

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2015

FILED SENATE  
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SENATE DRS35032-LE-15 (01/28)

Short Title: Education Simplification Amendment. (Public)

Sponsors: Senators Tillman, Wade, and Rabin (Primary Sponsors).

Referred to:

1 A BILL TO BE ENTITLED  
2 AN ACT TO AMEND THE CONSTITUTION OF NORTH CAROLINA TO SIMPLIFY THE  
3 MANAGEMENT OF PUBLIC PRIMARY AND SECONDARY EDUCATION BY  
4 PROVIDING FOR A SECRETARY OF EDUCATION TO REPLACE THE CURRENT  
5 SYSTEM OF A SUPERINTENDENT OF PUBLIC INSTRUCTION AND A STATE  
6 BOARD OF EDUCATION.

7 The General Assembly of North Carolina enacts:

8 **SECTION 1.(a)** Section 4 of Article IX of the Constitution of North Carolina is  
9 repealed.

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

12 "**Sec. 5. Powers and duties of ~~Board~~ Department of Education.**

13 ~~The State Board of Education~~ There is established within the Executive Branch a  
14 Department of Education which shall supervise and administer the free public school system  
15 and the educational funds provided for its support, except the funds mentioned in Section 7 of  
16 this Article, and shall make all needed rules and regulations in relation thereto, subject to laws  
17 enacted by the General Assembly. The head of the Department of Education shall be appointed  
18 by the Governor in accordance with law subject to confirmation by joint resolution of the  
19 General Assembly. The General Assembly shall provide by law for the filling of temporary  
20 vacancies in that position."

21 **SECTION 1.(c)** Section 7(1) of Article III of the Constitution of North Carolina  
22 reads as rewritten:

23 "(1) Officers. A Secretary of State, an Auditor, a Treasurer, ~~a Superintendent of Public~~  
24 ~~Instruction,~~ an Attorney General, a Commissioner of Agriculture, a Commissioner of Labor,  
25 and a Commissioner of Insurance shall be elected by the qualified voters of the State in 1972  
26 and every four years thereafter, at the same time and places as members of the General  
27 Assembly are elected. Their term of office shall be four years and shall commence on the first  
28 day of January next after their election and continue until their successors are elected and  
29 qualified."

30 **SECTION 2.(a)** The amendments set out in Section 1 of this act shall be submitted  
31 to the qualified voters of the State at a statewide election to be held at the time of the 2016  
32 North Carolina presidential preference primary, as provided in G.S. 163-213.2, which election  
33 shall be conducted under the laws then governing elections in the State. Ballots, voting  
34 systems, or both may be used in accordance with Chapter 163 of the General Statutes.

35  
36 The question to be used in the voting systems and ballots shall be:



"[ ] FOR [ ] AGAINST

Constitutional amendment providing for a more efficient system of management of public education by providing for a Department of Education, which shall be headed by a person appointed by the Governor subject to confirmation by the General Assembly, and by abolishing the State Board of Education and the Superintendent of Public Instruction."

**SECTION 2.(b)** If a majority of the votes cast on the question are in favor of the amendments set out in Section 1 of this act, the State Board of Elections shall certify the amendments to the Secretary of State, who shall enroll the amendments so certified among the permanent records of that office.

**SECTION 2.(c)** If the amendments are approved by the qualified voters as provided in this section:

- (1) Section 1 of this act becomes effective January 1, 2017.
- (2) The terms of all members of the State Board of Education that would expire between certification of the amendment and December 31, 2016, are extended until January 1, 2017.
- (3) No general election for Superintendent of Public Instruction shall take place in 2016.

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