

GENERAL ASSEMBLY OF NORTH CAROLINA
1993 SESSION

CHAPTER 180
HOUSE BILL 471

AN ACT TO MAKE TECHNICAL CHANGES IN THE LAW REGARDING
VOCATIONAL EDUCATION.

The General Assembly of North Carolina enacts:

Section 1. G.S. 115C-81(a1) reads as rewritten:

"(a1) The Basic Education Program shall describe the education program to be offered to every child in the public schools. It shall provide every student in the State equal access to a Basic Education Program. Instruction shall be offered in the areas of arts, communication skills, physical education and personal health and safety, mathematics, media and computer skills, science, second languages, social studies, and vocational and technical education.

Instruction in vocational and technical education under the Basic Education Program shall be based on factors including:

- (1) The integration of academic and vocational and technical education;
- (2) A sequential course of study leading to both academic and occupational competencies;
- (3) Increased student work skill attainment and job placement;
- (4) Increased linkages, where geographically feasible, between public schools and community colleges, so the public schools can emphasize academic preparation and the community colleges can emphasize specific job training; and
- (5) Instruction and experience, to the extent practicable, in all aspects of the industry the students are prepared to enter."

Sec. 2. G.S. 115C-81.1 reads as rewritten:

"§ 115C-81.1. Basic Education Program Funds not to supplant Local funds for schools.

(a) It is the intent of the General Assembly that budget funds appropriated by the General Assembly for vocational and technical education programs and clerical personnel to implement the Basic Education Program be used to supplement and not supplant existing State and local funding for the public schools. Therefore, to the extent that local school administrative units receive additional State funds for vocational and technical education programs and clerical personnel positions that were previously funded in whole or in part with nonstate funds, the local governments shall continue to spend for public school operating or capital purposes in the local school administrative units the amount of money they would have spent to provide the vocational and

technical education programs and the school clerical personnel previously funded with nonstate funds.

Priority shall be given to funding capital needs, particularly those resulting from implementation of the Basic Education Program."

Sec. 3. Article 10 of Chapter 115C of the General Statutes reads as rewritten:

"ARTICLE 10.

"Vocational and Technical Education.

"Part 1. Vocational and Technical Education Programs.

"§ 115C-151. Statement of purpose.

It is the intent of the General Assembly that vocational and technical education be an integral part of the educational process. The State Board of Education ~~is authorized and directed to~~ shall administer through local boards of education a comprehensive program of vocational and technical education ~~which that~~ shall be available to all students who desire it in the public secondary schools and middle schools of this State. The purposes of vocational and technical education in North Carolina public secondary schools shall be:

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

It is also legislative intent to authorize the State Board of Education to support appropriate vocational and technical education instruction and related services for individuals who have ~~other specialized special~~ vocational and technical education needs which can be fulfilled through a comprehensive vocational and technical education program as designated by State Board of Education policy or federal vocational and technical education legislation.

"§ 115C-152. Definitions.

The State Board of Education ~~is authorized and directed to~~ shall provide appropriate definitions to vocational and technical education programs, services, and activities in grades 6-12 not otherwise included in this Part. As used in this Part, unless the context requires otherwise:

- (1) 'Career development; introductory' means an instructional program, service, or activity designed to familiarize individuals with the broad range of occupations for which special skills are required and the requisites for careers in such occupations.
- ~~(1)~~(2) 'Comprehensive vocational and technical education' means instructional programs, services, or activities directly related to preparation for and placement in employment, for advanced technical

~~education, preparation, or for the making of informed and meaningful educational and occupational choices.~~

(3) 'Occupational skill development' means a program, service, or activity designed to prepare individuals for paid or unpaid employment as semiskilled or skilled workers, technicians, or professional-support personnel in recognized occupations and in new and emerging occupations including occupations or a trade, technical, business, health, office, homemaking, homemaking-related, agricultural, marketing, and other nature. Instruction is designed to fit individuals for initial employment in a specific occupation or a cluster of closely related occupations in an occupational field. This instruction includes education in technology, manipulative skills, theory, auxiliary information, application of academic skills, and other associated knowledges.

~~(2)~~(4) 'Preparation for advanced education' means a program, service, or activity designed to prepare individuals for participation in advanced or highly skilled post-secondary and technical education programs leading to employment in specific occupations or a cluster of closely related occupations and for participation in vocational and technical education teacher education programs.

~~(3) 'Pre-vocational; introductory' means an instructional program, service, or activity designed to familiarize individuals with the broad range of occupations for which special skills are required and the requisites for careers in such occupations.~~

~~(4) 'Vocational skill development' means a program, service, or activity designed to prepare individuals for paid or unpaid employment as semi-skilled or skilled workers, technicians, or professional support personnel in recognized occupations and in new and emerging occupations including occupations or a trade, technical, business, health, office, homemaking, homemaking related, agricultural, distributive, and other nature. Instruction is designed to fit individuals for initial employment in a specific occupation or a cluster of closely related occupations in an occupational field. Such instruction includes education in manipulative skills, theory, auxiliary information, and other associated knowledges.~~

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

The State Board of Education shall be the sole State agency for the State administration of vocational and technical education at all levels, shall be designated as the State Board of Vocational and Technical Education, and shall have all necessary authority to cooperate with any and all federal agencies in the administration of national acts assisting vocational and technical education, to administer any legislation pursuant thereto enacted by the General Assembly of North Carolina, and to cooperate with local boards of education in providing vocational and technical education programs, services, and activities for youth and adults residing in the areas under their jurisdiction.

"§ 115C-154. Duties of the State Board of Education.

In carrying out its duties, the State Board of Education shall ~~have full authority to~~ develop and implement ~~such any~~ policies, rules, regulations, and procedures as necessary to ensure vocational and technical education programs of high quality. The State Board of Education shall prepare a Master Plan for Vocational and Technical Education. ~~Such~~The plan, to be updated periodically, shall ensure minimally that:

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

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

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

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

The State Board of Education ~~may~~ shall not approve any local vocational and technical education plans or applications unless:

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

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

~~As used in this section, "labor market data" means data provided in the State Plan for Vocational Education, data provided through a local survey, or both.~~

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

The State Board of Education shall develop equipment standards for each vocational and technical education program level and shall assist local school administrative units in determining the adequacy of equipment for each vocational and technical education program available in each local school administrative unit.

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

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

The State of North Carolina, through the State Board of Education, ~~shall be empowered to~~ may accept all the provisions and benefits of acts passed by the Congress of the United States providing federal funds for vocational and technical education programs: Provided, however, that the State Board of Education ~~is not authorized to~~ shall not accept such those funds upon any condition that the public schools of this State shall be operated contrary to any provision of the Constitution or statutes of this State.

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

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

~~"§ 115C-156.1. State funds for vocational education -- Distribution formula; allotment for disadvantaged and handicapped students.~~

~~To ensure a more balanced distribution of State and federal funds allocated for disadvantaged and handicapped students, the State Board of Education shall distribute to each of the local school administrative units the State vocational education funds that are required to match federal funds for the disadvantaged and for the handicapped, based on the following formula:~~

	<u>Factor</u>	<u>Point Value</u>
(1)	Concentration of Low Income Families	18-32
(2)	Relative Financial Abilities	18-32
(3)	Economically Depressed Areas	5-20
	a. Designated Area Reimbursement Rate	(0-6)
	b. General Unemployment	(5-14)
(4)	Average Daily Membership (ADM)	4-16
	Range of Points	45-100

~~Once the local school administrative units' total allotments are calculated, the State Board of Education shall combine each local school administrative unit's State and federal allotments into single allotments, one for the disadvantaged and one for the handicapped. The combined allotment for the disadvantaged shall require a local match based on the local school administrative unit's ability to pay, ranging from twenty eight~~

percent (28%) to thirty two (32%), as is presently the case. The combined allotment for the handicapped shall be distributed with no local matching requirements.

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

Each local school administrative unit, shall provide free appropriate vocational and technical education instruction, activities, and services in accordance with the provisions of this Part for all youth who elect ~~such~~ the instruction and shall have responsibility for administering ~~such~~ the instruction, activities, and services in accordance with federal and State law and State Board of Education policies.

"§ 115C-158. Federal funds division.

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

"Part 2. Vocational Education Production Work Activities.

"§ 115C-159. Statement of purpose.

It is the intent of the General Assembly that practical work experiences within the school and outside the school, which are valuable to students and which are under the supervision of a teacher, should be encouraged as a part of vocational and technical education instruction in the public secondary schools and middle schools when ~~such~~ those experiences ~~shall be~~ are organized and maintained to the best advantage of the vocational ~~education~~ programs. ~~Such~~ Those activities are a part of the instructional activities in the vocational ~~education~~ programs and are not to be construed as engaging in business. ~~Such~~ Those services, products, and properties generated through these instructional activities are exempt from the requirements of G.S. 115C-518; the local board shall adopt rules for the disposition of these services, products, and properties. Local boards of education ~~are authorized to~~ may use available financial resources to support ~~such~~ that instruction.

"§ 115C-160. Definitions.

The State Board of Education ~~is authorized and directed to~~ shall provide appropriate definitions necessary to this part of vocational and technical education instruction not otherwise included in this Part. As used in this Part, unless the context requires otherwise:

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

"§ 115C-161. Duties of the State Board of Education.

The State Board of Education is authorized and directed to establish, maintain, and implement such policies, rules, regulations, and procedures not in conflict with State law or other State Board policies as necessary to assist local boards of education in the conduct of production work experiences performed in connection with approved State Board of Education vocational and technical education programs.

"§ 115C-162. Use of proceeds derived from production work.

Unless elsewhere authorized in these statutes, local boards of education ~~are authorized and directed to shall~~ deposit to the appropriate school account, no later than the end of the next business day after receipt of funds, all proceeds derived from the sale of products or services from production work experiences. ~~Such~~ These proceeds shall be established as a revolving fund to be used solely in operating and improving vocational and technical education programs.

"§ 115C-163. Acquisition of land for agricultural education instructional programs.

Local boards of education ~~are authorized and empowered to may~~ acquire by gift, purchase, or lease for not less than the useful life of any project to be conducted upon the premises, a parcel of land suitable for a land laboratory to provide students with practical instruction in soil science, plant science, horticulture, forestry, animal husbandry, and other subjects related to the agriculture curriculum.

Each deed, lease, or other agreement for ~~such~~ land shall be made to the respective local board of education in which the school offering instruction in agriculture is located; and title to such land shall be examined and approved by the school attorney.

Any land laboratory thus acquired shall be assigned to the agricultural education program of the school, to be managed with the advice of an agricultural education advisory committee.

The products of the land laboratory not needed for public school purposes may be sold to the public: Provided, however, that all proceeds from the sale of products shall be deposited in the appropriate school account no later than the end of the next business day after receipt of funds. ~~Such~~ The proceeds shall be established as a revolving fund to be used solely in operating and improving vocational and technical education programs.

"§ 115C-164. Building trades training.

In the establishment and implementation of production work experience policies, the State Board of Education shall be guided as follows:

- (1) Local boards of education ~~are authorized to may~~ use supplementary tax funds or other local funds available for the support of vocational and technical education to purchase and develop suitable building sites on which dwellings or other buildings are to be constructed by vocational and technical education trade classes of each public school operated by local boards of education. Local boards of education ~~are authorized to may~~ use ~~such~~ these funds for each school to pay the fees necessary in securing and recording deeds to these properties for each public school operated by local boards of education and to purchase all materials needed to complete the construction of buildings by vocational and technical education trade classes and for development

of site and property by other vocational and technical education classes. Local boards of education ~~are further authorized to expend such funds in acquiring~~ may use these funds to acquire skilled services, including electrical, plumbing, heating, sewer, water, transportation, grading, and landscaping needed in the construction and completion of ~~buildings which~~ buildings, that cannot be supplied by the students in vocational and technical education trade classes.

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

Sec. 4. G.S. 115C-302(a)(2) reads as rewritten:

- "(2) ~~Occupational-Vocational and Technical~~ Occupational-Vocational and Technical Education Teachers. – State-allotted months of employment to local boards of education as provided by the State Board of Education shall be used for the employment of teachers of ~~occupational-vocational and technical~~ occupational-vocational and technical education for a term of employment as determined by the local boards of education. Salary payments to these ~~occupational-vocational and technical~~ occupational-vocational and technical education teachers shall be made monthly at the end of each calendar month of service: Provided, that local boards shall not reduce the term of employment for any vocational agriculture teacher personnel position that was 12 calendar months for the 1982-83 school year for any school year thereafter: Provided further, that teachers employed for a term of 10 calendar months in year-round schools shall be paid in 12 equal installments: Provided further, that any individual teacher employed for a term of 10 calendar months who is not employed in a year-round school may be paid in 12 monthly installments if the teacher so requests on or before the first day of the school year. Such request shall be filed in the administrative unit which employs the teacher. The payment of the annual salary in 12 installments instead of 10 shall not increase or decrease said annual salary nor in any other way alter the contract made between the teacher and the said administrative unit. Included within their term of employment shall be the same rate of annual vacation leave and legal holidays provided under the same conditions as set out in subdivision (1) above, but in no event shall the total workdays for a 10-month employee exceed 200 days in a 10-month schedule and the workweek shall constitute five days for all ~~occupational-vocational and technical~~ occupational-vocational and technical teachers regardless of the employment period.

~~Occupational-Vocational and technical~~ Occupational-Vocational and technical education teachers who are employed for 11 or 12 months may, with prior approval of the

principal, work on annual leave days designated in the school calendar and take those annual leave days during the 11th or 12th month of employment.

No deductions shall be made from salaries of teachers of vocational agriculture and home economics whose salaries are paid in part from State and federal vocational funds while in attendance upon community, county and State meetings called for the specific purpose of promoting the agricultural interests of North Carolina, when such attendance is approved by the superintendent of the administrative unit and the State Director of Vocational and Technical Education."

Sec. 5. G.S. 131D-10.2(11) reads as rewritten:

"(11) 'Primarily Educational Institution' means any institution which operates one or more scholastic or vocational and technical education programs that can be offered in satisfaction of compulsory school attendance laws, in which the primary purpose of the housing and care of children is to meet their educational needs, provided such institution has complied with Article 39 of Chapter 115C of the General Statutes."

Sec. 6. G.S. 134A-8(5) reads as rewritten:

"(5) To provide a quality educational program in each training school, including vocational and technical education which is realistic in relation to available jobs, and to administer this educational system;".

Sec. 7. G.S. 137-35(1) reads as rewritten:

"(1) As applications for loans are made, the Director of ~~Schoolhouse Planning—Auxiliary Services~~ and the Director of Vocational and Technical Education, State Department of Public Instruction, will select and recommend rural communities in which vocational agricultural and home economics buildings should be constructed or equipped."

Sec. 8. G.S. 148-22.1 reads as rewritten:

"§ 148-22.1. Educational facilities and programs for selected inmates.

(a) The State Department of Correction is authorized to take advantage of aid available from any source in establishing facilities and developing programs to provide inmates of the State prison system with such academic and vocational and technical education as seems most likely to facilitate the rehabilitation of these inmates and their return to free society with attitudes, knowledge, and skills that will improve their prospects of becoming law-abiding and self-supporting citizens. The State Department of Public Instruction is authorized to cooperate with the State Department of Correction in planning academic and vocational and technical education of prison system inmates, but the State Department of Public Instruction is not authorized to expend any funds in this connection.

(b) In expending funds that may be made available for facilities and programs to provide inmates of the State prison system with academic and vocational and technical education, the State Department of Correction shall give priority to meeting the needs of

inmates who are less than 21 years of age when received in the prison system with a sentence or sentences under which they will be held for not less than six months nor more than five years before becoming eligible to be considered for a parole or unconditional release. These inmates shall be given appropriate tests to determine their educational needs and aptitudes. When the necessary arrangements can be made, they shall receive such instruction as may be deemed practical and advisable for them."

Sec. 9. This act becomes effective December 1, 1993.

In the General Assembly read three times and ratified this the 17th day of June, 1993.

Dennis A. Wicker
President of the Senate

Daniel Blue, Jr.
Speaker of the House of Representatives