds, athletic fields, administrative
8 headquarters, and garages.
- 9 (2) The acquisition, construction, reconstruction, enlargement, renovation, or
10 replacement of buildings and other structures, including but not limited to
11 buildings for classrooms and laboratories, physical and vocational
12 educational purposes, libraries, auditoriums, gymnasiums, administrative
13 offices, storage, and vehicle maintenance.
- 14 (3) The acquisition or replacement of furniture and furnishings, instructional
15 apparatus, data-processing equipment, business machines, and similar items
16 of furnishings and equipment.
- 17 (4) The acquisition of school buses as additions to the fleet.
- 18 (5) The acquisition of activity buses and other motor vehicles.
- 19 (6) Such other objects of expenditure as may be assigned to the capital outlay
20 fund by the uniform budget format.

21 The cost of acquiring or constructing a new building, or reconstructing, enlarging, or
22 renovating an existing building, shall include the cost of all real property and interests in real
23 property, and all plants, works, appurtenances, structures, facilities, furnishings, machinery, and
24 equipment necessary or useful in connection therewith; financing charges; the cost of plans,
25 specifications, studies, reports, and surveys; legal expenses; and all other costs necessary or
26 incidental to the construction, reconstruction, enlargement, or renovation.

27 No contract for the purchase of a site shall be executed nor any funds expended therefor
28 without the approval of the board of county commissioners as to the amount to be spent for the
29 site; and in case of a disagreement between a board of education and a board of county
30 commissioners as to the amount to be spent for the site, the procedure provided in
31 G.S. 115C-431 shall, insofar as the same may be applicable, be used to settle the disagreement.

32 Appropriations in the capital outlay fund shall be funded by revenues made available for
33 capital outlay purposes by the ~~State Board of Education~~ Superintendent of Public Instruction
34 and the board of county commissioners, supplemental taxes levied by or on behalf of the local
35 school administrative unit pursuant to a local act or G.S. 115C-501 to 115C-511, the proceeds
36 of the sale of capital assets, the proceeds of claims against fire and casualty insurance policies,
37 and other sources.

38"

39 **SECTION 220.** G.S. 115C-430 reads as rewritten:

40 **"§ 115C-430. Apportionment of county appropriations among local school administrative**
41 **units.**

42 If there is more than one local school administrative unit in a county, all appropriations by
43 the county to the local current expense funds of the units, except appropriations funded by
44 supplemental taxes levied less than countywide pursuant to a local act of G.S. 115C-501 to
45 115C-511, must be apportioned according to the membership of each unit. County
46 appropriations are properly apportioned when the dollar amount obtained by dividing the
47 amount so appropriated to each unit by the total membership of the unit is the same for each
48 unit. The total membership of the local school administrative unit is the unit's average daily
49 membership for the budget year to be determined by and certified to the unit and the board of
50 county commissioners by the ~~State Board of Education~~. Superintendent of Public Instruction."

51 **SECTION 221.** G.S. 115C-430(a) reads as rewritten:

1 "(a) After the board of county commissioners has made its appropriations to the local
2 school administrative unit, or after the appeal procedure set out in G.S. 115C-431 has been
3 concluded, the board of education shall adopt a budget resolution making appropriations for the
4 budget year in such sums as the board may deem sufficient and proper. The budget resolution
5 shall conform to the uniform budget format established by the ~~State Board of Education~~
6 Superintendent of Public Instruction."

7 **SECTION 222.** G.S. 115C-436 reads as rewritten:

8 "**§ 115C-436. Duties of school finance officer.**

9 (a) The school finance officer shall be responsible to the superintendent for:

10 (1) Keeping the accounts of the local school administrative unit in accordance
11 with generally accepted principles of governmental accounting, the rules and
12 regulations of the ~~State Board of Education~~, Superintendent of Public
13 Instruction, and the rules and regulations of the Local Government
14 Commission.

15 ...

16 (5) Performing such other duties as may be assigned to him by law, by the
17 superintendent, or by rules and regulations of the ~~State Board of Education~~
18 Superintendent of Public Instruction and the Local Government
19 Commission.

20 All references in other portions of the General Statutes or local acts to school treasurers,
21 county treasurers, or other officials performing any of the duties conferred by this section on
22 the school finance officer shall be deemed to refer to the school finance officer.

23 (b) The ~~State Board of Education~~ Superintendent of Public Instruction has authority to
24 issue rules and regulations having the force of law governing procedures for the disbursement
25 of money allocated to the local school administrative unit by or through the State. The Local
26 Government Commission has authority to issue rules and regulations having the force of law
27 governing procedures for the disbursement of all other moneys allocated or accruing to the
28 local school administrative unit. The ~~State Board of Education~~ Superintendent of Public
29 Instruction and the Local Government Commission may inquire into and investigate the
30 internal control procedures of a local school administrative unit with respect to moneys under
31 their respective jurisdictions and may require any modifications in internal control procedures
32 which may be necessary or desirable to prevent embezzlements or mishandling of public
33 moneys."

34 **SECTION 223.** G.S. 115C-438 reads as rewritten:

35 "**§ 115C-438. Provision for disbursement of State money.**

36 The deposit of money in the State treasury to the credit of local school administrative units
37 shall be made in monthly installments, and additionally as necessary, at such time and in such a
38 manner as may be most convenient for the operation of the public school system. Before an
39 installment is credited, the school finance officer shall certify to the ~~State Board of Education~~
40 Superintendent of Public Instruction the expenditures to be made by the local school
41 administrative unit from the State Public School Fund during the month. This certification shall
42 be filed on or before the fifth day following the end of the month preceding the period in which
43 the expenditures will be made. The ~~State Board of Education~~ Superintendent of Public
44 Instruction shall determine whether the moneys requisitioned are due the local school
45 administrative unit, and upon determining the amount due, shall cause the requisite amount to
46 be credited to the local school administrative unit. Upon receiving notice from the State
47 Treasurer of the amount placed to the credit of the local school administrative unit, the finance
48 officer may issue State warrants up to the amount so certified.

49 The ~~State Board of Education~~ Superintendent of Public Instruction may withhold money for
50 payment of salaries for administrative officers of local school administrative units if any report
51 required to be filed with State school authorities is more than 30 days overdue. The ~~State Board~~

1 ~~of Education—Superintendent~~ shall withhold money for payment of salaries for the
2 superintendent, finance officer, and all other administrative officers charged with providing
3 payroll information pursuant to G.S. 115C-12(18), if the local school administrative unit fails to
4 provide the payroll information to the ~~State Board—Superintendent~~ in a timely fashion and
5 substantially in accordance with the standards set by the ~~State Board—Superintendent~~. The ~~State~~
6 ~~Board of Education—Superintendent~~ shall also withhold money used for payment of salaries for
7 the superintendent, transportation director, and all other administrative officers or employees
8 charged by the local board of education or the local superintendent with implementing the
9 Transportation Information Management System, pursuant to G.S. 115C-240(d), if the ~~State~~
10 ~~Board—Superintendent~~ finds that a local school administrative unit is not progressing in good
11 faith and is not using its best efforts to implement the Transportation Information Management
12 System.

13 Money in the State Public School Fund and State bond moneys shall be released only on
14 warrants drawn on the State Treasurer, signed by such local official as may be required by the
15 ~~State Board of Education—Superintendent~~."

16 **SECTION 224.** G.S. 115C-440 reads as rewritten:

17 "**§ 115C-440. Accounting system.**

18 (a) System Required. – Each local school administrative unit shall establish and
19 maintain an accounting system designed to show in detail its assets, liabilities, equities,
20 revenues, and expenditures. The system shall also be designed to show appropriations and
21 estimated revenues as established in the budget resolution as originally adopted and
22 subsequently amended.

23 (b) Basis of Accounting. – Local school administrative units shall use the modified
24 accrual basis of accounting in recording transactions.

25 (c) Encumbrance Systems. – Except as otherwise provided in this subsection, no local
26 school administrative unit is required to record or show encumbrances in its accounting
27 system. The Local Government Commission, in consultation with the ~~State Board of~~
28 ~~Education—Superintendent of Public Instruction~~, shall establish regulations, based on total
29 membership of the local school administrative unit or some other appropriate criterion, setting
30 forth which units are required to maintain an accounting system that records and shows the
31 encumbrances outstanding against each category of expenditure appropriated in the budget
32 resolution. Any other local school administrative unit may record and show encumbrances in its
33 accounting system.

34 (d) Commission Regulations. – The Local Government Commission, in consultation
35 with the ~~State Board of Education—Superintendent of Public Instruction~~, may prescribe rules
36 and regulations having the force of law as to:

37 (1) Features of accounting systems to be maintained by local school
38 administrative units.

39 (2) Bases of accounting, including identifying in detail the characteristics of a
40 modified accrual basis and identifying what revenues are susceptible to
41 accrual.

42 (3) Definitions of terms not clearly defined in this Article.

43 These rules and regulations may be varied according to the size of the local school
44 administrative unit, or according to any other criteria reasonably related to the purpose or
45 complexity of the financial operations involved."

46 **SECTION 225.** G.S. 115C-441.1 reads as rewritten:

47 "**§ 115C-441.1. Dependent care assistance program.**

48 The ~~State Board of Education—Superintendent of Public Instruction~~ is authorized to provide
49 eligible employees of local school administrative units a program of dependent care assistance
50 as available under Section 129 and related sections of the Internal Revenue Code of 1986, as
51 amended. The ~~State Board—Superintendent~~ may authorize local school administrative units to

1 enter into annual agreements with employees who elect to participate in the program to provide
2 for a reduction in salary. Should the ~~State Board Superintendent~~ decide to contract with a third
3 party to administer the terms and conditions of a program of dependent care assistance, it may
4 select a contractor only upon a thorough and completely competitive procurement process."

5 **SECTION 226.** G.S. 115C-442(b) reads as rewritten:

6 "(b) The ~~State Board of Education Superintendent of Public Instruction~~ shall provide for
7 adequate and appropriate bonding of school finance officers and such other employees as it
8 deems appropriate with respect to the disbursement of State funds. When ~~it~~ the Superintendent
9 requires such bonds, the ~~State Board of Education Superintendent~~ is authorized to place the
10 bonds and pay the premiums thereon."

11 **SECTION 227.** G.S. 115C-447 reads as rewritten:

12 **"§ 115C-447. Annual independent audit.**

13 (a) Each local school administrative unit shall have its accounts and the accounts of
14 individual schools therein audited as soon as possible after the close of each fiscal year by a
15 certified public accountant or by an accountant certified by the Local Government Commission
16 as qualified to audit local government accounts. The auditor who audits the accounts of a local
17 school administrative unit shall also audit the accounts of its individual schools. The auditor
18 shall be selected by and shall report directly to the board of education. The audit contract shall
19 be in writing, shall include all its terms and conditions, and shall be submitted to the Secretary
20 of the Local Government Commission for his approval as to form, terms and conditions. The
21 terms and conditions of the audit contract shall include the scope of the audit, and the
22 requirement that upon completion of the examination the auditor shall prepare a typewritten or
23 printed report embodying financial statements and his opinion and comments relating thereto.
24 The financial statements accompanying the auditor's report shall be prepared in conformity
25 with generally accepted accounting principles. The auditor shall file a copy of the audit report
26 with the Secretary of the Local Government Commission, the ~~State Board of Education,~~
27 Superintendent of Public Instruction, the board of education and the board of county
28 commissioners, and shall submit all bills or claims for audit fees and costs to the Secretary of
29 the Local Government Commission for his approval. It shall be unlawful for any local school
30 administrative unit to pay or permit the payment of such bills or claims without this approval.
31 Each officer, employee and agent of the local school administrative unit having custody of
32 public money or responsibility for keeping records of public financial or fiscal affairs shall
33 produce all books and records requested by the auditor and shall divulge such information
34 relating to fiscal affairs as he may request. If any member of a board of education or any other
35 public officer, employee or agent shall conceal, falsify, or refuse to deliver or divulge any
36 books, records, or information, with an intent thereby to mislead the auditor or impede or
37 interfere with the audit, he is guilty of a Class 1 misdemeanor.

38 The State Auditor shall have authority to prescribe the manner in which funds disbursed by
39 administrative units by warrants on the State Treasurer shall be audited.

40 (b) When the ~~State Board of Education Superintendent of Public Instruction~~ finds that
41 incidents of fraud, embezzlement, theft, or management failures in a local school administrative
42 unit make it appropriate to review the internal control procedures of the unit, the ~~State Board of~~
43 Education Superintendent shall so notify the unit. If the incidents were discovered by the firm
44 performing the audit under subsection (a) of this section, the board of the local school
45 administrative unit shall submit the audit together with a plan for any corrective actions relative
46 to its internal control procedures to the ~~State Board of Education Superintendent~~ and the Local
47 Government Commission for approval and shall implement the approved changes prior to the
48 next annual audit. Where the firm preparing the audit under subsection (a) of this section
49 identifies significant problems with internal control procedures the local school administrative
50 unit shall submit the audit together with a plan for any corrective actions relative to its internal
51 control procedures to the ~~State Board of Education Superintendent~~ and the Local Government

1 Commission for approval and shall implement the approved changes prior to the next annual
2 audit.

3 If the incidents were not discovered by the firm performing the audit under subsection (a)
4 of this section, the ~~State Board of Education Superintendent~~ and the Local Government
5 Commission shall employ an audit firm to review the internal control procedures of that local
6 school administrative unit. Upon completion of this review, the audit firm shall report publicly
7 to the ~~State Board of Education, Superintendent,~~ the Local Government Commission, and the
8 board of the local school administrative unit. If the ~~State Board of Education Superintendent~~
9 determines that significant changes are needed in the internal control procedures of the local
10 school administrative unit, the local board shall submit a plan of corrective actions to the ~~State~~
11 ~~Board of Education Superintendent~~ and the Local Government Commission for approval and
12 shall implement the approved changes prior to the next annual audit. The local school
13 administrative unit shall pay the cost of this audit."

14 **SECTION 228.** G.S. 115C-450 reads as rewritten:

15 **"§ 115C-450. School food services.**

16 School food services shall be included in the budget of each local school administrative unit
17 and the ~~State Board of Education Superintendent of Public Instruction~~ shall provide for school
18 food services in the uniform budget format required by G.S. 115C-426."

19 **SECTION 229.** G.S. 115C-451 reads as rewritten:

20 **"§ 115C-451. Reports to ~~State Board of Education;~~ Superintendent of Public Instruction;**
21 **failure to comply with School Budget Act.**

22 (a) The ~~State Board of Education Superintendent of Public Instruction~~ shall have
23 authority to require local school administrative units to make such reports as it may deem
24 advisable with respect to the financial operation of the public schools.

25 (b) The ~~State Board of Education Superintendent of Public Instruction~~ shall be
26 responsible for assuring that local boards of education comply with State laws and regulations
27 regarding the budgeting, management, and expenditure of funds. When a local board of
28 education willfully or negligently fails or refuses to comply with these laws and regulations, the
29 ~~State Board of Education Superintendent of Public Instruction~~ shall issue a warning to the local
30 board of education and direct it to take remedial action. In addition, the ~~State Board~~
31 ~~Superintendent~~ may suspend the flexibility given to the local board under G.S. 115C-105.21A
32 and may require the local board to use funds during the term of suspension only for the
33 purposes for which they were allotted or for other purposes with the specific approval from the
34 ~~State Board Superintendent.~~

35 (c) If the local board of education, after warning, persists in willfully or negligently
36 failing or refusing to comply with these laws and regulations, the ~~State Board of Education~~
37 ~~Superintendent of Public Instruction~~ shall by resolution assume control of the financial affairs
38 of the local board of education and shall appoint an administrator to exercise the powers
39 assumed. The adoption of a resolution shall have the effect of divesting the local board of
40 education of its powers as to the adoption of budgets, expenditure of money, and all other
41 financial powers conferred upon the local board of education by law."

42 **SECTION 230.** G.S. 115C-452 reads as rewritten:

43 **"§ 115C-452. Fines and forfeitures.**

44 The clear proceeds of all penalties and forfeitures and of all fines collected in the General
45 Court of Justice in each county shall be remitted by the clerk of the superior court to the county
46 finance officer, who shall forthwith determine what portion of the total is due to each local
47 school administrative unit in the county and remit the appropriate portion of the amount to the
48 finance officer of each local school administrative unit. Fines and forfeitures shall be
49 apportioned according to the projected average daily membership of each local school
50 administrative unit as determined by and certified to the local school administrative units and

1 the board of county commissioners by the ~~State Board of Education~~ Superintendent of Public
2 Instruction pursuant to G.S. 115C-430."

3 **SECTION 231.** G.S. 115C-457.3 reads as rewritten:

4 **"§ 115C-457.3. Appropriation of moneys in the Fund.**

5 (a) The General Assembly shall appropriate moneys in the Civil Penalty and Forfeiture
6 Fund in the Current Operations Appropriations Act. These appropriations shall be made to the
7 State Public School Fund for allotment by the ~~State Board of Education~~, Superintendent of
8 Public Instruction, on behalf of the counties, to local school administrative units on a per pupil
9 basis in accordance with Article IX, Section 7(b) of the North Carolina Constitution.

10 (b) In accordance with subsection (a) of this section, the ~~State Board of Education~~
11 Superintendent of Public Instruction shall allocate these funds according to the allotted average
12 daily membership of each local school administrative unit as determined by and certified to the
13 local school administrative units and the board of county commissioners by the ~~State Board~~
14 Superintendent pursuant to G.S. 115C-430."

15 **SECTION 232.** G.S. 115C-459 reads as rewritten:

16 **"§ 115C-459. Terms of loans.**

17 Loans made under the provisions of this Article shall be payable in 10 installments, shall
18 bear interest at a uniform rate determined by the ~~State Board of Education~~ Superintendent of
19 Public Instruction not to exceed eight percent (8%), payable annually, and shall be evidenced
20 by the note of the county, executed by the chairman, the clerk of the board of county
21 commissioners, and the chairman and secretary of the local board of education, and deposited
22 with the State Treasurer. The first installment of such loan, together with the interest on the
23 whole amount then due, shall be paid by the local board on the tenth day of February after the
24 tenth day of August subsequent to the making of such loan, and the remaining installments,
25 together with the interest, shall be paid on the tenth day of February of each subsequent year
26 until all shall have been paid."

27 **SECTION 233.** G.S. 115C-472.10 reads as rewritten:

28 **"§ 115C-472.10. Establishment of the Fund for the Reduction of Class Size in Public**
29 **Schools.**

30 (a) There is established under the control and direction of the ~~State Board of Education~~
31 Superintendent of Public Instruction the Fund for the Reduction of Class Size in Public
32 Schools. This fund shall be a nonreverting special revenue fund consisting of moneys credited
33 to it under G.S. 20-81.12(b12) from the sale of special registration plates to support the public
34 schools.

35 (b) The ~~State Board of Education~~ Superintendent of Public Instruction shall allocate
36 funds in the Fund for the Reduction of Class Size in Public Schools to local school
37 administrative units to reduce class size in public schools."

38 **SECTION 234.** G.S. 115C-489.6 reads as rewritten:

39 **"§ 115C-489.6. Administration; consultation; issuance of bonds.**

40 (a) QZAB Program. – The ~~State Board of Education~~ Department of Public Instruction
41 is designated the State education agency responsible for administering the qualified zone
42 academy bond program in North Carolina for the purposes of 26 U.S.C. § 54E. The ~~State Board~~
43 of Education Superintendent of Public Instruction shall perform all activities required to
44 implement and carry out the qualified zone activity bond program in North Carolina. Those
45 activities include:

- 46 (1) Defining those areas and schools that are eligible under federal law to
47 participate in the qualified zone academy bond program in North Carolina.
- 48 (2) Designing an application process under which proposals may be solicited
49 from qualified zone academies.
- 50 (3) Determining the eligibility of an applicant to be a participating qualified
51 zone academy.

- 1 (4) Awarding the State's allocation of total funds among selected applicants and
2 establishing conditions upon the usage of the allocation. These conditions
3 must include:
4 a. Requiring that the bond proceeds be used only for rehabilitating or
5 repairing the public school facility in which the qualified zone
6 academy is located, which may include (i) wiring and other
7 infrastructure improvements related to providing technology and (ii)
8 equipment related to the rehabilitation or repair, but not personal
9 computers or similar technology equipment.
10 b. Conditions designed to assure that the allocation is used in a timely
11 manner.
12 (5) Confirming that the terms of any qualified zone academy bonds issued in
13 accordance with this program are consistent with the terms of the federal
14 program.

15 (a1) ~~Qualified School Construction Bond Program. – The State Board of Education~~
16 Department of Public Instruction is designated the State education agency responsible for
17 administering the statewide allocation of authority to issue qualified school construction bonds
18 under 26 U.S.C. § 54F. ~~The State Board of Education Superintendent of Public Instruction~~ shall
19 perform all activities required to implement and carry out the statewide allocation for the
20 qualified school construction bond program in North Carolina. Those activities include:

- 21 (1) Designing an application process under which proposals may be solicited
22 from issuers wishing to issue qualified school construction bonds pursuant to
23 the statewide allocation.
24 (2) Awarding the State's allocation of total funds among selected applicants and
25 establishing conditions upon the usage of the allocation. These conditions
26 may include:
27 a. Requiring that the bond proceeds be used for purposes permitted
28 under 26 U.S.C. § 54F.
29 b. Conditions designed to assure that the allocation is used in a timely
30 manner and that the allocations are made in accordance with the
31 requirements of federal statutes, regulations, and rulings.
32 (3) Confirming that the terms of any qualified school construction bonds issued
33 in accordance with this program are consistent with the terms of the federal
34 program.
35 (4) Acting as the State entity designated to receive notice from any local school
36 district that it will not utilize its local allocation so that the unused resource
37 will become part of the statewide allocation. Local school districts receiving
38 a local allocation are hereby directed to coordinate the use of such allocation
39 with the ~~State Board of Education Superintendent of Public Instruction~~ so
40 that any local allocation that will not be used by the local school district
41 becomes eligible for use as part of the statewide allocation.

42 (b) ~~Assistance. – The Department of Public Instruction shall provide the State Board of~~
43 ~~Education any support it requires in carrying out this section.~~

44 (c) Consultation. – In reviewing applications and awarding allocations, the ~~State Board~~
45 ~~of Education Superintendent of Public Instruction~~ shall consult with the Local Government
46 Commission to determine whether a prospective issuer of qualified zone academy bonds or
47 qualified school construction bonds is able to issue or incur marketable obligations.

48 (d) Issuance of Bonds. – Any qualified zone academy bonds or qualified school
49 construction bonds may be issued pursuant to the applicable provisions of and in compliance
50 with the Local Government Bond Act, Article 4 of Chapter 159 of the General Statutes, or
51 pursuant to the applicable provisions of and in compliance with G.S. 160A-20, to the extent

1 authorized by G.S. 153A-158.1. As provided in G.S. 159-123(b), qualified zone academy
2 bonds or qualified school construction bonds to be issued pursuant to the Local Government
3 Bond Act may be sold by the Local Government Commission at private sale."

4 **SECTION 235.** G.S. 115C-521 reads as rewritten:

5 **"§ 115C-521. Erection of school buildings.**

6 (a) It shall be the duty of local boards of education to provide classroom facilities
7 adequate to meet the requirements of G.S. 115C-47(10) and 115C-301. Local boards of
8 education shall submit their long-range plans for meeting school facility needs to the ~~State~~
9 ~~Board of Education-Superintendent of Public Instruction~~ by January 1, 1988, and every five
10 years thereafter. In developing these plans, local boards of education shall consider the costs
11 and feasibility of renovating old school buildings instead of replacing them.

12 (b) It shall be the duty of the boards of education of the several local school
13 administrative school units of the State to make provisions for the public school term by
14 providing adequate school buildings equipped with suitable school furniture and apparatus. The
15 needs and the cost of those buildings, equipment, and apparatus, shall be presented each year
16 when the school budget is submitted to the respective tax-levying authorities. The boards of
17 commissioners shall be given a reasonable time to provide the funds which they, upon
18 investigation, shall find to be necessary for providing their respective units with buildings
19 suitably equipped, and it shall be the duty of the several boards of county commissioners to
20 provide funds for the same.

21 Upon determination by a local board of education that the existing permanent school
22 building does not have sufficient classrooms to house the pupil enrollment anticipated for the
23 school, the local board of education may acquire and use as temporary classrooms for the
24 operation of the school, relocatable or mobile classroom units, whether built on the lot or not,
25 which units and method of use shall meet the approval of the School Planning Division of the
26 ~~State Board of Education, Department of Public Instruction,~~ and which units shall comply with
27 all applicable requirements of the North Carolina State Building Code and of the local building
28 and electrical codes applicable to the area in which the school is located. These units shall also
29 be anchored in a manner required to assure their structural safety in severe weather. The
30 acquisition and installation of these units shall be subject in all respects to the provisions of
31 Chapter 143 of the General Statutes. The provisions of Chapter 87, Article 1, of the General
32 Statutes, shall not apply to persons, firms or corporations engaged in the sale or furnishing to
33 local boards of education and the delivery and installation upon school sites of classroom
34 trailers as a single building unit or of relocatable or mobile classrooms delivered in less than
35 four units or sections.

36 (c) The building of all new school buildings and the repairing of all old school
37 buildings shall be under the control and direction of, and by contract with, the board of
38 education for which the building and repairing is done. If a board of education is considering
39 building a new school building to replace an existing school building, the board shall not invest
40 any construction money in the new building unless it submits to the State Superintendent and
41 the State Superintendent submits to the North Carolina Historical Commission an analysis that
42 compares the costs and feasibility of building the new building and of renovating the existing
43 building and that clearly indicates the desirability of building the new building. No board of
44 education shall invest any money in any new building until it has (i) developed plans based
45 upon a consideration of the ~~State Board's-State Superintendent's~~ facilities guidelines, (ii)
46 submitted these plans to the ~~State Board Superintendent~~ for its review and comments, and (iii)
47 reviewed the plans based upon a consideration of the comments it receives from the ~~State~~
48 ~~Board-State Superintendent.~~ No local board of education shall contract for more money than is
49 made available for the erection of a new building. However, this subsection shall not be
50 construed so as to prevent boards of education from investing any money in buildings that are
51 being constructed pursuant to a continuing contract of construction as provided for in

1 G.S. 115C-441(c). All contracts for buildings shall be in writing and all buildings shall be
2 inspected, received, and approved by the local superintendent and the architect before full
3 payment is made therefor. Nothing in this subsection shall prohibit boards of education from
4 repairing and altering buildings with the help of janitors and other regular employees of the
5 board.

6 In the design and construction of new school buildings and in the renovation of existing
7 school buildings that are required to be designed by an architect or engineer under
8 G.S. 133-1.1, the local board of education shall participate in the planning and review process
9 of the Energy Guidelines for School Design and Construction that are developed and
10 maintained by the Department of Public Instruction and shall adopt local energy-use goals for
11 building design and operation that take into account local conditions in an effort to reduce the
12 impact of operation costs on local and State budgets. In the design and construction of new
13 school facilities and in the repair and renovation of existing school facilities, the local board of
14 education shall consider the placement and design of windows to use the climate of North
15 Carolina for both light and ventilation in case of power shortages. A local board shall also
16 consider the installation of solar energy systems in the school facilities whenever practicable.

17 In the case of any school buildings erected, repaired, or equipped with any money loaned or
18 granted by the State to any local school administrative unit, no board of education shall invest
19 any money until it has (i) developed plans based upon a consideration of the ~~State Board's~~
20 Superintendent's facilities guidelines, (ii) submitted these plans to the ~~State Board~~
21 Superintendent for its review and comments, and (iii) reviewed the plans based upon a
22 consideration of the comments it receives from the ~~State Board~~ Superintendent.

23 (c1) No local board of education shall apply for a certificate of occupancy for any new
24 middle or high school building until the plans for the science laboratory areas of the building
25 have been reviewed and approved to meet accepted safety standards for school science
26 laboratories and related preparation rooms and stockrooms. The review and approval of the
27 plans may be done by the ~~State Board of Education~~ Superintendent of Public Instruction or by
28 any other entity that is licensed or authorized by the ~~State Board~~ Superintendent to do so.

29 (d) Local boards of education shall make no contract for the erection of any school
30 building unless the site upon which it is located is owned in fee simple by the board: Provided,
31 that the board of education of a local school administrative unit, with the approval of the board
32 of county commissioners, may appropriate funds to aid in the establishment of a school facility
33 and the operation thereof in an adjoining local school administrative unit when a written
34 agreement between the boards of education of the administrative units involved has been
35 reached and the same recorded in the minutes of the boards, whereby children from the
36 administrative unit making the appropriations shall be entitled to attend the school so
37 established.

38 In all cases where title to property has been vested in the trustees of a special charter district
39 which has been abolished and has not been reorganized, title to the property shall be vested in
40 the local board of education of the county embracing the former special charter district.

41 (e) The ~~State Board of Education~~ Superintendent of Public Instruction shall establish
42 within the Department of Public Instruction a central clearinghouse for access by local boards
43 of education that may want to use a prototype design in the construction of school facilities.
44 The ~~State Board~~ Superintendent shall compile necessary publications and a computer database
45 to distribute information on prototype designs to local school administrative units. All
46 architects and engineers registered in North Carolina may submit plans for inclusion in the
47 computer database and these plans may be accessed by any person. The original architect of
48 record or engineer of record shall retain ownership and liability for a prototype design. The
49 ~~State Board~~ Superintendent may adopt rules ~~it considers~~ necessary to implement this
50 subsection."

51 **SECTION 236.** G.S. 115C-522(a) reads as rewritten:

1 "(a) It shall be the duty of local boards of education to purchase or exchange all supplies,
2 equipment, and materials, and these purchases shall be made in accordance with Article 8 of
3 Chapter 143 of the General Statutes. These purchases may be made from contracts made by the
4 Department of Administration. Title to instructional supplies, office supplies, fuel and janitorial
5 supplies, enumerated in the current expense fund budget and purchased out of State funds, shall
6 be taken in the name of the local board of education which shall be responsible for the custody
7 and replacement: Provided, that no contracts shall be made by any local school administrative
8 unit for purchases unless provision has been made in the budget of the unit to pay for the
9 purchases, unless surplus funds are on hand to pay for the purchases, or unless the contracts are
10 made pursuant to G.S. 115C-47(28) and G.S. 115C-528 and adequate funds are available to pay
11 in the current fiscal year the sums obligated for the current fiscal year. The ~~State Board of~~
12 ~~Education~~ Superintendent of Public Instruction shall adopt rules regarding equipment standards
13 for supplies, equipment, and materials related to student transportation. The ~~State Board~~
14 ~~Superintendent~~ may adopt guidelines for any commodity that needs safety features. If a
15 commodity that needs safety features is available on statewide term contract, any guidelines
16 adopted by the ~~State Board Superintendent~~ must at a minimum meet the safety standards of the
17 statewide term contract. Compliance with Article 8 of Chapter 143 of the General Statutes is
18 not mandatory for the purchase of published books, manuscripts, maps, pamphlets, and
19 periodicals.

- 20 (1) Where competition is available, local school administrative units may utilize
21 the:
- 22 a. E-Quote service of the NC E-Procurement system as one means of
23 solicitation in seeking informal bids for purchases subject to the
24 bidding requirements of G.S. 143-131; and
 - 25 b. Division of Purchase and Contract's electronic Interactive Purchasing
26 System as one means of advertising formal bids on purchases subject
27 to the bidding requirements of G.S. 143-129 and applicable rules
28 regarding advertising. This sub-subdivision does not prohibit a local
29 school administrative unit from using other methods of advertising.
- 30 (2) In order to provide an efficient transition of purchasing procedures, the
31 Secretary of the Department of Administration and the local school
32 administrative units shall establish a local school administrative unit
33 purchasing user group. The user group shall be comprised of a proportionate
34 number of representatives from the Department of Administration and local
35 school administrative unit purchasing and finance officers. The user group
36 shall examine any issues that may arise between the Department of
37 Administration and local school administrative units, including the new
38 relationship between the Department and the local school administrative
39 units, the appropriate exchange of information, the continued efficient use of
40 E-Procurement, appropriate bid procedures, and any other technical
41 assistance that may be necessary for the purchase of supplies and materials.

42 "

43 **SECTION 237.** G.S. 115C-525(b)(3) reads as rewritten:

44 "(b) Inspection of Schools for Fire Hazards; Removal of Hazards. – Every public school
45 building in the State shall be inspected a minimum of two times during the year in accordance
46 with the following plan: Provided, that the periodic inspections herein required shall be at least
47 120 days apart:

48 ...

- 49 (3) It shall be the duty of the Commissioner of Insurance, the Superintendent of
50 Public ~~Instruction, and the State Board of Education~~ Instruction to prescribe

1 any additional rules and regulations ~~which they may deem that are~~ necessary
2 in connection with such inspections and reports for the reduction of fire."

3 **SECTION 238.** G.S. 115C-533 reads as rewritten:

4 "**§ 115C-533. Duty of State ~~Board~~ Superintendent to operate insurance system.**

5 The ~~State Board~~ Superintendent of Public Instruction shall have the duty to manage and
6 operate a system of insurance for public school property."

7 **SECTION 239.** G.S. 115C-535 reads as rewritten:

8 "**§ 115C-535. Authority and rules for organization of system.**

9 The ~~State Board of Education~~ Superintendent of Public Instruction is hereby authorized,
10 directed and empowered to establish a division to manage and operate a system of insurance for
11 public school property. The ~~Board~~ Superintendent shall adopt such rules and regulations as, in
12 ~~its~~ his or her discretion, may be necessary to provide all details inherent in the insurance of
13 public school property. The ~~Board~~ Superintendent shall employ a director, safety inspectors,
14 engineers and other personnel with suitable training and experience, which in ~~its~~ his or her
15 opinion is necessary to insure and protect effectively public school property, and it shall fix
16 their compensation with the approval of the Personnel Commission."

17 **SECTION 240.** G.S. 115C-536 reads as rewritten:

18 "**§ 115C-536. Public School Insurance Fund; decrease of premiums when fund reaches
19 five percent of total insurance in force.**

20 There shall be set up in the books of the State Treasurer a fund to be known and designated
21 as the "Public School Insurance Fund," which fund hereafter in G.S. 115C-535 to 115C-542 is
22 referred to as "the Fund." In order to provide adequate reserves against losses which may be
23 incurred on account of the risks insured against as provided in G.S. 115C-535 to 115C-542 and
24 to provide payment for such losses as may be incurred therein, there is hereby appropriated to
25 the Fund the sum of two million dollars (\$2,000,000), which shall be paid from and charged to
26 the State Literary Fund as set up and defined in this Chapter. When the reserves in the Fund
27 shall be increased by the payment of premiums by the governing boards of local school
28 administrative school units, or otherwise, to the extent of one million dollars (\$1,000,000),
29 there shall be transferred from the Fund back to the State Literary Fund the sum of one million
30 dollars (\$1,000,000) and when the Fund shall again be increased to the extent of another one
31 million dollars (\$1,000,000), there shall be transferred therefrom back to the State Literary
32 Fund an additional sum of one million dollars (\$1,000,000) in full reimbursement of the sum of
33 two million dollars (\$2,000,000), which is authorized to be transferred from the State Literary
34 Fund by the provisions hereof. All funds paid over to the State Treasurer for premiums on
35 insurance by the governing boards of local school administrative units and all money received
36 from interest or from loans and deposits and from any other source connected with the
37 insurance of the property hereinafter referred to shall be held by the State Treasurer in the Fund
38 for the purpose of paying all fire, lightning, windstorm, hail and explosion losses for which the
39 said Fund shall be liable and the expenses necessary for the proper conduct of the insurance of
40 said property, together with such premiums for reinsurance of such part of said insurance as the
41 ~~State Board of Education~~ Superintendent of Public Instruction may deem necessary to reinsure,
42 as provided for in G.S. 115C-535 to 115C-542. The State Treasurer shall be the custodian of
43 the Fund and shall invest ~~its~~ the assets in accordance with the provisions of G.S. 147-69.2 and
44 147-69.3.

45 When the Fund herein provided for reaches the sum of five percent (5%) of the total
46 insurance in force, then annually thereafter the ~~State Board of Education~~ Superintendent of
47 Public Instruction shall proportionately decrease the premiums on insurance to an amount
48 which will be sufficient to maintain the Fund at five percent (5%) of the total insurance in
49 force, and in the event in the judgment of the ~~State Board of Education~~ Superintendent of
50 Public Instruction the income from the investments of the Fund are sufficient to maintain the
51 same at five percent (5%) of the total insurance in force, no premium shall be charged for the

1 ensuing year: Provided, that no building or property insured shall cease to pay premiums until
2 five annual payments of premiums have been made whether or not through such payments the
3 Fund shall be increased beyond five percent (5%) of the total insurance in force, unless such
4 building or property shall cease to be insurable within the meaning of G.S. 115C-535 to
5 115C-542 within such five-year period."

6 **SECTION 241.** G.S. 115C-537 reads as rewritten:

7 **"§ 115C-537. Insurance of property by local boards; notice of election to insure and**
8 **information to be furnished; outstanding policies.**

9 All local boards of education may insure all property within their units against the direct
10 loss or damage by fire, lightning, windstorm, hail or explosions resulting by reason of defects
11 in equipment in public school buildings and other public school properties in the Fund
12 hereinbefore set up and provided for. Any property covered by an insurance policy in effect on
13 the date when the property of a unit is insured in the Fund shall be insured by the Fund as of the
14 expiration of the policy. Each local board shall give notice of its election to insure in the Fund
15 at least 30 days prior to such insurance becoming effective and shall furnish to the ~~State Board~~
16 ~~of Education-Superintendent of Public Instruction~~ a full and complete list of all outstanding fire
17 insurance policies, giving in complete detail the name of the insurers, the amount of the
18 insurance and expirations thereof. While the said insurance policies remain in effect, the Fund
19 shall act as coinsurer of the properties covered by such insurance to the same extent and in the
20 same manner as is provided for coinsurance under the provisions of the standard form of fire
21 insurance as provided by law, and in the event of loss shall have the same rights and duties as
22 required by participating insurance companies."

23 **SECTION 242.** G.S. 115C-538 reads as rewritten:

24 **"§ 115C-538. Inspections of insured public school properties.**

25 The ~~State Board of Education-Superintendent of Public Instruction~~ shall provide for
26 periodic inspections of all public school properties in the State of North Carolina insured under
27 the provisions hereof, the said inspections for safety of buildings and particularly school
28 buildings, against the loss or damage from fire and explosions. The inspections shall be the
29 basis for offering such engineering advice as may be thought to be necessary to safeguard the
30 children in the public schools from death and injury from school fires or explosions and to
31 protect said school properties from loss, and the local boards of education shall be required so
32 far as possible, and reasonable, to carry out and put into effect such recommendations in
33 respect thereto as may be made by the ~~State Board of Education-Superintendent of Public~~
34 ~~Instruction.~~"

35 **SECTION 243.** G.S. 115C-539 reads as rewritten:

36 **"§ 115C-539. Information to be furnished prior to insuring in Fund; providing for**
37 **payment of premiums.**

38 Local boards of education shall at least 30 days before insuring in the Fund, furnish to the
39 ~~State Board of Education-Superintendent of Public Instruction~~ a complete and detailed list of all
40 school buildings and contents thereof and other insurable school property, together with an
41 estimate of the present value of the said property. Valuation for purposes of insuring in the
42 Fund shall be reached by agreement in accordance with the procedure hereinafter set up for
43 adjustment of losses. Local boards of education and the tax-levying authority shall be required
44 to provide for the payment of premiums for insurance on the school properties of each local
45 school administrative unit, respectively, to the extent of not less than seventy-five percent
46 (75%) of the current insurable value of the said properties, including the insurance in fire
47 insurance companies and the insurance provided by the Fund as set out herein."

48 **SECTION 244.** G.S. 115C-540 reads as rewritten:

49 **"§ 115C-540. Determination and adjustment of premium rates; certificate as to insurance**
50 **carried; no lapse; notice as to premiums required, and payment thereof.**

1 The ~~State Board of Education~~ Superintendent of Public Instruction shall determine the
2 annual premium rate to be charged for insurance of school properties as herein provided, which
3 said rate shall not, however, be in excess of the rates fixed by law for insurance of such
4 properties in effect on May 31, 1948, and such rates shall be adjusted from time to time so as to
5 provide insurance against damage or loss resulting from fires, lightning, windstorm, hail or
6 explosions resulting from defects in equipment in public school buildings and properties for the
7 local school administrative units at the lowest cost possible in keeping with the payment of cost
8 of administration of G.S. 115C-535 to 115C-542, and the creation of adequate reserves to pay
9 losses which may be incurred. The ~~State Board of Education~~ Superintendent of Public
10 Instruction shall furnish to each local school administrative unit annually and, at such times as
11 changes may require, a certificate showing the amount of insurance carried on each item of
12 insurable property. The said insurance shall not lapse but shall remain in force until the local
13 board of education requests that said insurance be canceled or until such property becomes
14 uninsurable in the manner set out in G.S. 115C-542. From time to time the local board of
15 education shall be notified as to the amount of the premiums required to be paid for said
16 insurance and the amounts thereof shall be provided for in the annual budget of such schools.
17 The tax-levying authorities shall provide by taxation or otherwise a sum sufficient to pay the
18 required premiums thereon.

19 The local board of education shall within 30 days from notice thereof pay to the ~~State Board~~
20 ~~of Education~~ Superintendent of Public Instruction the premiums on such insurance, and in the
21 event that there are no funds on hand at such time with which to make said payment, the same
22 shall be paid out of the first funds available to such school board. Delayed payments shall bear
23 interest at the rate of six percent (6%) per annum."

24 **SECTION 245.** G.S. 115C-541 reads as rewritten:

25 "**§ 115C-541. Adjustment of losses; determination and report of appraisers; payment of**
26 **amounts to treasurers of local school administrative units; disbursement of**
27 **funds.**

28 In the event of loss or damage by fire, lightning, windstorm, hail, or explosions resulting
29 from defects in equipment in public school buildings and properties for the local school
30 administrative units, the Fund shall pay the loss in the same proportion as the amount of
31 insurance carried bore to the valuation of the property at the time it was insured, but not
32 exceeding the amount which it would cost to repair or replace the property with material of like
33 quality within a reasonable time after such loss, not in excess of the amount of insurance
34 provided for said property, and not in excess of the amount of such loss which the Fund is
35 required to pay in participation with fire insurance companies having policies of insurance in
36 force on said properties at the time of the loss or damage, and the Fund shall not be liable for a
37 greater proportion of any loss than the amount of insurance thereon shall bear to the whole
38 insurance covering the property against the peril involved.

39 In the event of loss or damage by fire, lightning, windstorm, hail, or explosions resulting
40 from defects in equipment in public school buildings and properties of the local school
41 administrative units, to the property insured, when an agreement as to the extent of such loss or
42 damage cannot be arrived at between the ~~State Board of Education~~ Superintendent of Public
43 Instruction and the local officials having charge of the said property, the amount of such loss or
44 damage shall be determined by three appraisers; one to be named by the ~~State Board of~~
45 ~~Education~~ Superintendent of Public Instruction, one by the local board of education having
46 charge of the property, and the two so appointed shall select a third, all of whom shall be
47 disinterested persons, and qualified from experience to appraise and value such property:
48 Provided, however, if the appraisers appointed by the ~~State Board of Education~~ Superintendent
49 of Public Instruction and the local board of education shall fail for 15 days to agree upon the
50 third appraiser, then, on request of the ~~State Board of Education~~ Superintendent of Public
51 Instruction or the local board of education having charge of the property, such third appraiser

1 shall be selected by any regular resident superior court judge of the superior court district or set
2 of districts as defined in G.S. 7A-41.1 in which the property is located. The appraisers so
3 named shall file their written report with the ~~State Board of Education Superintendent~~ and with
4 the local board of education having such property in charge. The costs of the appraisal shall be
5 paid by the Fund. Upon the determination of the loss by the appraisers, the ~~State Board of~~
6 ~~Education Superintendent~~ shall pay the amount of such loss or damage to school property in the
7 control of the local school administrative unit to its treasurer, upon proper warrant of the ~~State~~
8 ~~Board of Education Superintendent~~. Said funds shall be paid out by the treasurer of said units,
9 as provided by this Chapter for the disbursement of the funds of such unit."

10 **SECTION 246.** G.S. 115C-542 reads as rewritten:

11 "**§ 115C-542. Maintenance of inspection and engineering service; cancellation of**
12 **insurance.**

13 The ~~State Board of Education Superintendent of Public Instruction~~ is authorized and
14 empowered to maintain an inspection and engineering service deemed by it appropriate and
15 necessary to reduce the hazards of fire in public school buildings insured in the Fund as
16 hereinbefore provided, and to expend for such purpose not in excess of ten percent (10%) of
17 the annual premiums collected from the local school authorities. The ~~State Board of Education~~
18 ~~Superintendent of Public Instruction~~ is hereby authorized and empowered to cancel any
19 insurance on any school property when, in ~~its~~ ~~the Superintendent's~~ opinion, because of
20 dilapidation and depreciation such property is no longer insurable. Before cancellation, the
21 local board of education shall be given at least 30 days notice, and in the event said property
22 can be restored to insurable condition, the ~~State Board of Education Superintendent~~ may make
23 such orders with respect to the continuance of such coverage as may be deemed proper:
24 Provided, that the findings and results of the inspection of local school property by the agents
25 of the ~~Board Superintendent~~ shall be reported to local boards of education and to the board of
26 county commissioners of such units as carry insurance with the State 30 days before
27 budget-making time in order that all school property shall be properly taken care of and made
28 safe from fire hazards."

29 **SECTION 247.** G.S. 115C-543 reads as rewritten:

30 "**§ 115C-543. Other property insurance.**

31 The ~~State Board of Education Superintendent of Public Instruction~~ may adopt rules for
32 providing property insurance on property insured by the Fund against all risks of direct physical
33 loss not otherwise insured against pursuant to this Article. Losses covered by this additional
34 insurance shall be paid out of the Fund in the same manner as fire and extended coverage
35 losses.

36 Each local school administrative unit that elects to purchase this additional insurance shall
37 pay a premium in accordance with rates fixed by the ~~Board Superintendent~~. This additional
38 insurance shall be subject to the provisions and stipulations on policy forms approved by the
39 ~~State Board Superintendent~~."

40 **SECTION 248.** G.S. 115C-546.2(a) reads as rewritten:

41 "(a) Of the monies credited to the Fund by the Secretary of Revenue pursuant to
42 G.S. 115C-546.1(b), the ~~State Board of Education Superintendent of Public Instruction~~ may
43 allocate up to one million dollars (\$1,000,000) each year to the ~~Department of Public~~
44 ~~Instruction~~. ~~These funds shall be used by the Plant Operation Section of the School Support~~
45 ~~Division-Division~~. ~~These funds shall be used~~ to assist each local school administrative unit with
46 effective energy and environmental management, effective water management, hazardous
47 material management, clean air quality, and engineering support for safe, effective
48 environmental practices. The remainder of the monies in the Fund shall be allocated to the
49 counties on a per average daily membership basis according to the average daily membership
50 for the budget year as determined and certified by the ~~State Board of Education Superintendent~~

1 of Public Instruction. Interest earned on funds allocated to each county shall be allocated to that
2 county.

3 The Department of Public Instruction shall report to the Joint Legislative Education
4 Oversight Committee by April 15 of each year on the effectiveness of the program in
5 accomplishing its purpose and on any other information requested by the Committee."

6 **SECTION 249.** G.S. 115C-555 reads as rewritten:

7 "**§ 115C-555. Qualification of nonpublic schools.**

8 The provisions of this Part shall apply to any nonpublic school which has one or more of
9 the following characteristics:

10 (1) It is accredited by the ~~State Board of Education~~ Department of Public
11 Instruction.

12 (2) It is accredited by the Southern Association of Colleges and Schools.

13 (3) It is an active member of the North Carolina Association of Independent
14 Schools.

15 (4) It receives no funding from the State of North Carolina."

16 **SECTION 250.** G.S. 115C-566(a) reads as rewritten:

17 "(a) The Secretary of Administration, upon consideration of the advice of the Division of
18 Nonpublic Education in the Department of Administration and representatives of nonpublic
19 schools, shall adopt rules for the procedures a person who is or was enrolled in a home school,
20 in a nonpublic school that is not accredited by the ~~State Board of Education~~ Department of
21 Public Instruction, or in an educational program found by a court, prior to July 1, 1998, to
22 comply with the compulsory attendance law, must follow and the requirements that person
23 must meet to obtain a driving eligibility certificate. The procedures shall provide that the
24 person who is required under G.S. 20-11(n) to sign the driving eligibility certificate must
25 provide the certificate if he or she determines that one of the following requirements is met:

26 (1) The person seeking the certificate is eligible for the certificate under
27 G.S. 20-11(n)(1) and is not subject to G.S. 20-11(n1).

28 (2) The person seeking the certificate is eligible for the certificate under
29 G.S. 20-11(n)(1) and G.S. 20-11(n1).

30 The rules shall define exemplary student behavior, define what constitutes the successful
31 completion of a drug or alcohol treatment counseling program, and provide for an appeal to an
32 appropriate educational entity by a person who is denied a driving eligibility certificate. The
33 Division of Nonpublic Education also shall develop policies as to when it is appropriate to
34 notify the Division of Motor Vehicles that a person who is or was enrolled in a home school or
35 in a nonpublic school that is not accredited by the ~~State Board of Education~~ Department of
36 Public Instruction no longer meets the requirements for a driving eligibility certificate."

37 **SECTION 251.** G.S. 14-234(d6) is repealed.

38 **SECTION 252.** G.S. 20-11(n1)(1)a. reads as rewritten:

39 "(n1) Lose Control; Lose License.

40 (1) The following definitions apply in this subsection:

41 a. Applicable State entity. – The ~~State Board of Education~~
42 Superintendent of Public Instruction for public schools and charter
43 schools, the State Board of Community Colleges for community
44 colleges, or the Secretary of Administration for nonpublic schools
45 and home schools."

46 **SECTION 253.** G.S. 20-40.01(27)b. reads as rewritten:

47 "b. For hire passenger vehicles. – Vehicles transporting persons for
48 compensation. This classification shall not include vehicles operated
49 as ambulances; vehicles operated by the owner where the costs of
50 operation are shared by the passengers; vehicles operated pursuant to
51 a ridesharing arrangement as defined in G.S. 136-44.21; vehicles

1 transporting students for the public school system under contract
2 with the ~~State Board of Education~~ Superintendent of Public
3 Instruction or vehicles leased to the United States of America or any
4 of its agencies on a nonprofit basis; or vehicles used for human
5 service or volunteer transportation."

6 **SECTION 254.** G.S. 20-88.1 reads as rewritten:

7 **"§ 20-88.1. Driver education.**

8 (a) ~~In accordance with criteria and standards approved by the State Board of Education,~~
9 ~~the the~~ State Superintendent of Public Instruction shall organize and administer a program of
10 driver education to be offered at the public high schools of this State for all physically and
11 mentally qualified persons who (i) are older than 14 years and six months, (ii) are approved by
12 the principal of the school, pursuant to rules adopted by the ~~State Board of Education,~~
13 Superintendent of Public Instruction (iii) are enrolled in a public or private high school within
14 the State, and (iv) have not previously enrolled in the program. The ~~State Board of Education~~
15 Superintendent of Public Instruction shall use for such purpose all funds appropriated to it for
16 said purpose, and may use all other funds that become available for ~~its~~ use for said purpose.

17 The driver education program established pursuant to this section must include the
18 following:

- 19 (1) Instruction on the rights and privileges of the handicapped and the signs and
20 symbols used to assist the handicapped relative to motor vehicles, including
21 the "international symbol of accessibility" and other symbols and devices as
22 provided in Article 2A of this Chapter.
- 23 (2) At least six hours of instruction on the offense of driving while impaired and
24 related subjects.
- 25 (3) At least six hours of actual driving experience. To the extent practicable, this
26 experience may include at least one hour of instruction on the techniques of
27 defensive driving.

28 (b) The ~~State Board of Education~~ Superintendent of Public Instruction shall adopt a
29 salary range for driver education instructors who are public school employees and who do not
30 hold teacher certificates.

31 Driver education instructors who are public school employees and who hold teacher
32 certificates shall be paid on the teacher salary schedule. A day of employment for driver
33 education instructors who hold teacher certificates shall be the same number of hours required
34 of all regular classroom teachers as established by the local board of education.

35 (b1) The ~~State Board of Education~~ Superintendent of Public Instruction shall adopt rules
36 to permit local boards of education to enter contracts with public or private entities to provide a
37 program of driver education at public high schools. All driver education instructors shall meet
38 the requirements established by the ~~State Board of Education~~ Superintendent of Public
39 Instruction; provided, however, driver education instructors shall not be required to hold
40 teacher certificates.

41 (c) All expenses incurred by the State in carrying out the provisions of this section shall
42 be paid out of the Highway Fund.

43 (d) The Division shall prepare a driver license handbook that explains the traffic laws of
44 the State and shall periodically revise the handbook to reflect changes in these laws. At the
45 request of the Department of Education, the Division shall provide free copies of the handbook
46 to that Department for use in the program of driver education offered at public high schools."

47 **SECTION 255.** G.S. 58-79-35 reads as rewritten:

48 **"§ 58-79-35. Fire prevention and Fire Prevention Day.**

49 It is the duty of the Commissioner of ~~Insurance, Insurance and~~ the Superintendent of Public
50 Instruction ~~and the State Board of Education~~ to provide a pamphlet containing printed
51 instructions for properly conducting fire drills in all schools and auxiliary school buildings and

1 the principal of every public and private school shall conduct at least one fire drill every month
2 during the regular school session in each building in his charge where children are assembled.
3 The fire drills shall include all children and teachers and the use of various ways of egress to
4 assimilate evacuation of said buildings under various conditions, and such other regulations as
5 prescribed by the Commissioner of ~~Insurance~~, Insurance and the Superintendent of Public
6 ~~Instruction and State Board of Education~~, Instruction.

7 The Commissioner of Insurance and the Superintendent of Public Instruction shall further
8 provide for the teaching of "Fire Prevention" in the colleges and schools of the State, and to
9 arrange for a textbook adapted to such use. The ninth day of October of every year shall be set
10 aside and designated as "Fire Prevention Day," and the Governor shall issue a proclamation
11 urging the people to a proper observance of the day, and the Commissioner of Insurance shall
12 bring the day and its observance to the attention of the officials of all organized fire
13 departments of the State, whose duty it shall be to disseminate the materials and to arrange
14 suitable programs to be followed in its observance."

15 **SECTION 256.** G.S. 66-58 reads as rewritten:

16 "(c) The provisions of subsection (a) shall not prohibit:

17 ...

18 (11) The sale of textbooks, library books, forms, bulletins, and instructional
19 supplies by the ~~State Board of Education~~, State Department of Public
20 ~~Instruction~~, Instruction and local school authorities."

21 **SECTION 257.** G.S. 90-270.4(c) reads as rewritten:

22 "(c) Persons certified by the ~~State Board of Education~~ Superintendent of Public
23 Instruction as school psychologists and serving as regular salaried employees of the
24 Department of Public Instruction or local boards of education are not required to be licensed
25 under this Article in order to perform the duties for which they serve the Department of Public
26 Instruction or local boards of education, and nothing in this Article shall be construed as
27 limiting their activities, services, or titles while performing those duties for which they serve
28 the Department of Public Instruction or local boards of education. If a person certified by the
29 ~~State Board of Education~~ Superintendent of Public Instruction as a school psychologist and
30 serving as a regular salaried employee of the Department of Public Instruction or a local board
31 of education is or becomes a licensed psychologist under this Article, he or she shall be
32 required to comply with all conditions, requirements, and obligations imposed by statute or by
33 Board rules upon all other licensed psychologists as a condition to retaining that license. Other
34 provisions of this Article notwithstanding, if a person certified by the ~~State Board of~~
35 ~~Education~~ Superintendent of Public Instruction as a school psychologist and serving as a
36 regular salaried employee of the Department of Public Instruction or a local board of education
37 is or becomes a licensed psychological associate under this Article, he or she shall not be
38 required to comply with the supervision requirements otherwise applicable to licensed
39 psychological associates by Board rules or by this Article in the course of his or her regular
40 salaried employment with the Department of Public Instruction or a local board of education,
41 but he or she shall be required to comply with all other conditions, requirements, and
42 obligations imposed by statute or a local board of education or by Board rules upon all other
43 licensed psychological associates as a condition to retaining that license."

44 **SECTION 258.** G.S. 90-294(c)(4) reads as rewritten:

45 "(c) The provisions of this Article do not apply to:

46 ...

47 (4) A person who holds a valid and current credential as a speech and language
48 pathologist or audiologist issued by the North Carolina Department of Public
49 Instruction or who is employed by the North Carolina Schools for the Deaf
50 and Blind, if such person practices speech and language pathology or
51 audiology in a salaried position solely within the confines or under the

jurisdiction of the Department of Public ~~Instruction or the Department of Health and Human Services~~ respectively. Instruction."

SECTION 259. G.S. 90-332.1(a)(2) reads as rewritten:

"(a) It is not the intent of this Article to regulate members of other regulated professions who do counseling in the normal course of the practice of their profession. Accordingly, this Article does not apply to:

...

(2) Any school counselor certified by the ~~State Board of Education Superintendent of Public Instruction~~ while counseling within the scope of employment by a board of education or private school."

SECTION 260. G.S. 90B-4(c) reads as rewritten:

"(c) Nothing herein shall prohibit school social workers who are certified by the ~~State Board of Education Superintendent of Public Instruction~~ from practicing school social work under the title "Certified School Social Worker." Except as provided for licensed clinical social workers, nothing herein shall be construed as prohibiting social workers who are not certified by the Board from practicing social work. Except as provided herein for licensed clinical social workers, no agency, institution, board, commission, bureau, department, division, council, member of the Council of State, or officer of the legislative, executive or judicial branches of State government or counties, cities, towns, villages, other municipal corporations, political subdivisions of the State, public authorities, private corporations created by act of the General Assembly or any firm or corporation receiving State funds shall require the obtaining or holding of any certificate issued under this Chapter or the taking of an examination held pursuant to this Chapter as a requirement for obtaining or continuing in employment."

SECTION 261. G.S. 96-8(5)p. reads as rewritten:

"(5) "Employer" means:

...

p. With respect to employment on and after January 1, 1978, any state and local governmental employing unit, including the State of North Carolina, a county board of education, a city board of education, the ~~State Board of Education, Department of Public Instruction,~~ the Board of Trustees of The University of North Carolina, the board of trustees of other institutions and agencies supported and under the control of the State, any other agency of and within the State by which a teacher or other employee is paid, and any county, incorporated city or town, the light and water board or commission of any incorporated city or town, the board of alcoholic control of any county or incorporated city or town, county and/or city airport authorities, housing authorities created and operated under and by virtue of Chapter 157 of the General Statutes, redevelopment commissions created and operated under and by virtue of Article 22, Chapter 160A of the General Statutes, county and/or city or regional libraries, county and/or city boards of health, district boards of health, any other separate, local governmental entity, jointly owned or operated governmental entities, and the Retirement System. For purposes of this Chapter, any employing unit described in this paragraph is not an employer by reason of hiring an intern."

SECTION 262. G.S. 115D-2.1 reads as rewritten:

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

(g) The State Board of Community Colleges shall meet at stated times established by the State Board, but not less frequently than 10 times a year. The State Board of Community Colleges shall also meet with the Superintendent of Public Instruction, the State Board of

1 Education and the Board of Governors of The University of North Carolina at least once a year
2 to discuss educational matters of mutual interest and to recommend to the General Assembly
3 such policies as are appropriate to encourage the improvement of public education at every
4 level in this State; these joint meetings shall be hosted by the three Boards according to the
5 schedule set out in G.S. 115C-11(b1). Special meetings of the State Board may be set at any
6 regular meeting or may be called by the chairman. A majority of the qualified members of the
7 State Board shall constitute a quorum for the transaction of business."

8 **SECTION 263.** G.S. 115D-25.3 reads as rewritten:

9 **"§ 115D-25.3. Voluntary shared leave.**

10 The State Board of Community Colleges, in cooperation with the ~~State Board of Education~~
11 Superintendent of Public Instruction, and the State Personnel Commission, shall adopt rules
12 and policies to allow any employee at a community college to share leave voluntarily with an
13 immediate family member who is an employee of a community college, public school, or State
14 agency; and with a coworker's immediate family member who is an employee of a community
15 college, public school, or State agency. For the purposes of this section, the term "immediate
16 family member" means a spouse, parent, child, brother, sister, grandparent, or grandchild. The
17 term includes the step, half, and in-law relationships. The term "coworker" means that the
18 employee donating the leave is employed by the same agency, department, institution,
19 university, local school administrative unit, or community college as the employee whose
20 immediate family member is receiving the leave."

21 **SECTION 264.** G.S. 116-9 reads as rewritten:

22 **"§ 116-9. Meetings of Board of Governors.**

23 The Board of Governors shall meet at stated times established by the Board, but not less
24 frequently than six times a year. The Board of Governors shall also meet with the
25 Superintendent of Public Instruction, the State Board of Education and the State Board of
26 Community Colleges at least once a year to discuss educational matters of mutual interest and
27 to recommend to the General Assembly such policies as are appropriate to encourage the
28 improvement of public education at every level in this State; these joint meetings shall be
29 hosted by the three Boards according to the schedule set out in G.S. 115C-11(b1). A quorum
30 for the conduct of business shall consist of a majority of the members."

31 **SECTION 265.** G.S. 116-11 reads as rewritten:

32 **"§ 116-11. Powers and duties generally.**

33 The powers and duties of the Board of Governors shall include the following:

34 ...

35 (10a) The Board of Governors, the State Board of Community Colleges, and the
36 ~~State Board of Education~~, Department of Public Instruction, in consultation
37 with private higher education institutions defined in G.S. 116-22(1), shall
38 plan a system to provide an exchange of information among the public
39 schools and institutions of higher education to be implemented no later than
40 June 30, 1995. As used in this section, "institutions of higher education"
41 shall mean public higher education institutions defined in
42 G.S. 116-143.1(a)(3), and those private higher education institutions defined
43 in G.S. 116-22(1) that choose to participate in the information exchange. The
44 information shall include:

- 45 a. The number of high school graduates who apply to, are admitted to,
46 and enroll in institutions of higher education;
- 47 b. College performance of high school graduates for the year
48 immediately following high school graduation including each
49 student's: need for remedial coursework at the institution of higher
50 education that the student attends; performance in standard freshmen

1 courses; and continued enrollment in a subsequent year in the same
2 or another institution of higher education in the State;

3 c. The progress of students from one institution of higher education to
4 another; and

5 d. Consistent and uniform public school course information including
6 course code, name, and description.

7 The Department of Public Instruction shall generate and the local school
8 administrative units shall use standardized transcripts in an automated
9 format for applicants to higher education institutions. The standardized
10 transcript shall include grade point average, class rank, end-of-course test
11 scores, and uniform course information including course code, name, units
12 earned toward graduation, and credits earned for admission from an
13 institution of higher education. The grade point average and class rank shall
14 be calculated by a standard method to be devised by the institutions of
15 higher education.

16 The Board of Governors shall coordinate a joint progress report on the
17 implementation of the system to provide an exchange of information among
18 the public and independent colleges and universities, the community
19 colleges, and the public schools. The report shall be made to the Joint
20 Legislative Education Oversight Committee no later than February 15, 1993,
21 and annually thereafter.

22 ...

23 (12a) The Board of Governors of The University of North Carolina shall
24 implement, administer, and revise programs for meaningful professional
25 development for professional public school employees based upon the
26 evaluations and recommendations made by the ~~State Board of Education~~
27 Department of Public Instruction under G.S. 115C-12(26). The programs
28 shall be aligned with State education goals and directed toward improving
29 student academic achievement. The Board of Governors shall submit to the
30 State Board of Education an annual report evaluating the professional
31 development programs administered by the Board of Governors.

32 ...

33 (12d) The Board of Governors shall provide a comprehensive annual report on
34 teacher education efforts at The University of North Carolina. The report
35 shall include information about teacher education and recruitment, 2+2
36 initiatives, distance education programs focused on teacher education, and
37 professional development programs for teachers and school administrators.
38 The teacher education report shall be due on April 15 of each year to the
39 Joint Legislative Education Oversight Committee and the ~~State Board of~~
40 Education Superintendent of Public Instruction.

41"

42 **SECTION 266.** G.S. 116-11.2 reads as rewritten:

43 **"§ 116-11.2. Duties regarding programs in education administration.**

44 The Board of Governors shall direct the constituent institutions with programs in education
45 administration to revise the programs to reflect any increased standards required for programs
46 approved by the ~~State Board of Education, Superintendent of Public Instruction~~ including new
47 requirements for school-based leadership in the public schools. The Board of Governors shall
48 monitor the programs and devise an assessment plan for all programs leading to certification in
49 education administration."

50 **SECTION 267.** G.S. 116-38 reads as rewritten:

51 **"§ 116-38. Child development research and demonstration center.**

1 (a) The Chapel Hill City Board of Education is authorized to enter into long-term
2 agreements and contracts with the University of North Carolina for the purpose of providing for
3 the establishment and operation of a child development research and demonstration center. The
4 Board is additionally authorized to lease or transfer title to real and personal property, including
5 buildings and equipment, with or without compensation, to the University for this purpose.

6 (b) If an elementary school meeting the requirements for accreditation established by
7 the ~~State Board of Education~~ Superintendent of Public Instruction is operated in conjunction
8 with the center such school shall receive financial support through the Chapel Hill City Board
9 of Education from State, county, and administrative unit sources on the same basis as the other
10 elementary schools in the Chapel Hill city administrative unit.

11 (c) All personnel of the center whose salaries are paid in whole or part from funds
12 administered by the ~~State Board of Education~~ Superintendent of Public Instruction or the Chapel
13 Hill City Board of Education, from whatever sources derived, shall be employed only upon the
14 mutual concurrence of the superintendent of the Chapel Hill city administrative unit and the
15 director of the center."

16 **SECTION 268.** G.S. 116-66 reads as rewritten:

17 **"§ 116-66. Powers of various boards.**

18 The Board of Governors of the University of North Carolina and the Board of Trustees of
19 the school shall be advised and assisted by the ~~State Board of Education~~ Department of Public
20 Instruction. Entrance requirements shall be prescribed so that the professional training offered
21 shall be available only to those students who possess exceptional talent in the performing arts.
22 In developing curricula the school shall utilize, pursuant to agreement with institutions of
23 higher education or with any local administrative school unit, existing facilities and such
24 academic nonarts courses and programs of instruction as may be needed by the students of the
25 school, and, in the discretion of the Board of Governors, personnel may be employed jointly
26 with any such institution or unit on a cooperative, cost-sharing basis. Curricula below the
27 collegiate level shall be developed with the advice and approval of the ~~State Board of~~
28 Education Superintendent of Public Instruction. The school shall confer and cooperate with the
29 Southern Regional Education Board and with other regional and national organizations to
30 obtain wide support and to establish the school as the center in the South for the professional
31 training and performance of artists. The chancellor of the school shall preferably be a noted
32 composer or dramatist."

33 **SECTION 269.** G.S. 116-73 reads as rewritten:

34 **"§ 116-73. Joint committee for administration of fund; rules and regulations.**

35 "The Scholarship Loan Fund for Prospective College Teachers" shall be the responsibility
36 of the Board of Governors of the University of North Carolina and the ~~State Board of~~
37 Education Superintendent of Public Instruction and will be administered by them through a
38 joint committee, "The College Scholarship Loan Committee." This Committee will operate
39 under the following rules and regulations and under such further rules and regulations as the
40 Board of Governors of the University of North Carolina and the ~~State Board of Education~~
41 Superintendent of Public Instruction shall jointly promulgate.

42 (1) The nomination of applicants and recommendations of renewals shall be the
43 responsibility of the College Scholarship Loan Committee.

44 (2) Loans should be made for a single academic year (nine months) with
45 renewal possible for two successive years for students successfully pursuing
46 masters or doctoral programs. Loans shall not exceed two thousand dollars
47 (\$2,000) for single students and three thousand dollars (\$3,000) for married
48 students.

49 (3) All scholarship loans shall be evidenced by notes, with sufficient sureties,
50 made payable to the ~~State Board of Education~~ Department of Public
51 Instruction, and shall bear interest at the rate of four percent (4%) per annum

1 from and after September 1 following the awarding of the candidate's
2 degree.

3 (4) Recipients of loans may have them repaid by teaching in a college or other
4 educational institution beyond the high school level in North Carolina upon
5 completion of their masters or doctorate degree program, at the rate of one
6 hundred dollars (\$100.00) per month for each month of such teaching. If a
7 student supported by a loan in this program should fail to so teach in a North
8 Carolina institution, the loan would become repayable to the State, with
9 interest, for that part of the teaching commitment not met, said note to be
10 repaid according to the terms thereof.

11 (5) Loans for 12 weeks of summer study, carrying stipends not to exceed five
12 hundred dollars (\$500.00) for single and married students, should be
13 available to students who do not plan to attend postgraduate school as
14 full-time students during the regular academic year. Recipients should be
15 eligible for up to three renewals over a four-year period. The obligation to
16 teach in a North Carolina college or other educational institution, or failing
17 that, to repay the State, shall apply proportionally as indicated above."

18 **SECTION 270.** G.S. 116-209.33(b) reads as rewritten:

19 "(b) The State Education Assistance Authority, in consultation with the ~~State Board of~~
20 ~~Education, Superintendent of Public Instruction,~~ shall develop criteria for awarding scholarship
21 loans from the Fund. These criteria shall include:

22 (1) Measures of academic performance including grade point averages, scores
23 on standardized tests, class rank, and recommendations of guidance
24 counselors and principals.

25 (2) North Carolina residency. – For purposes of this section, residency shall be
26 determined by the same standard as residency for tuition purposes pursuant
27 to G.S. 116-143.1.

28 (3) The geographic areas or subjects of instruction in which the demand for
29 teachers is greatest.

30 (4) To the extent practical, an equal number of scholarships shall be awarded in
31 each of the State's Congressional Districts.

32 (5) Any additional criteria that the State Education Assistance Authority
33 considers necessary to administer the Fund effectively, including the
34 following:

35 a. Consideration of the appropriate numbers of minority applicants and
36 applicants from diverse socioeconomic backgrounds to receive
37 scholarships pursuant to this section.

38 b. Consideration of the commitment an individual applying to receive
39 funds demonstrates to the profession of teaching."

40 **SECTION 271.** G.S. 116-209.34(b) reads as rewritten:

41 "(b) The State Education Assistance Authority, in consultation with the ~~State Board of~~
42 ~~Education, Superintendent of Public Instruction,~~ shall adopt rules to implement
43 G.S. 116-209.33, 116-209.34, and 116-209.35."

44 **SECTION 272.** G.S. 116-209.35 reads as rewritten:

45 **"§ 116-209.35. Teacher Assistant Scholarship Fund.**

46 (a) There is established the Teacher Assistant Scholarship Fund. The purpose of the
47 Fund is to provide scholarships to teacher assistants who are pursuing college degrees to
48 become teachers. The State Education Assistance Authority shall administer the Fund.

49 (b) Criteria for awarding the scholarships shall be developed by the Board of Governors
50 of The University of North Carolina in consultation with the ~~State Board of Education~~

1 Superintendent of Public Instruction and the State Board of Community Colleges and shall
2 include all of the following:

- 3 (1) An applicant shall be employed full time as a teacher assistant in North
4 Carolina.
5 (2) An applicant shall be enrolled in an accredited institution of higher
6 education in North Carolina pursuing teacher licensure.
7 (3) An applicant shall be a resident of North Carolina. For purposes of this
8 section, residency shall be determined by the same standard as residency for
9 tuition purposes pursuant to G.S. 116-143.1.
10 (4) Any additional criteria that the Board of Governors considers necessary to
11 administer the Fund effectively, including all of the following:
12 a. Consideration of the appropriate numbers of minority applicants and
13 applicants from diverse socioeconomic backgrounds to receive
14 scholarships pursuant to this section.
15 b. Consideration of the academic qualifications of the individuals
16 applying to receive funds.
17 c. Consideration of the commitment an individual applying to receive
18 funds demonstrates to the profession of teaching.

19 (c) The scholarships shall be available for part-time or full-time course work through all
20 off-campus or distance education teacher education programs.

21 (d) The Board of Governors of The University of North Carolina, ~~the State Board of~~
22 ~~Education, Superintendent of Public Instruction~~, and the State Board of Community Colleges
23 shall: (i) prepare a clear written explanation of the Teacher Assistant Scholarship Fund and the
24 information regarding the availability and criteria for awarding the scholarships, and (ii) shall
25 provide that information to the appropriate counselors in each local school system and shall
26 charge those counselors to inform teacher assistants about the scholarships and to encourage
27 teacher assistants to apply for the scholarships.

28 (e) The Board of Governors of The University of North Carolina shall adopt rules to
29 implement this section.

30 (f) The Board of Governors of The University of North Carolina shall report to the
31 Joint Legislative Education Oversight Committee by December 1 each year regarding the Fund
32 and scholarships awarded from the Fund."

33 **SECTION 273.** G.S. 116-209.52(a1) reads as rewritten:

34 "(a1) Business or Trade School. – Any school within the State of North Carolina which is
35 licensed by the ~~State Board of Education~~ Superintendent of Public Instruction and listed by that
36 Board as an approved private business school or an approved private trade school."

37 **SECTION 274.** G.S. 116C-2 reads as rewritten:

38 **"§ 116C-2. State Education Commission.**

39 The State Education Commission shall consist of the Board of Governors of The University
40 of North Carolina, the State Community College Board, ~~the Superintendent of Public~~
41 ~~Instruction~~, and the State Board of Education. The Governor shall call the meetings of the State
42 Education Commission.

43 The Commission shall be a forum for airing proposals and engaging in board-to-board
44 dialogue about issues the Education Cabinet is addressing. The agenda for Commission
45 meetings shall be set by the Education Cabinet."

46 **SECTION 275.** G.S. 120-30.9G reads as rewritten:

47 **"§ 120-30.9G. School Administrative Units; ~~State Board of Education; Superintendent of~~**
48 **Public Instruction; Local Boards of Education Attorney.**

49 (a) ~~The State Board of Education~~ Superintendent of Public Instruction shall submit to
50 the Attorney General of the United States within 30 days any rules, policies, procedures, or
51 actions taken pursuant to G.S. 115C-64.4 which could result in the appointment of a caretaker

1 administrator or board to perform any of the powers and duties of a local board of education
2 where that school administrative unit is covered by the Voting Rights Act of 1965.

3 (b) The attorney for any local board of education where that school administrative unit
4 is covered by the Voting Rights Act of 1965 shall submit to the Attorney General of the United
5 States within 30 days:

6 (1) Of the time they become laws, any local acts of the General Assembly; and

7 (2) Of adoption actions of the local boards of education which constitutes a
8 "change affecting voting" under Section 5 of the Voting Rights Act of 1965
9 in that school administrative unit. If the change affecting voting is a merger
10 of two or more school administrative units, the change shall be submitted
11 jointly by the attorneys of the school administrative units involved, or by one
12 of them by agreement of the attorneys involved."

13 **SECTION 276.** G.S. 121-4(5) reads as rewritten:

14 **"§ 121-4. Powers and duties of the Department of Cultural Resources.**

15 The Department of Cultural Resources shall have the following powers and duties:

16 ...

17 (5) With the cooperation of ~~the State Board of Education and~~ the Department of
18 Public Instruction to develop, conduct, and assist in the coordination of a
19 program for the better and more adequate teaching of State and local history
20 in the public schools and the institutions of the community college system of
21 North Carolina, including, as appropriate, the preparation and publication of
22 suitable histories of all counties and of other appropriate materials, the
23 distribution of such materials to the public schools and community college
24 system for a reasonable charge, and the coordination of this program
25 throughout the State."

26 **SECTION 277.** G.S. 122C-113(b1) reads as rewritten:

27 "(b1) The Secretary shall cooperate with the ~~State Board of Education~~ Department of
28 Public Instruction and the Department of Juvenile Justice and Delinquency Prevention in
29 coordinating the responsibilities of the Department of Health and Human Services, ~~the State~~
30 ~~Board of Education,~~ the Department of Public Instruction, the Department of Juvenile Justice
31 and Delinquency Prevention, and the Department of Public Instruction for adolescent substance
32 abuse programs. The Department of Health and Human Services, through its Division of
33 Mental Health, Developmental Disabilities, and Substance Abuse Services, in cooperation with
34 the Department of Juvenile Justice and Delinquency Prevention, shall be responsible for
35 intervention and treatment in non-school based programs. The ~~State Board of Education and the~~
36 Department of Public Instruction, in consultation with the Department of Juvenile Justice and
37 Delinquency Prevention, shall have primary responsibility for in-school education,
38 identification, and intervention services, including student assistance programs."

39 **SECTION 278.** G.S. 126-4(7) reads as rewritten:

40 **"§ 126-4. Powers and duties of State Personnel Commission.**

41 Subject to the approval of the Governor, the State Personnel Commission shall establish
42 policies and rules governing each of the following:

43 ...

44 (7) Cooperation with ~~the State Board of Education,~~ the Department of Public
45 Instruction, the University of North Carolina, and the Community Colleges
46 of the State and other appropriate resources in developing programs in,
47 including but not limited to, management and supervisory skills,
48 performance evaluation, specialized employee skills, accident prevention,
49 equal employment opportunity awareness, and customer service; and to
50 maintain an accredited Certified Public Manager program."

51 **SECTION 279.** G.S. 126-5(d) reads as rewritten:

1 "(d)

2 ...
3 (2) Exempt Positions in Council of State Departments and Offices. – The
4 Secretary of State, the Auditor, the Treasurer, the Superintendent of Public
5 Instruction, the Attorney General, the Commissioner of Agriculture, the
6 Commissioner of Insurance, and the Labor Commissioner may designate
7 exempt positions. ~~The State Board of Education may designate exempt~~
8 ~~positions in the Department of Public Instruction.~~The number of exempt
9 policymaking positions in each department headed by an elected department
10 head listed above in this sub-subdivision shall be limited to 20 exempt
11 policymaking positions or one percent (1%) of the total number of full-time
12 positions in the department, whichever is greater. The number of exempt
13 managerial positions shall be limited to 20 positions or one percent (1%) of
14 the total number of full-time positions in the department, whichever is
15 greater.

16 (2a) Designation of Additional Positions. – ~~The Governor, Governor or~~ elected
17 department head, ~~or State Board of Education head~~ may request that
18 additional positions be designated as exempt. The request shall be made by
19 sending a list of exempt positions that exceed the limit imposed by this
20 subsection to the Speaker of the North Carolina House of Representatives
21 and the President of the North Carolina Senate. A copy of the list also shall
22 be sent to the State Personnel Director. The General Assembly may
23 authorize all, or part of, the additional positions to be designated as exempt
24 positions. If the General Assembly is in session when the list is submitted
25 and does not act within 30 days after the list is submitted, the list shall be
26 deemed approved by the General Assembly, and the positions shall be
27 designated as exempt positions. If the General Assembly is not in session
28 when the list is submitted, the 30-day period shall not begin to run until the
29 next date that the General Assembly convenes or reconvenes, other than for
30 a special session called for a specific purpose not involving the approval of
31 the list of additional positions to be designated as exempt positions; the
32 policymaking positions shall not be designated as exempt during the interim.

33 ...
34 (4) Vacancies. – In the event of a vacancy in the Office of Governor or in the
35 office of a member of the Council of State, the person who succeeds to or is
36 appointed or elected to fill the unexpired term shall make such designations
37 in a letter to the State Personnel Director, the Speaker of the House of
38 Representatives, and the President of the Senate within 120 days after the
39 oath of office is administered to that person. ~~In the event of a vacancy in the~~
40 ~~Office of Governor, the State Board of Education shall make these~~
41 ~~designations in a letter to the State Personnel Director, the Speaker of the~~
42 ~~House of Representatives, and the President of the Senate within 120 days~~
43 ~~after the oath of office is administered to the Governor.~~

44 (5) Creation, Transfer, or Reorganization. – ~~The Governor, Governor or~~ elected
45 department head, ~~or State Board of Education head~~ may designate as exempt
46 a position that is created or transferred to a different department, or is
47 located in a department in which reorganization has occurred, after May 1 of
48 the year in which the oath of office is administered to the Governor. The
49 designation must be made in a letter to the State Personnel Director, the
50 Speaker of the North Carolina House of Representatives, and the President

1 of the North Carolina Senate within 120 days after such position is created,
2 transferred, or in which reorganization has occurred.

3"

4 **SECTION 280.** G.S. 126-8.3 reads as rewritten:

5 **"§ 126-8.3. Voluntary shared leave.**

6 (a) The State Personnel Commission, in cooperation with the State Board of
7 Community Colleges and the ~~State Board of Education~~, Superintendent of Public Instruction,
8 shall adopt rules and policies to allow any employee at a State agency to share leave voluntarily
9 with an immediate family member who is an employee of a State agency, community college,
10 or public school; and with a coworker's immediate family member who is an employee of a
11 State agency, community college, or public school. For the purposes of this section, the term
12 "immediate family member" means a spouse, parent, child, brother, sister, grandparent, or
13 grandchild. The term includes the step, half, and in-law relationships. The term "coworker"
14 means that the employee donating the leave is employed by the same agency, department,
15 institution, university, local school administrative unit, or community college as the employee
16 whose immediate family member is receiving the leave.

17 (b) The State Personnel Commission shall adopt rules and policies for the voluntary
18 shared leave program to allow an employee at a State agency to donate sick leave to a
19 nonfamily member employee of a State agency. A donor of sick leave to a nonfamily member
20 recipient shall not donate more than five days of sick leave per year to any one nonfamily
21 member recipient. The combined total of sick leave donated to a recipient from nonfamily
22 member donors shall not exceed 20 days per year. Donated sick leave shall not be used for
23 retirement purposes, and employees who donate sick leave shall be notified in writing of the
24 State retirement credit consequences of donating sick leave.

25 (c) The State Personnel Commission, the ~~State Board of Education~~, Department of
26 Public Instruction, and the State Board of Community Colleges shall annually report on the
27 voluntary shared leave program. For the prior fiscal year, the report shall include the total
28 number of days or hours of vacation leave and sick leave donated and used by voluntary shared
29 leave recipients and the total cost of the vacation leave and sick leave donated and used. The
30 State Personnel Commission, the ~~State Board of Education~~, Department of Public Instruction,
31 and the State Board of Community Colleges shall provide a report for each fiscal year as
32 required by this section to the Joint Legislative Commission on Governmental Operations and
33 to the Fiscal Research Division on or before October 15 each year."

34 **SECTION 281.** G.S. 130A-236 reads as rewritten:

35 **"§ 130A-236. Regulation of sanitation in schools.**

36 For the protection of the public health, the Commission shall adopt rules to establish
37 sanitation requirements for public, private and religious schools. The rules shall address, but
38 not be limited to, the cleanliness of floors, walls, ceilings, storage spaces and other areas;
39 adequacy of lighting, ventilation, water supply, toilet and lavatory facilities; sewage collection,
40 treatment and disposal facilities; and solid waste disposal. The Department shall inspect
41 schools at least annually. The Department shall submit written inspection reports of public
42 schools to the ~~State Board of Education~~ Department of Public Instruction and written inspection
43 reports of private and religious schools to the Department of Administration."

44 **SECTION 282.** G.S. 135-1(11) reads as rewritten:

45 **"§ 135-1. Definitions.**

46 The following words and phrases as used in this Chapter, unless a different meaning is
47 plainly required by the context, shall have the following meanings:

48 ...

- 49 (11) "Employer" shall mean the State of North Carolina, the county board of
50 education, the city board of education, the ~~State Board of Education~~,
51 Department of Public Instruction, the board of trustees of the University of

1 North Carolina, the board of trustees of other institutions and agencies
2 supported and under the control of the State, or any other agency of and
3 within the State by which a teacher or other employee is paid."

4 **SECTION 283.** G.S. 135-5.3(b) reads as rewritten:

5 "(b) No later than 30 days after both parties have signed the written charter under
6 G.S. 115C-238.29E, the board of directors of a charter school operated by a private nonprofit
7 corporation shall elect whether to become a participating employer in the Retirement System in
8 accordance with this Article. This election shall be in writing and filed with the Retirement
9 System and with the ~~State Board of Education~~ Department of Public Instruction and is effective
10 for each charter school employee as of the date of that employee's entry into eligible service.
11 This subsection applies to charter schools that receive ~~State Board of Education~~ Department of
12 Public Instruction approval under G.S. 115C-238.29D after 1998."

13 **SECTION 284.** G.S. 135-45.5(b) reads as rewritten:

14 "(b) No later than 30 days after both parties have signed the written charter under
15 G.S. 115C-238.29E, the board of directors of a charter school operated by a private nonprofit
16 corporation shall elect whether to become a participating employer in the Plan in accordance
17 with this Article. This election shall be in writing and filed with the Executive Administrator,
18 the Board of Trustees, and the ~~State Board of Education~~ Department of Public Instruction. This
19 election is effective for each charter school employee as of the date of that employee's entry
20 into eligible service. This subsection applies to charter schools that receive ~~State Board of~~
21 ~~Education~~ Department of Public Instruction approval under G.S. 115C-238.29D after 1998."

22 **SECTION 285.** G.S. 138A-24(a)(4) reads as rewritten:

23 **"§ 138A-24. Contents of statement.**

24 (a) Any statement of economic interest filed under this Article shall be on a form
25 prescribed by the Commission. Answers must be provided to all questions. The form shall
26 include the following information about the filing person and the filing person's immediate
27 family:

28 ...

29 (14) A statement indicating "Yes" or "No" as to whether the filing person
30 engaged in each of the following activities during the preceding calendar
31 year, with respect to or on the behalf of the candidate or candidate campaign
32 committee of the covered person as defined in G.S. 138A-3(30)a. appointing
33 the filing person: (i) collected contributions from multiple contributors, took
34 possession of such multiple contributions, and transferred or delivered those
35 collected multiple contributions, (ii) hosted a fund-raiser in the filing
36 person's residence or place of business, or (iii) volunteered for
37 campaign-related activity. This subdivision only applies to filing persons in
38 the following categories:

- 39 a. A public servant, or a prospective appointee to, as defined in
40 G.S. 138A-3(30)c.
- 41 b. A judicial officer that serves on, or a prospective appointee to, the
42 Supreme Court, the Court of Appeals, the superior court, or the
43 district court.
- 44 c. A covered person serving on, or a prospective appointee to, one of
45 the following boards:
- 46 1. Alcoholic Beverage Control Commission.
 - 47 2. Coastal Resources Commission.
 - 48 3. ~~State Board of Education~~.
 - 49 4. State Board of Elections.
 - 50 5. Employment Security Commission.
 - 51 6. Environmental Management Commission.

7. Industrial Commission.
8. State Personnel Commission.
9. Rules Review Commission.
10. Board of Transportation.
11. Board of Governors of the University of North Carolina.
12. Utilities Commission."

SECTION 286. G.S. 143-291(a) reads as rewritten:

"(a) The North Carolina Industrial Commission is hereby constituted a court for the purpose of hearing and passing upon tort claims against the ~~State Board of Education, Superintendent of Public Instruction,~~ the Board of Transportation, and all other departments, institutions and agencies of the State. The Industrial Commission shall determine whether or not each individual claim arose as a result of the negligence of any officer, employee, involuntary servant or agent of the State while acting within the scope of his office, employment, service, agency or authority, under circumstances where the State of North Carolina, if a private person, would be liable to the claimant in accordance with the laws of North Carolina. If the Commission finds that there was negligence on the part of an officer, employee, involuntary servant or agent of the State while acting within the scope of his office, employment, service, agency or authority that was the proximate cause of the injury and that there was no contributory negligence on the part of the claimant or the person in whose behalf the claim is asserted, the Commission shall determine the amount of damages that the claimant is entitled to be paid, including medical and other expenses, and by appropriate order direct the payment of damages as provided in subsection (a1) of this section, but in no event shall the amount of damages awarded exceed the amounts authorized in G.S. 143-299.2 cumulatively to all claimants on account of injury and damage to any one person arising out of a single occurrence. Community colleges and technical colleges shall be deemed State agencies for purposes of this Article. The fact that a claim may be brought under more than one Article under this Chapter shall not increase the foregoing maximum liability of the State."

SECTION 287. G.S. 143-300.1 reads as rewritten:

"§ 143-300.1. Claims against county and city boards of education for accidents involving school buses or school transportation service vehicles.

(a) The North Carolina Industrial Commission shall have jurisdiction to hear and determine tort claims against any county board of education or any city board of education, which claims arise as a result of any alleged mechanical defects or other defects which may affect the safe operation of a public school bus or school transportation service vehicle resulting from an alleged negligent act of maintenance personnel or as a result of any alleged negligent act or omission of the driver, transportation safety assistant, or monitor of a public school bus or school transportation service vehicle when:

- (1) The driver is an employee of the county or city administrative unit of which that board is the governing body, and the driver is paid or authorized to be paid by that administrative unit,
 - (1a) The monitor was appointed and acting in accordance with G.S. 115C-245(d),
 - (1b) The transportation safety assistant was employed and acting in accordance with G.S. 115C-245(e), or
- (2) The driver is an unpaid school bus driver trainee under the supervision of an authorized employee of the Department of Transportation, Division of Motor Vehicles, or an authorized employee of that board or a county or city administrative unit thereof,

and which driver was at the time of the alleged negligent act or omission operating a public school bus or school transportation service vehicle in accordance with G.S. 115C-242 in the course of his employment by or training for that administrative unit or board, which monitor was at the time of the alleged negligent act or omission acting as such in the course of serving

1 under G.S. 115C-245(d), or which transportation safety assistant was at the time of the alleged
2 negligent act or omission acting as such in the course of serving under G.S. 115C-245(e). The
3 liability of such county or city board of education, the defenses which may be asserted against
4 such claim by such board, the amount of damages which may be awarded to the claimant, and
5 the procedure for filing, hearing and determining such claim, the right of appeal from such
6 determination, the effect of such appeal, and the procedure for taking, hearing and determining
7 such appeal shall be the same in all respects as is provided in this Article with respect to tort
8 claims against the ~~State Board of Education~~ Superintendent of Public Instruction except as
9 hereinafter provided. Any claim filed against any county or city board of education pursuant to
10 this section shall state the name and address of such board, the name of the employee upon
11 whose alleged negligent act or omission the claim is based, and all other information required
12 by G.S. 143-297 in the case of a claim against the Superintendent of Public Instruction. ~~State~~
13 ~~Board of Education~~. Immediately upon the docketing of a claim, the Industrial Commission
14 shall forward one copy of the plaintiff's affidavit to the superintendent of the schools of the
15 county or city administrative unit against the governing board of which such claim is made, one
16 copy of the plaintiff's affidavit to the ~~State Board of Education~~ Superintendent of Public
17 Instruction and one copy of the plaintiff's affidavit to the office of the Attorney General of
18 North Carolina. All notices with respect to tort claims against any such county or city board of
19 education shall be given to the superintendent of schools of the county or city administrative
20 unit of which such board is a governing board, to the ~~State Board of Education~~ Superintendent
21 of Public Instruction and also to the office of the Attorney General of North Carolina.

22 (b) The Attorney General shall be charged with the duty of representing the city or
23 county board of education in connection with claims asserted against them pursuant to this
24 section where the amount of the claim, in the opinion of the Attorney General, is of sufficient
25 import to require and justify such appearance.

26 (c) In the event that the Industrial Commission awards damages against any county or
27 city board of education under this section, the Attorney General shall draw a voucher for the
28 amount required to pay the award. The funds necessary to cover the first one hundred fifty
29 thousand dollars (\$150,000) of liability per claim for claims against county and city boards of
30 education for accidents involving school buses and school transportation service vehicles shall
31 be made available from funds appropriated to the ~~State Board of Education~~ Department of
32 Public Instruction. The balance of any liability owed shall be paid in accordance with
33 G.S. 143-299.4. Neither the county or city boards of education, or the county or city
34 administrative unit shall be liable for the payment of any award made pursuant to the
35 provisions of this section in excess of the amount paid upon a voucher by the Attorney General.
36 Settlement and payment may be made by the Attorney General as provided in G.S. 143-295.

37 (d) Except as otherwise provided in this subsection, the Attorney General may, upon the
38 request of an employee or former employee, defend any civil action brought against the driver,
39 transportation safety assistant, or monitor of a public school bus or school transportation
40 service vehicle or school bus maintenance mechanic when the driver or mechanic is employed
41 and paid by the local school administrative unit, when the monitor is acting in accordance with
42 G.S. 115C-245(d), when the transportation safety assistant is acting in accordance with
43 G.S. 115C-245(e), or when the driver is an unpaid school bus driver trainee under the
44 supervision of an authorized employee of the Department of Transportation, Division of Motor
45 Vehicles, or an authorized employee of a county or city board of education or administrative
46 unit. The Attorney General may afford this defense through the use of a member of his staff or,
47 in his discretion, employ private counsel. The Attorney General is authorized to pay any
48 judgment rendered in the civil action not to exceed the limit provided under the Tort Claims
49 Act. The funds necessary to cover the first one hundred fifty thousand dollars (\$150,000) of
50 liability per claim shall be made available from funds appropriated to the ~~State Board of~~
51 ~~Education~~ Department of Public Instruction. The balance of any liability owed shall be paid in

1 accordance with G.S. 143-299.4. The Attorney General may compromise and settle any claim
2 covered by this section to the extent that he finds the same to be valid, up to the limit provided
3 in the Tort Claims Act, provided that the authority granted in this subsection shall be limited to
4 only those claims that would be within the jurisdiction of the Industrial Commission under the
5 Tort Claims Act.

6 The Attorney General shall refuse to provide for the defense of a civil action or proceeding
7 brought against an employee or former employee if the Attorney General determines that:

- 8 (1) The act or omission was not within the scope and course of his employment
9 as a State employee; or
- 10 (2) The employee or former employee acted or failed to act because of actual
11 fraud, corruption, or actual malice on his part; or
- 12 (3) Defense of the action or proceeding by the State would create a conflict of
13 interest between the State and the employee or former employee; or
- 14 (4) Defense of the action or proceeding would not be in the best interests of the
15 State."

16 **SECTION 288.** G.S. 143-300.16(a) reads as rewritten:

17 "(a) Any final judgment awarded against an employee in an action that meets the
18 requirements of G.S. 143-300.14, or any amount payable under a settlement of the action, shall
19 be paid the State. The first one hundred fifty thousand dollars(\$150,000) of liability shall be
20 paid from funds appropriated to the ~~State Board of Education~~ Department of Public Instruction
21 for the payment of State Tort Claims. The balance of any payment owed shall be paid in
22 accordance with G.S. 143-299.4. No payment shall be made from either funds appropriated to
23 the ~~State Board of Education~~ Department of Public Instruction or funds transferred from State
24 agencies under G.S. 143-299.4 for any judgment for punitive damages. Nothing in this section
25 shall be deemed to waive the sovereign immunity of the State with respect to a claim covered
26 under this section or authorize the payment of any judgment or settlement against a public
27 school employee in excess of the limit provided in the Tort Claims Act."

28 **SECTION 289.** G.S. 143B-146.1(b) reads as rewritten:

29 "(b) The following definitions apply in this Part:

- 30 (1) ABC's Program or Program. – The School-Based Management and
31 Accountability Program developed by the State Board.
- 32 (2) Department. – The Department of Health and Human Services.
- 33 (3) Instructional personnel. – Assistant principals, teachers, instructional
34 personnel, instructional support personnel, and teacher assistants employed
35 in a residential school.
- 36 (4) Participating school. – A residential school that is required to participate in
37 the ABC's Program.
- 38 (5) Residential school personnel. – The individuals included in
39 G.S. 143B-146.16(a)(2).
- 40 (6) Schools. – The residential schools under the control of the Secretary.
- 41 (7) Secretary. – The Secretary of Health and Human Services.
- 42 (8) ~~State Board.~~ ~~The State Board of Education.~~
- 43 (9) Superintendent. – The Superintendent of the Office of Education Services of
44 the Department of Health and Human Services."

45 **SECTION 290.** G.S. 143B-146.2 reads as rewritten:

46 **"§ 143B-146.2. ABC's Program in residential schools.**

47 (a) The Governor Morehead School and the schools for the deaf shall participate in the
48 ABC's Program. The Secretary, in consultation with the General Assembly and the ~~State Board,~~
49 Department of Public Instruction, may designate other residential schools that must participate
50 in the ABC's Program. The primary goal of the ABC's Program is to improve student
51 performance. The Program is based upon an accountability, recognition, assistance, and

1 intervention process in order to hold each participating school, its principal, and the
2 instructional personnel accountable for improved student performance in that school.

3 (b) In order to support the participating schools in the implementation of this Program,
4 the ~~State Board, Department of Public Instruction,~~ in consultation with the Secretary, shall
5 adopt guidelines, including guidelines to:

6 (1) Assist the Secretary and the participating schools in the development and
7 implementation of the ABC's Program.

8 (2) Recognize the participating schools that meet or exceed their goals.

9 (3) Identify participating schools that are low-performing and assign assistance
10 teams to those schools. The assistance teams should include individuals with
11 expertise in residential schools, individuals with experience in the education
12 of children with disabilities, and others the ~~State Board, Department of~~
13 Public Instruction, in consultation with the Secretary, considers appropriate.

14 (4) Enable assistance teams to make appropriate recommendations.

15 (c) The ABC's Program shall provide increased decision making and parental
16 involvement at the school level with the goal of improving student performance.

17 (d) Consistent with improving student performance, the Secretary shall provide
18 maximum flexibility to participating schools in the use of funds to enable those schools to
19 accomplish their goals."

20 **SECTION 291.** G.S. 143B-146.3 reads as rewritten:

21 "**§ 143B-146.3. Annual performance goals.**

22 The ABC's Program shall (i) focus on student performance in the basics of reading,
23 mathematics, and communications skills in elementary and middle schools, (ii) focus on
24 student performance in courses required for graduation and on other measures required by the
25 ~~State Board Superintendent of Public Instruction~~ in the high schools, and (iii) hold participating
26 schools accountable for the educational growth of their students. To those ends, the ~~State Board~~
27 Superintendent of Public Instruction shall design and implement an accountability system that
28 sets annual performance standards for each participating school in order to measure the growth
29 in performance of the students in each individual school."

30 **SECTION 292.** G.S. 143B-146.4 reads as rewritten:

31 "**§ 143B-146.4. Performance recognition.**

32 (a) The personnel in participating schools that achieve a level of expected growth
33 greater than one hundred percent (100%) at a level to be determined by the ~~State Board of~~
34 Education Superintendent of Public Instruction are eligible for financial awards in amounts set
35 by the ~~State Board Superintendent of Public Instruction.~~ Schools and personnel shall not be
36 required to apply for these awards. For the purpose of this section, "personnel" includes the
37 principal and the instructional personnel (i) serving students in one or more of the grades
38 kindergarten through 12 or (ii) assigned to a prekindergarten program that is located within the
39 participating school and is designed to prepare students for kindergarten at that school.

40 (b) The ~~State Board Superintendent of Public Instruction~~ shall establish a procedure to
41 allocate the funds for these awards. Funds shall become available for expenditure July 1 of each
42 fiscal year. Funds shall remain available until November 30 of the subsequent fiscal year for
43 expenditure for awards to personnel.

44 The Secretary is encouraged to make these awards to each eligible person no later than the
45 first regular teacher payroll following receipt of the funds, and shall make these awards to each
46 eligible person no later than the second regular teacher payroll following the receipt of the
47 funds."

48 **SECTION 293.** G.S. 143B-146.5 reads as rewritten:

49 "**§ 143B-146.5. Identification of low-performing schools.**

50 (a) The ~~State Board Superintendent of Public Instruction~~ shall design and implement a
51 procedure to identify low-performing schools on an annual basis. Low-performing schools are

1 those participating schools in which there is a failure to meet the minimum growth standards, as
2 defined by the ~~State Board, Superintendent of Public Instruction~~, and a majority of students are
3 performing below grade level.

4 (b) By July 10 of each year, the Secretary shall do a preliminary analysis of test results
5 to determine which participating schools the ~~State Board-Superintendent of Public Instruction~~
6 may identify as low-performing under this section. The Secretary then shall proceed under
7 G.S. 143B-146.7. In addition, within 30 days of the initial identification of a school as
8 low-performing by the Secretary or the ~~State Board, Superintendent of Public Instruction~~,
9 whichever occurs first, the Secretary shall develop a preliminary plan for addressing the needs
10 of that school. Before the Secretary adopts this plan, the Secretary shall make the plan available
11 to the residential school personnel and the parents and guardians of the students of the school,
12 and shall allow for written comments. Within five days of adopting the plan, the Secretary shall
13 submit the plan to the ~~State Board, Superintendent of Public Instruction~~. The ~~State Board~~
14 ~~Superintendent of Public Instruction~~ shall review the plan expeditiously and, if appropriate,
15 may offer recommendations to modify the plan. The Secretary shall consider any
16 recommendations made by the ~~State Board, Superintendent of Public Instruction~~.

17 (c) Each identified low-performing school shall provide written notification to the
18 parents of students attending that school. The written notification shall include a statement that
19 the ~~State Board of Education-Superintendent of Public Instruction~~ has found that the school has
20 "failed to meet the minimum growth standards, as defined by the ~~State Board, Superintendent of~~
21 ~~Public Instruction~~ and a majority of students in the school are performing below grade level."
22 This notification also shall include a description of the steps the school is taking to improve
23 student performance."

24 **SECTION 294.** G.S. 143B-146.6 reads as rewritten:

25 "**§ 143B-146.6. Assistance teams; review by ~~State Board, Superintendent of Public~~**
26 **Instruction.**

27 (a) The ~~State Board-Superintendent of Public Instruction~~ may assign an assistance team
28 to any school identified as low-performing under this Part or to any other school that the ~~State~~
29 ~~Board-Superintendent of Public Instruction~~ determines would benefit from an assistance team.
30 The ~~State Board-Superintendent of Public Instruction~~ shall give priority to low-performing
31 schools in which the educational performance of the students is declining. The Department
32 shall, with the approval of the Secretary, provide staff as needed and requested by an assistance
33 team.

34 (b) When assigned to an identified low-performing school, an assistance team shall:

- 35 (1) Review and investigate all facets of school operations, including
36 instructional and residential, and assist in developing recommendations for
37 improving student performance at that school.
- 38 (2) Evaluate at least semiannually the principal and instructional personnel
39 assigned to the school and make findings and recommendations concerning
40 their performance.
- 41 (3) Collaborate with school staff, the Department, and the Secretary in the
42 design, implementation, and monitoring of a plan that, if fully implemented,
43 can reasonably be expected to alleviate problems and improve student
44 performance at that school.
- 45 (4) Make recommendations as the school develops and implements this plan.
- 46 (5) Review the school's progress.
- 47 (6) Report, as appropriate, to the Secretary, the ~~State Board, Superintendent of~~
48 ~~Public Instruction~~, and the parents on the school's progress. If an assistance
49 team determines that an accepted school improvement plan developed under
50 G.S. 143B-146.12 is impeding student performance at a school, the team

1 may recommend to the Secretary that he vacate the relevant portions of that
2 plan and direct the school to revise those portions.

3 (c) If a participating school fails to improve student performance after assistance is
4 provided under this section, the assistance team may recommend that the assistance continue or
5 that the Secretary take further action under G.S. 143B-146.7.

6 (d) The Secretary, in consultation with the ~~State Board~~, Superintendent of Public
7 Instruction, shall annually review the progress made in identified low-performing schools."

8 **SECTION 295.** G.S. 143B-146.7 reads as rewritten:

9 **"§ 143B-146.7. Consequences for personnel at low-performing schools.**

10 (a) Within 30 days of the initial identification of a school as low-performing, whether
11 by the Secretary under G.S. 143B-146.5(b) or by the ~~State Board~~ Superintendent of Public
12 Instruction under G.S. 143B-146.5(a), the Secretary shall take one of the following actions
13 concerning the school's principal: (i) decide whether the principal should be retained in the
14 same position, (ii) decide whether the principal should be retained in the same position and a
15 plan of remediation should be developed, (iii) decide whether the principal should be
16 transferred, or (iv) proceed under the State Personnel Act to dismiss or demote the principal.
17 The principal may be retained in the same position without a plan for remediation only if the
18 principal was in that position for no more than two years before the school is identified as
19 low-performing. The principal shall not be transferred to another position unless (i) it is in a
20 principal position in which the principal previously demonstrated at least two years of success,
21 (ii) there is a plan to evaluate and provide remediation to the principal for at least one year
22 following the transfer to assure the principal does not impede student performance at the school
23 to which the principal is being transferred; and (iii) the parents of the students at the school to
24 which the principal is being transferred are notified. The principal shall not be transferred to
25 another low-performing school. The Secretary may, at any time, proceed under the State
26 Personnel Act for the dismissal of any principal who is assigned to a low-performing school to
27 which an assistance team has been assigned. The Secretary shall proceed under the State
28 Personnel Act for the dismissal of any principal when the Secretary receives from the
29 assistance team assigned to that school two consecutive evaluations that include written
30 findings and recommendations regarding the principal's inadequate performance. The Secretary
31 shall order the dismissal of the principal if the Secretary determines from available information,
32 including the findings of the assistance team, that the low performance of the school is due to
33 the principal's inadequate performance. The Secretary may order the dismissal of the principal
34 if (i) the Secretary determines that the school has not made satisfactory improvement after the
35 ~~State Board~~ Superintendent of Public Instruction assigned an assistance team to that school;
36 and (ii) the assistance team makes the recommendation to dismiss the principal. The Secretary
37 may order the dismissal of a principal before the assistance team assigned to the principal's
38 school has evaluated that principal if the Secretary determines from other available information
39 that the low performance of the school is due to the principal's inadequate performance. The
40 burden of proof is on the principal to establish that the factors leading to the school's low
41 performance were not due to the principal's inadequate performance. The burden of proof is on
42 the Secretary to establish that the school failed to make satisfactory improvement after an
43 assistance team was assigned to the school. Two consecutive evaluations that include written
44 findings and recommendations regarding that person's inadequate performance from the
45 assistance team are substantial evidence of the inadequate performance of the principal. Within
46 15 days of the Secretary's decision concerning the principal, but no later than September 30, the
47 Secretary shall submit to the ~~State Board~~ Superintendent of Public Instruction a written notice
48 of the action taken and the basis for that action.

49 (b) At any time after the ~~State Board~~ Superintendent of Public Instruction identifies a
50 school as low-performing under this Part, the Secretary shall proceed under G.S. 115C-325(p1)
51 for the dismissal of certificated instructional personnel assigned to that school.

1 (c) At any time after the ~~State Board~~ Superintendent of Public Instruction identifies a
2 school as low-performing under this Part, the Secretary shall proceed under the State Personnel
3 Act for the dismissal of instructional personnel who are not certificated when the Secretary
4 receives two consecutive evaluations that include written findings and recommendations
5 regarding that person's inadequate performance from the assistance team. These findings and
6 recommendations shall be substantial evidence of the inadequate performance of the
7 instructional personnel. The Secretary may proceed under the State Personnel Act for the
8 dismissal of instructional personnel who are not certificated when: (i) the Secretary determines
9 that the school has failed to make satisfactory improvement after the ~~State Board~~
10 Superintendent of Public Instruction assigned an assistance team to that school; and (ii) that the
11 assistance team makes the recommendation to dismiss that person for a reason that constitutes
12 just cause for dismissal under the State Personnel Act.

13 (d) The certificated instructional personnel working in a participating school at the time
14 the school is identified by the ~~State Board~~ Superintendent of Public Instruction as
15 low-performing are subject to G.S. 115C-105.38A.

16 (e) The Secretary may terminate the contract of a school administrator dismissed under
17 this section. Nothing in this section shall prevent the Secretary from refusing to renew the
18 contract of any person employed in a school identified as low-performing under this Part."

19 **SECTION 296.** G.S. 143B-146.8 reads as rewritten:

20 "**§ 143B-146.8. Evaluation of certificated personnel and principals; action plans; ~~State~~**
21 **~~Board~~ Superintendent of Public Instruction notification.**

22 (a) Annual Evaluations; Low-Performing Schools. – The principal shall evaluate at
23 least once each year all certificated personnel assigned to a participating school that has been
24 identified as low-performing but has not received an assistance team. The evaluation shall
25 occur early enough during the school year to provide adequate time for the development and
26 implementation of an action plan if one is recommended under subsection (b) of this section. If
27 the employee is a teacher as defined under G.S. 115C-325(a)(6), either the principal or an
28 assessment team assigned under G.S. 143B-146.9 shall conduct the evaluation. If the employee
29 is a school administrator as defined under G.S. 115C-287.1(a)(3), the Superintendent shall
30 conduct the evaluation.

31 Notwithstanding this subsection or any other law, the principal shall observe at least three
32 times annually, a teacher shall observe at least once annually, and the principal shall evaluate at
33 least once annually, all teachers who have not attained career status. All other employees
34 defined as teachers under G.S. 115C-325(a)(6) who are assigned to participating schools that
35 are not designated as low-performing shall be evaluated annually unless the Secretary adopts
36 rules that allow specified categories of teachers with career status to be evaluated more or less
37 frequently. The Secretary also may adopt rules requiring the annual evaluation of
38 noncertificated personnel. This section shall not be construed to limit the duties and authority
39 of an assistance team assigned to a low-performing school.

40 The Secretary shall use the ~~State Board's~~ Superintendent of Public Instruction's
41 performance standards and criteria unless the Secretary develops an alternative evaluation that
42 is properly validated and that includes standards and criteria similar to those adopted by the
43 ~~State Board~~ Superintendent of Public Instruction. All other provisions of this section shall
44 apply if an evaluation is used other than one adopted by the ~~State Board~~ Superintendent of
45 Public Instruction.

46 (b) Action Plans. – If a certificated employee in a participating school that has been
47 identified as low-performing receives an unsatisfactory or below standard rating on any
48 function of the evaluation that is related to the employee's instructional duties, the individual or
49 team that conducted the evaluation shall recommend to the principal that: (i) the employee
50 receive an action plan designed to improve the employee's performance; or (ii) the principal
51 recommend to the Secretary that the employee be dismissed or demoted. The principal shall

1 determine whether to develop an action plan or to recommend a dismissal proceeding. The
2 person who evaluated the employee or the employee's supervisor shall develop the action plan
3 unless an assistance team or assessment team conducted the evaluation. If an assistance team or
4 assessment team conducted the evaluation, that team shall develop the action plan in
5 collaboration with the employee's supervisor. Action plans shall be designed to be completed
6 within 90 instructional days or before the beginning of the next school year. The ~~State Board,~~
7 Superintendent of Public Instruction, in consultation with the Secretary, shall develop
8 guidelines that include strategies to assist in evaluating certificated personnel and developing
9 effective action plans within the time allotted under this section. The Secretary may adopt
10 policies for the development and implementation of action plans or professional development
11 plans for personnel who do not require action plans under this section.

12 (c) Reevaluation. – Upon completion of an action plan under subsection (b) of this
13 section, the principal or the assessment team shall evaluate the employee a second time. If on
14 the second evaluation the employee receives one unsatisfactory or more than one below
15 standard rating on any function that is related to the employee's instructional duties, the
16 principal shall recommend that the employee be dismissed or demoted under G.S. 115C-325.
17 The results of the second evaluation shall constitute substantial evidence of the employee's
18 inadequate performance.

19 (d) ~~State Board~~ Superintendent of Public Instruction Notification. – If the Secretary
20 dismisses an employee for any reason except a reduction in force under G.S. 115C-325(e)(1)l.,
21 the Secretary shall notify the ~~State Board~~ Superintendent of Public Instruction of the action,
22 and the ~~State Board~~ Superintendent of Public Instruction annually shall provide to all local
23 boards of education the names of those individuals. If a local board hires one of these
24 individuals, that local board shall proceed under G.S. 115C-333(d).

25 (e) Civil Immunity. – There shall be no liability for negligence on the part of the
26 Secretary or the ~~State Board~~ Superintendent of Public Instruction, or their employees, arising
27 from any action taken or omission by any of them in carrying out this section. The immunity
28 established by this subsection shall not extend to gross negligence, wanton conduct, or
29 intentional wrongdoing that would otherwise be actionable. The immunity established by this
30 subsection is waived to the extent of indemnification by insurance, indemnification under
31 Articles 31A and 31B of Chapter 143 of the General Statutes, and to the extent sovereign
32 immunity is waived under the Tort Claims Act, as set forth in Article 31 of Chapter 143 of the
33 General Statutes.

34 (f) Evaluation of Principals. – Each year the Secretary or the Superintendent shall
35 evaluate the principals."

36 **SECTION 297.** G.S. 143B-146.9 reads as rewritten:

37 "**§ 143B-146.9. Assessment teams.**

38 The ~~State Board~~ Superintendent of Public Instruction shall develop guidelines for the
39 Secretary to use to create assessment teams. The Secretary shall assign an assessment team to
40 every low-performing school that has not received an assistance team. The Secretary shall
41 ensure that assessment team members are trained in the proper administration of the employee
42 evaluation used in the participating schools. If service on an assessment team is an additional
43 duty for an employee of a local school administrative unit or an employee of a residential
44 school, the Secretary may pay the employee for that additional work.

45 Assessment teams shall:

- 46 (1) Conduct evaluations of certificated personnel in low-performing schools;
- 47 (2) Provide technical assistance and training to principals who conduct
48 evaluations of certificated personnel;
- 49 (3) Develop action plans for certificated personnel; and
- 50 (4) Assist principals in the development and implementation of action plans."

51 **SECTION 298.** G.S. 143B-146.10 reads as rewritten:

1 **"§ 143B-146.10. Development of performance standards and criteria for certificated**
2 **personnel.**

3 The ~~State Board, Superintendent of Public Instruction,~~ in consultation with the Secretary,
4 shall revise and develop uniform performance standards and criteria to be used in evaluating
5 certificated personnel, including school administrators. These standards and criteria shall
6 include improving student achievement, employee skills, and employee knowledge. The
7 standards and criteria for school administrators also shall include building-level gains in student
8 learning and effectiveness in providing for school safety and enforcing student discipline. The
9 Secretary shall develop guidelines for evaluating principals. The guidelines shall include
10 criteria for evaluating a principal's effectiveness in providing safe schools and enforcing student
11 discipline."

12 **SECTION 299.** G.S. 143B-146.12 reads as rewritten:

13 **"§ 143B-146.12. Development and approval of school improvement plans.**

14 (a) In order to improve student performance, each school shall develop a school
15 improvement plan that takes into consideration the annual performance goal for that school that
16 is set by the ~~State Board, Superintendent of Public Instruction~~ under G.S. 143B-146.3. The
17 principal of each school, instructional personnel, and residential life personnel assigned to that
18 school, and a minimum of five parents of children enrolled in the school shall constitute a
19 school improvement team to develop a school improvement plan to improve student
20 performance.

21 ...

22 (h) The Superintendent, in consultation with the ~~State Board, Superintendent of Public~~
23 ~~Instruction,~~ shall develop a list of recommended strategies that it determines to be effective
24 which building level committees may use to establish parent involvement programs designed to
25 meet the specific needs of their schools.

26"

27 **SECTION 300.** G.S. 143B-146.13 reads as rewritten:

28 **"§ 143B-146.13. School technology plan.**

29 (a) No later than December 15, 1998, the Secretary shall develop a school technology
30 plan for the residential schools that meets the requirements of the State school technology plan.
31 In developing a school technology plan, the Secretary is encouraged to coordinate its planning
32 with other agencies of State and local government, including local school administrative units.

33 The Office of Information Technology Services shall assist the Secretary in developing the
34 parts of the plan related to its technological aspects, to the extent that resources are available to
35 do so. The Department of Public Instruction shall assist the Secretary in developing the
36 instructional and technological aspects of the plan.

37 The Secretary shall submit the plan that is developed to the Office of Information
38 Technology Services for its evaluation of the parts of the plan related to its technological
39 aspects and to the Department of Public Instruction for its evaluation of the instructional
40 aspects of the plan. The ~~State Board of Education, after consideration of the evaluations~~
41 ~~Superintendent of Public Instruction shall consider the evaluation~~ of the Office of Information
42 Technology Services and ~~the Department of Public Instruction,~~ shall approve all plans that
43 comply with the requirements of the State school technology plan.

44 (b) After a plan is approved by the ~~State Board of Education,~~ Superintendent of Public
45 Instruction, all funds spent for technology in the residential schools shall be used to implement
46 the school technology plan."

47 **SECTION 300.1.** G.S. 143B-146.16 reads as rewritten:

48 **"§ 143B-146.16. Residential school personnel criminal history checks.**

49 ...

50 (e) The Secretary shall provide to the ~~State Board of Education, Superintendent of~~
51 Public Instruction the criminal history received on a person who is certificated, certified, or

1 licensed by the ~~State Board~~ Superintendent of Public Instruction. The ~~State~~
2 ~~Board~~Superintendent of Public Instruction shall review the criminal history and determine
3 whether the person's certificate or license should be revoked in accordance with State laws and
4 rules regarding revocation.

5 (f) All the information received by the Secretary through the checking of the criminal
6 history or by the ~~State Board~~Superintendent of Public Instruction in accordance with subsection
7 (d) of this section is privileged information and is not a public record but is for the exclusive
8 use of the Secretary or the ~~State Board of Education~~ Superintendent of Public Instruction. The
9 Secretary or the ~~State Board of Education~~ Superintendent of Public Instruction may destroy the
10 information after it is used for the purposes authorized by this section after one calendar year.

11 (g) There shall be no liability for negligence on the part of the Secretary, the
12 Department of Health and Human Services or its employees, a residential school or its
13 employees, or the ~~State Board of Education~~Department of Public Instruction or its employees,
14 arising from any act taken or omission by any of them in carrying out the provisions of this
15 section. The immunity established by this subsection shall not extend to gross negligence,
16 wanton conduct, or intentional wrongdoing that would otherwise be actionable. The immunity
17 established by this subsection shall be deemed to have been waived to the extent of
18 indemnification by insurance, indemnification under Articles 31A and 31B of Chapter 143 of
19 the General Statutes, and to the extent sovereign immunity is waived under the Tort Claims
20 Act, as set forth in Article 31 of Chapter 143 of the General Statutes."

21 **SECTION 301.** G.S. 143B-516(b)(17a) reads as rewritten:

22 "(b) The Secretary shall have the following powers and duties:

23 ...

24 (17a) Set, in consultation with the Office of State Personnel, the salary supplement
25 paid to teachers, instructional support personnel, and school-based
26 administrators who are employed at juvenile facilities and are licensed by
27 the ~~State Board of Education~~ Superintendent of Public Instruction. The
28 salary supplement shall be at least five percent (5%), but not more than the
29 percentage supplement they would receive if they were employed in the
30 local school administrative unit where the job site is located. These salary
31 supplements shall not be paid to central office staff. Nothing in this
32 subdivision shall be construed to include "merit pay" under the term "salary
33 supplement".

34 **SECTION 302.** G.S. 146-4 reads as rewritten:

35 **"§ 146-4. Sales of certain lands; procedure; deeds; disposition of proceeds.**

36 The Department of Administration may sell the vacant and unappropriated lands,
37 swamplands, and lands acquired by the State by virtue of being sold for taxes, at public or
38 private sale, at such times, upon such consideration, in such portions, and upon such terms as
39 are deemed proper by the Department and approved by the Governor and Council of State.
40 Every deed conveying any part of those lands in fee shall be executed in the manner required
41 by G.S. 146-74 through 146-78, and shall be approved by the Governor and Council of State as
42 therein required. The net proceeds of all such sales of those lands shall be paid into the State
43 Literary Fund. Whenever negotiations are begun by the Department for the purpose of selling
44 swampland or the timber thereon, the Department shall promptly notify the ~~State Board of~~
45 ~~Education~~Department of Public Instruction of that fact. If the ~~Board~~ Superintendent of Public
46 Instruction deems the proposed sale inadvisable, it may so inform the Governor and Council of
47 State, who may give due consideration to the representations of the ~~Board~~ Superintendent of
48 Public Instruction in determining whether to approve or disapprove the proposed transaction."

49 **SECTION 303.** G.S. 146-6(b) reads as rewritten:

50 "(b) If any land is, by act of man, raised above the high watermark of any navigable
51 water by filling, except such filling be to reclaim lands theretofore lost to the owner by natural

1 causes or as otherwise provided under the proviso of subsection (d), title thereto shall vest in
2 the State and the land so raised shall become a part of the vacant and unappropriated lands of
3 the State, unless the commission of the act which caused the raising of the land in question
4 shall have been previously approved in the manner provided in subsection (c) of this section.
5 Title to land so raised, however, does not vest in the State if the land was raised within the
6 bounds of a conveyance made by the State Board of ~~Education~~, Education or the
7 Superintendent of Public Instruction which included regularly flooded estuarine marshlands or
8 lands beneath navigable waters, or if the land was raised under permits issued to private
9 individuals pursuant to G.S. 113-229, G.S. 113A-100 through 113A-128, or both."

10 **SECTION 304.** G.S. 146-20.1(a) reads as rewritten:

11 "(a) Validation. – All conveyances of swamplands, including regularly flooded estuarine
12 marshlands, that have previously been made by the Literary Fund, the North Carolina Literary
13 Board, or the State Board of Education or the Superintendent of Public Instruction are declared
14 valid, and the person to whom the conveyance was made or his successor in title is declared to
15 have title to the marshland."

16 **SECTION 305.** G.S. 148-22.1(c) reads as rewritten:

17 "(c) The Secretary of Correction, in consultation with the Office of State Personnel, shall
18 set the salary supplement paid to teachers, instructional support personnel, and school-based
19 administrators who are Division of Prison employees and are licensed by the ~~State Board of~~
20 ~~Education~~ Superintendent of Public Instruction. The salary supplement shall be at least five
21 percent (5%), but not more than the percentage supplement they would receive if they were
22 employed in the local school administrative unit where the job site is located. These salary
23 supplements shall not be paid to central office staff. Nothing in this subsection shall be
24 construed to include "merit pay" under the term "salary supplement"."

25 **SECTION 306.** G.S. 150B-22.1(b) reads as rewritten:

26 "(b) The administrative law judge who conducts a hearing under G.S. 115C-109.6 shall
27 not be a person who has a personal or professional interest that conflicts with the judge's
28 objectivity in the hearing. Furthermore, the judge must possess knowledge of, and the ability to
29 understand, IDEA and legal interpretations of IDEA by federal and State courts. The judges are
30 encouraged to participate in training developed and provided by the ~~State Board of Education~~
31 Superintendent of Public Instruction under ~~G.S. 115C-107.2(h)~~ G.S. 115C-107.2(g)."

32 **SECTION 307.** G.S. 158-8.1(b1) reads as rewritten:

33 "(b1) ~~The members of the State Board of Education appointed to represent the seventh~~
34 ~~and eighth education districts~~ One person appointed by the Superintendent of Public Instruction
35 shall serve as nonvoting ex officio members of the Commission."

36 **SECTION 308.** G.S. 158-8.2(b1) reads as rewritten:

37 "(b1) ~~The member of the State Board of Education appointed to represent the first~~
38 ~~education district~~ One person appointed by the Superintendent of Public Instruction shall serve
39 as a nonvoting ex officio member of the Commission."

40 **SECTION 309.** G.S. 158-8.3(b1) reads as rewritten:

41 "(b1) ~~The member of the State Board of Education appointed to represent the fourth~~
42 ~~education district~~ One person appointed by the Superintendent of Public Instruction shall serve
43 as a nonvoting ex officio member of the Commission."

44 **SECTION 310.** G.S. 158-8.4A reads as rewritten:

45 **§ 158-8.4A. State Board of Education members as ex officio commission members.**

46 As a condition on the receipt of State funds, the member of the State Board of Education
47 appointed to represent the designated education district shall serve as a member of the
48 following Commissions:

49 (1) Charlotte Regional Partnership, Inc. – ~~The State Board of Education member~~
50 ~~appointed to represent the sixth education district~~ One person appointed by

- 1 the Superintendent of Public Instruction shall serve as a nonvoting ex officio
2 member of the Commission.
- 3 (2) ~~Piedmont Triad Regional Partnership. – The State Board of Education~~
4 ~~member appointed to represent the fifth education district~~ One person
5 appointed by the Superintendent of Public Instruction shall serve as a
6 nonvoting ex officio member of the Commission.
- 7 (3) ~~Research Triangle Regional Partnership. – The State Board of Education~~
8 ~~member appointed to represent the third education district~~ One person
9 appointed by the Superintendent of Public Instruction shall serve as a
10 nonvoting ex officio member of the Commission."

11 **SECTION 311.** G.S. 158-35(a1) reads as rewritten:

12 "(a1) ~~Ex Officio Member. – The member of the State Board of Education appointed to~~
13 ~~represent the second education district~~ One person appointed by the Superintendent of Public
14 Instruction shall serve as a nonvoting ex officio member of the Commission."

15
16 **EFFECTIVE DATES**

17
18 **SECTION 312.** Sections 4 through 311 of this act become effective only if the
19 qualified voters approve the constitutional amendments set out in Section 1 of this act. If the
20 voters approve the constitutional amendments, Sections 4 through 311 of this act become
21 effective January 1, 2013.

22 **SECTION 313.** This act is effective when it becomes law.