

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1995

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HOUSE BILL 7*

Short Title: St. Bd. of Educ./Constit. Authority.

(Public)

Sponsors: Representatives Russell, Preston, Miner, Daughtry, Hayes, Brawley, Cummings, Gardner, Mitchell, Pate; Aldridge, Arnold, Baker, Bowie, J. Brown, Buchanan, Cansler, Capps, Carpenter, Clary, Cocklereece, Creech, Culp, Davis, Decker, Dickson, Dockham, Eddins, Edwards, Esposito, Hiatt, Holmes, Ives, Justus, Kiser, McComas, McCombs, McMahan, K. Miller, Morgan, Neely, Nichols, Pulley, Rayfield, Reynolds, Robinson, Sexton, Sharpe, Shubert, Snowden, Tallent, Thompson, C. Wilson, and G. Wilson.

Referred to: Education.

January 26, 1995

A BILL TO BE ENTITLED

AN ACT TO RESTORE CONSTITUTIONAL POWERS TO THE STATE BOARD OF EDUCATION AND TO MAKE CONFORMING CHANGES.

The General Assembly of North Carolina enacts:

Section 1. G.S. 115C-12 reads as rewritten:

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

~~The general supervision and administration of the free public school system shall be vested in the State Board of Education. The State Board of Education shall establish policy for the system of free public schools, subject to laws enacted by the General Assembly. As provided in Article IX, Sec. 5 of the North Carolina Constitution, the State Board of Education shall supervise and administer the free public school system and the educational funds provided for its support, except the funds mentioned in Article IX, Sec. 7 of the Constitution. The State Board may adopt any rules that are needed to carry out~~

1 this constitutional mandate, subject to laws enacted by the General Assembly. The
2 powers and duties of the State Board of Education are defined as follows:

- 3 (1) Financial Powers. – The financial powers of the Board are set forth in
4 Article 30 of this Chapter.
- 5 (2) Repealed by Session Laws 1985 (Regular Session, 1986), c. 975, s. 24.
- 6 (3), (4) Repealed by Session Laws 1987 (Regular Session, 1988), c. 1025, s.
7 1.
- 8 (5) Apportionment of Funds. – The Board shall have authority to apportion
9 and equalize over the State all State school funds and all federal funds
10 granted to the State for assistance to educational programs administered
11 within or sponsored by the public school system of the State.
- 12 (6) Power to Demand Refund for Inaccurate Apportionment Due to False
13 Attendance Records. – When it shall be found by the State Board of
14 Education that inaccurate attendance records have been filed with the
15 State Board of Education which resulted in an excess allotment of funds
16 for teacher salaries in any school unit in any school year, the school unit
17 concerned may be required to refund to the State Board the amount
18 allotted to said unit in excess of the amount an accurate attendance
19 record would have justified.
- 20 (7) Power to Alter the Boundaries of City School Administrative Units and
21 to Approve Agreements for the Consolidation and Merger of School
22 Administrative Units Located in the Same County. – The Board shall
23 have authority, in its discretion, to alter the boundaries of city school
24 administrative units and to approve agreements submitted by county and
25 city boards of education requesting the merger of two or more
26 contiguous city school administrative units and the merger of city
27 school administrative units with county school administrative units and
28 the consolidation of all the public schools in the respective units under
29 the administration of one board of education: Provided, that such merger
30 of units and reorganization of school units shall not have the effect of
31 abolishing any special taxes that may have been voted in any such units.
- 32 (8) Power to Make Provisions for Sick Leave. – The Board shall provide
33 for a minimum of five days per school year term of sick leave with pay
34 for all public school employees and shall promulgate rules and
35 regulations providing for necessary substitutes on account of said sick
36 leave. The pay for a substitute shall be fixed by the Board. The Board
37 may provide to each local school administrative unit not exceeding one
38 percent (1%) of the cost of instructional services for the purpose of
39 providing substitute teachers for those on sick leave as authorized by
40 law or by regulations of the Board, but not exceeding the provisions
41 made for other State employees.
- 42 (9) Miscellaneous Powers and Duties. – All the powers and duties exercised
43 by the State Board of Education shall be in conformity with the

1 Constitution and subject to such laws as may be enacted from time to
2 time by the General Assembly. Among such duties are:

- 3 a. To certify and regulate the grade and salary of teachers and other
4 school employees.
5 b. To adopt and supply textbooks.
6 c. To adopt rules requiring all local boards of education to
7 implement the Basic Education Program on an incremental basis
8 within funds appropriated for that purpose by the General
9 Assembly and by units of local government. Beginning with the
10 1991-92 school year, the rules shall require each local school
11 administrative unit to implement fully the standard course of
12 study in every school in the State in accordance with the Basic
13 Education Program so that every student in the State shall have
14 equal access to the curriculum as provided in the Basic Education
15 Program and the standard course of study.

16 The Board shall establish benchmarks by which to measure the
17 progress that each local board of education has made in implementing
18 the Basic Education Program. The Board shall report to the Joint
19 Legislative Education Oversight Committee and to the General
20 Assembly by December 31, 1991, and by February 1 of each subsequent
21 year on each local board's progress in implementing the Basic Education
22 Program, including the use of State and local funds for the Basic
23 Education Program.

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

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

32 c1. To issue an annual 'report card' for the State and for each local
33 school administrative unit, assessing each unit's efforts to
34 improve student performance and taking into account progress
35 over the previous years' level of performance and the State's
36 performance in comparison with other states. This assessment
37 shall take into account demographic, economic, and other factors
38 that have been shown to affect student performance.

39 c2. To develop management accountability indicators to measure the
40 efficiency and appropriate use of staff in each school and at the
41 administrative office. Staff development for school
42 administrators shall be a high priority of the Department of
43 Public Instruction.

- 1 c3. To develop a system of school building improvement reports for
2 each school building. The purpose of school building
3 improvement reports is to measure improvement in student
4 performance at each school building from year to year, not to
5 compare school buildings. The Board may consider for inclusion
6 in the building reports the following criteria: test scores, the
7 success of graduating students in postsecondary institutions,
8 attendance, graduation and dropout rates, the numbers of children
9 enrolled in free lunch or Chapter 1 programs, the education level
10 of the parents of children enrolled in the school, the teaching
11 experience of the school staff, and whether the building has been
12 successful in meeting the goals of the building and systemwide
13 plans developed in accordance with G.S. 115C-238.1 through
14 G.S. 115C-238.6. Local school administrative units shall produce
15 school building improvement reports by March 15, 1995, and
16 annually thereafter. Each report shall be based on building-level
17 data for the prior school year.
- 18 d. To formulate rules and regulations for the enforcement of the
19 compulsory attendance law.
- 20 e. To manage and operate a system of insurance for public school
21 property, as provided in Article 38 of this Chapter.

22 In making substantial policy changes in administration, curriculum,
23 or programs the Board should conduct hearings throughout the regions
24 of the State, whenever feasible, in order that the public may be heard
25 regarding these matters.

- 26 (10) Power to Provide for Programs or Projects in the Cultural and Fine Arts
27 Areas. – The Board is authorized and empowered, in its discretion, to
28 make provisions for special programs or projects of a cultural and fine
29 arts nature for the enrichment and strengthening of educational
30 opportunities for the children of the State.

31 For this purpose, the Board may use funds received from gifts or
32 grants and, with the approval of the Director of the Budget, may use
33 State funds which the Board may find available in any budget
34 administered by the Board.

- 35 (11) Power to Conduct Education Research. – The Board is authorized to
36 sponsor or conduct education research and special school projects
37 considered important by the Board for improving the public schools of
38 the State. Such research or projects may be conducted during the
39 summer months and involve one or more local school units as the Board
40 may determine. The Board may use any available funds for such
41 purposes.

- 42 (12) Duty to Provide for Sports Medicine and Emergency Paramedical
43 Program. – The State Board of Education is authorized and directed to

1 develop a comprehensive plan to train and make available to the public
2 schools personnel who shall have major responsibility for exercising
3 preventive measures against sports related deaths and injuries and for
4 providing sports medicine and emergency paramedical services for
5 injuries that occur in school related activities. The plan shall include, but
6 is not limited to, the training, assignment of responsibilities, and
7 appropriate additional reimbursement for individuals participating in the
8 program.

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

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

18 (13) Power to Purchase Liability Insurance. – The Board is authorized to
19 purchase insurance to protect board members from liability incurred in
20 the exercise of their duty as members of the Board.

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

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

39 (16) Power with Regard to Salary Schedules. –

40 a. Support personnel refers to all public school employees who are
41 not required by statute or regulation to be certified in order to be
42 employed. The State Board of Education is authorized and
43 empowered to adopt all necessary rules for full implementation

1 of all schedules to the extent that State funds are made available
2 for support personnel.

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

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

30 The State Board of Education shall report to the General
31 Assembly, prior to March 31, 1995, and March 31, 1996, on the
32 implementation of this sub-subdivision.

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

- 41 (17) Power to provide for school transportation programs. The State Board of
42 Education is authorized and empowered to promulgate such policies,
43 rules, and regulations as it may deem necessary and desirable for the

1 operation of a public school transportation system by each local
2 administrative unit in the State. Such policies, rules, and regulations
3 shall include, but are not limited to, fund allocations and fiscal support
4 to assure the effective and efficient use of funds appropriated by the
5 General Assembly in support of the school transportation system.
6 Nothing herein shall be construed to affect in any way or to lessen in
7 any way the full and complete authority of local boards of education to
8 assign pupils to schools in accordance with G.S. 115C-366.

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

12 a. The State Board of Education shall adopt standards and
13 procedures for local school administrative units to provide
14 timely, accurate, and complete fiscal and personnel information,
15 including payroll information, on all school personnel. All local
16 school administrative units shall comply with these standards and
17 procedures by the beginning of the 1987-88 school year.

18 b. The State Board of Education shall develop and implement a
19 Uniform Education Reporting System that shall include
20 requirements for collecting, processing, and reporting fiscal,
21 personnel, and student data, by means of electronic transfer of
22 data files from local computers to the State Computer Center
23 through the State Communications Network. All local school
24 administrative units shall comply with the requirements of the
25 Uniform Education Reporting System by the beginning of the
26 1989-90 school year.

27 c. The State Board of Education shall comply with the provisions of
28 G.S. 116-11(10a) to plan and implement an exchange of
29 information between the public schools and the institutions of
30 higher education in the State. The State Board of Education shall
31 require local boards of education to provide to the parents of
32 children at a school all information except for confidential
33 information received about that school from institutions of higher
34 education pursuant to G.S. 116-11(10a) and to make that
35 information available to the general public.

36 (19) Duty to Identify Required Reports. – Prior to the beginning of each
37 school year, the State Board of Education shall identify all reports that
38 are required at the State level for the school year.

39 (20) Duty to Report Appointment of Caretaker Administrators and Boards. –
40 Pursuant to G.S. 120-30.9G the State Board of Education shall submit to
41 the Attorney General of the United States within 30 days any rules,
42 policies, procedures, or actions taken pursuant to G.S. 115C-64.4 which
43 could result in the appointment of a caretaker administrator or board to

1 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
3 Act of 1965.

4 (21) Duty to Monitor Acts of School Violence. – The State Board of
5 Education shall monitor and compile an annual report on acts of
6 violence in the public schools. The State Board shall adopt standard
7 definitions for acts of school violence and shall require local boards of
8 education to report them to the State Board in a standard format adopted
9 by the State Board.

10 (22) Duty to Monitor the Decisions of Teachers to Leave the Teaching
11 Profession. – The State Board of Education shall monitor and compile
12 an annual report on the decisions of teachers to leave the teaching
13 profession. The State Board shall adopt standard procedures for each
14 local board of education to use in requesting the information from
15 teachers who are not continuing to work as teachers in the local school
16 administrative unit and shall require each local boards of education to
17 report the information to the State Board in a standard format adopted
18 by the State Board."

19 Sec. 2. Article 2 of Chapter 115C of the General Statutes is amended by
20 adding a new section to read:

21 "**§ 115C-12.2. Department of Public Instruction.**

22 The Department of Public Instruction is a principal department of State government
23 under the direction of the State Board of Education. The State Board of Education may
24 adopt and administer all policies, rules, and standards necessary for the operation of the
25 Department. The State Board may, subject to Chapter 126 of the General Statutes,
26 appoint to the Department of Public Instruction any officers or employees it considers
27 necessary."

28 Sec. 3. G.S. 115C-19 reads as rewritten:

29 "**§ 115C-19. Chief administrative officer of the State Board of Education.**

30 As provided in Article IX, Sec. 4(2) of the North Carolina Constitution, the
31 Superintendent of Public Instruction shall be the secretary and chief administrative
32 officer of the State Board of Education. ~~The Superintendent of Public Instruction shall~~
33 ~~administer the policies adopted by the State Board of Education. The State Board shall define~~
34 the specific duties of the Superintendent as secretary and chief administrative officer of
35 the Board. The Superintendent of Public Instruction shall perform these duties and any
36 other duties that the Board may assign to the Superintendent."

37 Sec. 4. G.S. 115C-21 is repealed.

38 Sec. 5. G.S. 115C-21.1(b) reads as rewritten:

39 "(b) ~~The Department of Public Instruction~~ State Board of Education shall monitor and
40 provide a report to the General Assembly by May 1, 1991, and annually thereafter
41 showing the school units that have been granted class size waivers pursuant to G.S.
42 115C-238.6(a), have reported class size exceptions, and have converted State-funded
43 teacher positions to other positions, dollars, or other expenditures."

1 Sec. 6. G.S. 115C-22 reads as rewritten:

2 **"§ 115C-22. Alcohol and Drug Defense Program established.**

3 ~~There is established in the Department of Public Instruction the Alcohol and Drug~~
4 ~~Defense (ADD) Program. The Program shall be a new initiative to give the~~
5 ~~Superintendent of Public Instruction statewide responsibility. The State Board of~~
6 Education shall establish the Alcohol and Drug Defense (ADD) Program to address
7 systematically alcohol and drug problems of school aged youth.

8 The ADD Program shall:

- 9 (1) Provide planning, consultation, and direct services to local school
10 boards, school personnel, parent-teacher-student organizations, and
11 community teams, and the divisions of the Department of Public Instruction
12 teams that can affect substance abuse;
- 13 (2) Perform a complete comprehensive survey of existing prevention,
14 intervention, treatment, and policy activities within the public schools;
- 15 (3) Identify, mobilize, and coordinate resources for immediate action
16 throughout the State;
- 17 (4) Develop a model approach that is flexible enough to be tailored to
18 community needs and resources;
- 19 (5) Coordinate alcohol- and drug-specific curriculum-development and
20 implementation;
- 21 (6) Consult with local school boards on the development of school policies
22 to reduce substance use and possession on school property and at school
23 activities;
- 24 (7) Consult directly with school personnel regarding appropriate
25 intervention and referral of students in trouble;
- 26 (8) Train health education coordinators, teachers, and others on
27 the identification of substance use and steps to take with students;
- 28 (9) Coordinate with higher education, teacher organizations, and alcohol
29 and drug professionals;
- 30 (10) Act as a liaison between the ~~Department of Public Instruction~~ State Board
31 and other agencies addressing the substance abuse problem;
- 32 (11) Perform other services as directed by the State Board of ~~Education and~~
33 ~~the Superintendent of Public Instruction;~~ Education; and
- 34 (12) Report regularly to ~~the Superintendent of Public Instruction,~~ the State
35 Board of Education, and the General Assembly on the status of
36 substance abuse among school-aged children."

37 Sec. 7. G.S. 115C-47(34) reads as rewritten:

- 38 "(34) To Encourage the Business Community to Facilitate Student
39 Achievement. – Local boards of education, in consultation with local
40 business leaders, shall develop voluntary guidelines relating to after-
41 school employment. The guidelines may include an agreement to
42 limit the number of hours a student may work or to tie the number of
43 hours a student may work to his academic performance, school

1 attendance, and economic need. The General Assembly finds that
2 local boards of education do not currently have information
3 regarding how many of their students are employed after school and
4 how many hours they work; the General Assembly urges local
5 boards of education to compile this critical information so that the
6 State can determine to what extent these students' work affects their
7 school performance.

8 Local boards of education shall work with local business leaders
9 to encourage employers to provide parents or guardians with time to
10 attend conferences with their children's teachers.

11 The ~~Superintendent~~ Department of Public Instruction shall provide
12 guidance and technical assistance to the local boards of education on
13 carrying out the provisions of this subdivision."

14 Sec. 8. G.S. 115C-81(f) reads as rewritten:

15 "(f) Establishment and Maintenance of Kindergartens. –

16 (1) Local boards of education shall provide for their respective local school
17 administrative unit kindergartens as a part of the public school system
18 for all children living in the local school administrative unit who are
19 eligible for admission pursuant to subdivision (2) of this subsection
20 provided that funds are available from State, local, federal or other
21 sources to operate a kindergarten program as provided in this
22 subsection.

23 All kindergarten programs so established shall be subject to the
24 supervision of the Department of Public Instruction and shall be
25 operated in accordance with the standards adopted by the State Board of
26 Education, ~~upon recommendation of the Superintendent of Public Instruction.~~
27 Education.

28 Among the standards to be adopted by the State Board of Education
29 shall be a provision that the Board will allocate funds for the purpose of
30 operating and administering kindergartens to each school administrative
31 unit in the State based on the average daily membership for the best
32 continuous three out of the first four school months of pupils in the
33 kindergarten program during the last school year in that respective
34 school administrative unit. Such allocations are to be made from funds
35 appropriated to the State Board of Education for the kindergarten
36 program.

37 (2) Any child who has passed the fifth anniversary of his birth on or before
38 October 16 of the year in which he enrolls shall be eligible for
39 enrollment in kindergarten. Any child who is enrolled in kindergarten
40 and not withdrawn by his parent or guardian shall attend kindergarten.

41 (3) Notwithstanding any other provision of law to the contrary, subject to
42 the approval of the State Board of Education, any local board of
43 education may elect not to establish and maintain a kindergarten

1 program. Any funds allocated to a local board of education which does
2 not operate a kindergarten program may be reallocated by the State
3 Board of Education, within the discretion of the Board, to a county or
4 city board of education which will operate such a program."

5 Sec. 9. G.S. 115C-90 reads as rewritten:

6 **"§ 115C-90. Adoption of textbooks and contracts with publishers.**

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

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

19 Sec. 10. G.S. 115C-105.4(a)(3) reads as rewritten:

20 "(3) Work with the ~~Department of Public Instruction~~ State Board of Education
21 to ensure that end-of-course assessments for core subjects are consistent
22 with these standards and with benchmarks set by the Commission
23 leading to these standards."

24 Sec. 11. G.S. 115C-105.9 reads as rewritten:

25 **"§ 115C-105.9. Assistance of other agencies.**

26 Upon the request of the Commission, the ~~Department of Public Instruction,~~ the State
27 Board of Education, the Department of Community Colleges, and the Board of
28 Governors of The University of North Carolina shall furnish the Commission with any
29 nonconfidential information in their possession or available to them."

30 Sec. 12. G.S. 115C-113.1 reads as rewritten:

31 **"§ 115C-113.1. Surrogate parents.**

32 In the case of a child whose parent or guardian is unknown, whose whereabouts
33 cannot be determined after reasonable investigation, or who is a ward of the State, the
34 local educational agency shall appoint a surrogate parent for the child. The surrogate
35 parent shall be appointed from a group of persons approved by the ~~Superintendent of~~
36 ~~Public Instruction~~ State Board of Education and the Secretary of Human Resources, but in
37 no case shall the person appointed be an employee of the local educational agency or
38 directly involved in the education or care of the child. The ~~Superintendent~~ State Board of
39 Education shall ensure that local educational agencies appoint a surrogate parent for
40 every child in need of a surrogate parent."

41 Sec. 13. G.S. 115C-116(i) reads as rewritten:

42 "(i) Review by Review Officer. – Any party aggrieved by the decision of the
43 administrative law judge may appeal that decision within 30 days after receipt of notice

1 of the decision by filing a written notice of appeal with the ~~Superintendent of Public~~
2 ~~Instruction. The State Superintendent of Public Instruction~~ State Board of Education. The
3 State Board shall appoint a Review Officer from a pool of review officers that it has
4 approved. ~~approved by the State Board of Education.~~—A Review Officer shall be an
5 educator or other professional who is knowledgeable about special education and who
6 possesses ~~such any~~ other qualifications as may be established by the State Board of
7 Education. The Review Officer may issue subpoenas upon his own motion or upon a
8 written request.

9 No person may be appointed as a Review Officer if that person is an employee of an
10 agency that has been involved in the education or care of the child whose parents have
11 filed the ~~petition (including petition, if that person is an employee or official of the State~~
12 ~~Department of Education~~ Public Instruction or the State Board of ~~Education~~ Education, or
13 if the person is or has been employed by the local board of education responsible for the
14 education or care of the child whose parents have filed the petition. The decision of the
15 Review Officer shall contain findings of fact and conclusions of law and becomes final
16 unless an aggrieved party brings a civil action ~~pursuant to subsection (k).~~ under subsection
17 (k) of this section. A copy of the decision shall be served upon each party and a copy
18 shall be furnished to the attorneys of record. The written notice shall contain a statement
19 informing the parties of the right to file a civil action and the 30-day limitations period
20 for filing a civil action ~~pursuant to subsection (k).~~ under subsection (k) of this section."

21 Sec. 14. G.S. 115C-118 reads as rewritten:

22 "**§ 115C-118. Functions.**

23 The centers shall have the following functions:

- 24 (1) To provide in-service training to all special education teachers and other
25 professionals as defined by the ~~Superintendent~~ State Board.
- 26 (2) To develop in kindergarten and primary grade teachers the necessary
27 skills to detect potential special education needs and the capability to
28 plan special educational programs.
- 29 (2a) To provide in-service training for all teachers in the identification and
30 education of learning disabled children.
- 31 (3) To provide in-service training and consultative services to a parent or
32 guardian of a child with special needs and to appropriate public school
33 administrative and management personnel.
- 34 (4) To work in concert with the various local human resources agencies to
35 the end that multiple and duplicative services provided at various times
36 and by various agencies of the State may be obviated.
- 37 (5) To conduct an in-depth evaluation of the impact of in-service training
38 on the delivery of services to children with special needs within the
39 public schools on an annual basis in compliance with ~~such rules and~~
40 ~~regulations as the Superintendent may promulgate.~~ any rules adopted by the
41 State Board of Education."

42 Sec. 15. G.S. 115C-120 reads as rewritten:

43 "**§ 115C-120. Rules and regulations.**

1 The Superintendent shall develop and promulgate appropriate rules and regulations
2 for the operation of the centers subject to the approval of the State Board. Such rules and
3 regulations shall State Board of Education shall adopt appropriate rules for the operation
4 of the centers. These rules shall prescribe the precise operational responsibility of the
5 centers and shall include a description of the operational relationship that shall exist with
6 the various local human resources agencies."

7 Sec. 16. G.S. 115C-121(c) reads as rewritten:

8 "(c) The Council shall meet in offices provided by the ~~Department of Public~~
9 ~~Instruction~~ State Board of Education on a date to be agreed upon by the members of the
10 Council from meeting to meeting. ~~Provided, however, that meeting.~~ However, the Council
11 shall meet no less than once every three months. The ~~Department of Public Instruction~~ State
12 Board shall provide the necessary secretarial and clerical staff and supplies to accomplish
13 the objectives of the Council."

14 Sec. 17. G.S. 115C-122(1) reads as rewritten:

15 "(1) The State shall provide for a comprehensive early childhood
16 development program by emphasizing preventative and remedial
17 measures designed to provide the services which will enable children to
18 develop to the maximum level their physical, mental, social, and
19 emotional potentials and to strengthen the role of the family as the first
20 and most fundamental influence on child development. The General
21 Assembly finds that the complexity of early childhood development
22 precludes the enactment of legislation which is of a sufficiently
23 comprehensive nature to encompass all possible implications. The
24 ~~Departments of Public Instruction and~~ State Board of Education and the
25 Department of Human Resources shall, therefore, jointly develop an
26 early childhood development program plan with flexibility sufficient to
27 meet the State's policy as set forth in this subdivision. ~~Said~~ This plan
28 shall provide for the operation of a statewide early childhood
29 development program no later than June 30, 1983."

30 Sec. 18. G.S. 115C-122(4) reads as rewritten:

31 "(4) It is recognized that children have a variety of characteristics and needs,
32 all of which must be considered if the potential of each child is to be
33 realized; that in order to accomplish this the State must develop a full
34 range of service and education programs, and that a program must
35 actually benefit a child or be designed to benefit a particular child in
36 order to provide such child with appropriate educational and service
37 opportunities. The General Assembly requires that all programs employ
38 least restrictive alternatives as shall be defined by the ~~Departments of~~
39 ~~Public Instruction and~~ State Board of Education and the Department of
40 Human Resources."

41 Sec. 19. G.S. 115C-146.3(d) reads as rewritten:

42 "(d) Related services provided under this Part shall be provided by qualified
43 services providers. The term 'qualified services provider' means a person who meets

1 State standards for licensure or State Board of Education standards for certification for a
2 specific profession or discipline.

3 To the extent that the State Board of Education standards include provisions for
4 certification that are less than the standard for certification or licensure for a specific
5 profession, the ~~Department of Public Instruction~~ State Board of Education may certify
6 individuals on a temporary or provisional basis, provided that the ~~State Board of Education~~
7 ~~shall establish~~ establishes a comprehensive plan and reasonable time lines to ensure that
8 only professionals who meet the appropriate standard for licensure or certification may be
9 employed in the future."

10 Sec. 20. G.S. 115C-174.12(b) reads as rewritten:

11 "(b) ~~The Superintendent of Public Instruction shall be responsible, under policies adopted~~
12 ~~by the State Board of Education,~~ State Board of Education shall adopt rules for the
13 statewide administration of the testing program provided by this Article and for providing
14 necessary staff services to the Commission."

15 Sec. 21. G.S. 115C-210.3(b) reads as rewritten:

16 "(b) The Council shall meet in space to be provided by the ~~Department of Public~~
17 ~~Instruction~~ State Board of Education on ~~such~~ any dates as are agreed on by the
18 membership from meeting to meeting: ~~provided, however, that~~ meeting. However, the
19 Council shall meet at least three, but no more than four times each year. The Council
20 may meet at emergency meetings called by the chairperson. The Department of Public
21 Instruction shall provide necessary staff support and supplies to enable the Council to
22 carry out its duties in an effective manner."

23 Sec. 22. G.S. 115C-210.4(d) reads as rewritten:

24 "(d) To work closely with the ~~Division of Indian Education in the Department of~~
25 ~~Public Instruction to improve coordination and communication between and among~~
26 ~~programs;~~"

27 Sec. 23. G.S. 115C-215 reads as rewritten:

28 **"§ 115C-215. Instruction in driver training and safety education.**

29 ~~There shall be organized and administered under the general supervision of the~~
30 ~~Superintendent of Public Instruction a program of driver training and safety education in~~
31 ~~the public schools of this State, said courses to be~~ The State Board of Education shall
32 establish a program of driver training and safety education in the public schools of this
33 State. The program shall be organized and administered under the Department of Public
34 Instruction and shall consist of noncredit courses taught by instructors who meet the
35 requirements established by the State Board of Education. Instructors shall not be
36 required to hold teacher certificates."

37 Sec. 24. G.S. 115C-231(a) reads as rewritten:

38 "(a) ~~When in the judgment of the State Board of Education a program of adult~~
39 ~~education should be established as a part of the public school system and when~~
40 ~~appropriations have been made therefor, there shall be organized and administered under~~
41 ~~the general supervision of the Superintendent of Public Instruction, a course in adult~~
42 ~~education: Provided, that~~ If appropriations are made, the State Board of Education may
43 establish a program of adult education to be organized and administered under the

1 Department of Public Instruction. Notwithstanding this subsection, local boards of
2 education, in their discretion, may institute and support such programs from local funds
3 upon the approval of the State Board of Education."

4 Sec. 25. G.S. 115C-238.3(a) reads as rewritten:

5 "(a) Development of systemwide plan by the local board of education. – The board
6 of education of a local school administrative unit that elects to participate in the Program
7 shall develop and submit a local school improvement plan for the entire local school
8 administrative unit to the State ~~Superintendent of Public Instruction~~ Board of Education
9 before April 15 of the fiscal year preceding the fiscal year in which participation is
10 sought.

11 A systemwide improvement plan shall remain in effect for no more than three years."

12 Sec. 26. G.S. 115C-238.5(a) reads as rewritten:

13 "(a) For fiscal years beginning with the 1990-91 fiscal year, the State Board of
14 Education, ~~only upon the recommendation of the State Superintendent, shall~~ Education may
15 increase flexibility in the use of State funds for schools by combining into a single
16 funding category the existing categories for instructional materials, supplies and
17 equipment, textbooks, testing support, and drivers education except for funds for
18 classroom teachers of drivers education. Only local school administrative units electing to
19 participate in the Performance-based Accountability Program shall be eligible to receive
20 this flexible funding."

21 Sec. 27. G.S. 115C-238.6 reads as rewritten:

22 "**§ 115C-238.6. Approval of local school administrative unit plans by the State**
23 **Superintendent; Board; conditions for continued participation.**

24 (a) Prior to June 30 each year, the State ~~Superintendent~~ Board of Education shall
25 review local school improvement plans submitted by the local school administrative units
26 in accordance with policies and performance indicators adopted by the State Board of
27 Education. If the State ~~Superintendent~~ Board approves the plan for a local school
28 administrative unit, that unit shall participate in the Program for the next fiscal year.

29 If a local plan contains a request for a waiver of State laws, regulations, or policies, in
30 accordance with G.S. 115C-238.3(b1) or ~~(b2)~~, ~~the State Superintendent~~ G.S. 115C-
31 238.3(b2), the State Board of Education shall determine whether and to what extent the
32 identified laws, regulations, or policies should be waived. ~~The State Superintendent shall~~
33 ~~present that plan and his determination to the State Board of Education.~~ If the State Board of
34 Education deems it necessary to do so to enable a local unit to reach its local
35 accountability goals, the State Board, ~~only upon the recommendation of the State~~
36 ~~Superintendent, Board~~ may grant waivers of:

- 37 (1) State laws pertaining to class size, teacher certification, assignment of
38 teacher assistants, the use of State-adopted textbooks, and the purposes
39 for which State funds for the public schools, except for funds for school
40 health coordinators, may be used: Provided, however, the State Board of
41 Education shall not permit the use of funds for teachers for expanded
42 programs under the Basic Education Program for any other purpose;

1 (2) All State regulations and policies, except those pertaining to State salary
2 schedules and employee benefits for school employees, the instructional
3 program that must be offered under the Basic Education Program, the
4 system of employment for public school teachers and administrators set
5 out in G.S. 115C-325, health and safety codes, compulsory school
6 attendance, the minimum lengths of the school day and year, and the
7 Uniform Education Reporting System.

8 The provisions of G.S. 115C-12(16)b. regarding the placement of State-allotted office
9 support personnel, teacher assistants, and custodial personnel on the salary schedule
10 adopted by the State Board shall not be waived.

11 Except for waivers requested by the local board in accordance with G.S. 115C-
12 238.3(b2) for central office staff, waivers shall be granted only for the specific schools
13 for which they are requested in building-level plans and shall be used only under the
14 specific circumstances for which they are requested.

15 (b) Local school administrative units shall continue to participate in the Program
16 and receive funds for differentiated pay, if their local plans call for differentiated pay, so
17 long as (i) they demonstrate satisfactory progress toward student performance goals set
18 out in their local school improvement plans; or (ii) once their local goals are met, they
19 continue to achieve their local goals and they otherwise demonstrate satisfactory
20 performance, as determined by the State Superintendent ~~in accordance with guidelines set by~~
21 ~~the State Board of Education.~~ Board of Education in accordance with the Board's
22 established guidelines.

23 If the local school administrative units do not achieve their goals after two years, the
24 Department of Public Instruction shall provide them with technical assistance to help
25 them meet their goals. If after one additional year they do not achieve their goals, the
26 State Board of Education shall decide what steps shall be taken to improve the education
27 of students in the unit."

28 Sec. 28. G.S. 115C-238.7(d) reads as rewritten:

29 "(d) The State Superintendent of Public Instruction Board of Education shall appoint a
30 Director of the Task Force on Site-Based Management. The Director shall direct a
31 program in the Department of Public Instruction to provide training and assistance to the
32 public schools to facilitate the implementation of site-based management.

33 The Director shall supervise such site-based management specialists from each of the
34 six technical assistance centers of the Department of Public Instruction as may be
35 assigned by the State Superintendent Board. The specialists shall work directly with the
36 local school administrative units and with school-based committees to provide them with
37 training and assistance to facilitate the implementation of site-based management. The
38 specialists shall coordinate their activities with the central office."

39 Sec. 29. G.S. 115C-238.25(a) reads as rewritten:

40 "(a) Each participating local school administrative unit shall submit an annual
41 report one year after the local school administrative unit has awarded a contract, and
42 every year thereafter, to the General Assembly, the Joint Legislative Education Oversight
43 Committee, ~~the Superintendent of Public Instruction,~~ and the State Board of Education. The

1 report shall include a comprehensive financial accounting itemizing the amount of and
2 uses of all public and private funds expended for the Genesis school, and all services,
3 equipment, and other resources donated to the school, a description of any accountability
4 plans implemented pursuant to G.S. 115C-238.23(c)(3), and a description of the student
5 achievement resulting from the implementation of those accountability plans."

6 Sec. 30. G.S. 115C-238.42 reads as rewritten:

7 **"§ 115C-238.42. Review of applications.**

8 (a) ~~The Superintendent of Public Instruction~~ State Board of Education shall appoint a
9 State task force to assist the ~~Superintendent~~ Board in reviewing grant applications. The
10 State task force shall include representatives of the Department of Public Instruction, the
11 Department of Human Resources, local school administrative units, educators, parents,
12 the juvenile justice system, social services, and governmental agencies providing services
13 to children, and other members the ~~Superintendent~~ State Board considers appropriate. In
14 appointing the State task force, the ~~Superintendent~~ State Board shall consult with the
15 Secretary of Human Resources in an effort to coordinate the membership of this State
16 task force and those appointed by the Secretary pursuant to G.S. 143B-152.5 and G.S.
17 143B-152.13.

18 In reviewing grant applications, the ~~Superintendent~~ State Board and the State task force
19 shall consider the prevalence of underserved students and families in low-income
20 neighborhoods and in isolated rural areas in the area for which the grant is requested, the
21 severity of the local problems with regard to children at risk of school failure and with
22 regard to school discipline, whether the proposed program meets State standards, and the
23 likelihood that the locally designed plan will deal with the problems successfully.

24 During the review process, the ~~Superintendent~~ State Board may recommend
25 modifications in grant applications to applicants.

26 (b) ~~The Superintendent shall submit recommendations to the State Board of Education~~
27 ~~on~~ State Board of Education shall make the final determination as to which applicants
28 should receive grants and the amount they should receive."

29 Sec. 31. G.S. 115C-238.43 reads as rewritten:

30 **"§ 115C-238.43. Award of grants.**

31 In selecting grant recipients, the State Board shall consider (i) ~~the recommendations~~
32 ~~of the Superintendent,~~ any findings made during the grant review process, (ii) the
33 geographic location of the applicants, and (iii) the demographic profile of the applicants.
34 After considering these factors, the State Board shall give priority to grant applications
35 that will serve areas that have a high incidence of juvenile crime and that propose
36 different approaches that can serve as models for other communities.

37 The State Board shall select the grant recipients prior to July 15, 1994, for local
38 programs that will be in operation at the beginning of the 1994-95 school year. The State
39 Board shall select the grant recipients prior to October 1, 1994, for local programs that
40 will be in operation after the beginning of the 1994-95 school year."

41 Sec. 32. G.S. 115C-238.45 reads as rewritten:

42 **"§ 115C-238.45. Administration of the grant program.**

1 ~~The Superintendent of Public Instruction shall administer the grant program, under the~~
2 ~~direction of the State Board of Education.~~ State Board of Education shall administer the
3 grant program. The Department of Public Instruction shall provide technical assistance
4 to grant applicants and recipients."

5 Sec. 33. G.S. 115C-238.46 reads as rewritten:

6 **"§ 115C-238.46. Cooperation of State and local agencies.**

7 All agencies of the State and local government, including departments of social
8 services, health departments, local mental health, mental retardation, and substance abuse
9 authorities, court personnel, law enforcement agencies, The University of North Carolina,
10 the community college system, and cities and counties, shall cooperate with the
11 Department of Public Instruction, local boards of education, and local nonprofit
12 corporations that receive grants in coordinating the program at the State level and in
13 implementing the program at the local level. ~~The Superintendent,~~ State Board of
14 Education, after consultation with the Secretary of Human Resources, shall develop a
15 plan for ensuring the cooperation of State agencies and local agencies, and encouraging
16 the cooperation of private entities, especially those receiving State funds, in the
17 coordination and implementation of the program."

18 Sec. 34. G.S. 115C-271 reads as rewritten:

19 **"§ 115C-271. Selection by local board of education, term of office.**

20 Each local board of education shall elect a superintendent of schools for a term of one
21 to four years, ending on June 30th of the final 12 months of the contract. The board of
22 education may, with the written consent of the current superintendent, extend or renew
23 the term of the superintendent's contract at any time after the first 12 months of the
24 contract; provided, however, that the current superintendent's contract may not be
25 extended for a term of greater than four years; and provided, further, that if new board
26 members have been elected or appointed and are to be sworn in, the board may not act to
27 extend or renew the current superintendent's contract until after the new members have
28 been sworn in. The term and conditions of employment shall be stated in a written
29 contract which shall be entered into between the board of education and the
30 superintendent. A copy of the contract shall be filed with the ~~Superintendent of Public~~
31 ~~Instruction~~ State Board of Education before any person is eligible for this office.

32 Contracts of employment for a period of less than one year shall be governed and
33 limited by G.S. 115C-275.

34 It is the policy of the State of North Carolina that the superintendents of each of the
35 several school administrative units be hired solely at the discretion of the local boards of
36 education and that a candidate for superintendent of a local school administrative unit
37 must have been, at least, a principal in a North Carolina public school or have equivalent
38 experience as prescribed by the State Board of Education and have other minimum
39 credentials, educational prerequisites and experience requirements as the State Board of
40 Education shall prescribe. The State Board of Education is directed to promulgate
41 prerequisites for candidacy for superintendent not later than January 1, 1985.

42 If any board of education shall elect a person to serve as superintendent of schools in
43 any local school administrative unit who is not qualified, or cannot qualify, according to

1 this section, such election is null and void and it shall be the duty of such board of
2 education to elect a person who can qualify."

3 Sec. 35. G.S. 115C-274 reads as rewritten:

4 **"§ 115C-274. Removal for cause.**

5 (a) Local boards of education are authorized to remove a superintendent who is
6 guilty of immoral or disreputable conduct or who shall fail or refuse to perform the duties
7 of the office as required of him by law. In case the Superintendent of Public Instruction shall
8 have ~~If the State Board of Education has~~ sufficient evidence at any time that any
9 superintendent of schools is not capable of discharging, or is not discharging, the duties
10 of ~~his~~ the office as required by law or is guilty of immoral or disreputable conduct, ~~he~~ the
11 State Board shall report this matter to the board of education employing ~~said~~ that
12 superintendent of schools. It shall then be the duty of said board of education to hear the
13 evidence in such case and, if after careful investigation it shall find the charges true, it
14 shall declare the office vacant at once and proceed to elect a successor: Provided, that
15 such superintendent shall have the right to try his title to office in the courts of the State.

16 (b) If the superintendent shall fail in the duties enumerated in G.S. 115C-276(g)
17 through (i) or ~~such~~ any other duties as may be assigned ~~him, to the superintendent,~~ he
18 shall be subject, after notice, to an investigation by the ~~Superintendent of Public Instruction~~
19 State Board of Education or by his board of education for failure to perform his duties.
20 For persistent failure to perform these duties, ~~his~~ the superintendent's certificate may be
21 revoked by the ~~Superintendent of Public Instruction, or he~~ State Board of Education, or the
22 superintendent may be dismissed by his board of education."

23 Sec. 36. G.S. 115C-275 reads as rewritten:

24 **"§ 115C-275. Vacancies in office of superintendent.**

25 In case of vacancy by death, resignation, or otherwise, in the office of a
26 superintendent, ~~such~~ that vacancy shall be filled by the local board of education in which
27 ~~such~~ the vacancy occurred. If the vacancy is filled on a temporary basis, subject to the
28 same approvals and to the same educational qualifications as provided for
29 superintendents, the individual appointed to fill the vacancy on a temporary basis shall be
30 paid the salary provided for superintendents. During the time any superintendent is on an
31 approved leave of absence, without pay, an acting superintendent may be appointed in the
32 same manner to serve during the interim period, which appointment shall be subject to
33 the same approvals and to the same educational qualifications as provided for
34 superintendents. In case ~~such~~ any position is not filled immediately on a permanent or
35 temporary basis, or in case of absence of a superintendent on account of illness or other
36 approved reason, the board of education, by resolution duly adopted and recorded in the
37 minutes of ~~such~~ that board, may assign to an employee of ~~such~~ the school board, with the
38 approval of the ~~Superintendent of Public Instruction, the State Board of Education,~~ any duty
39 or duties of ~~such~~ that superintendent which necessity requires be performed during ~~such~~
40 that time. If the superintendent's duty of signing warrants and checks is assigned, the
41 board shall give proper notice immediately to the State Controller and to the appropriate
42 local disbursing official."

43 Sec. 37. G.S. 115C-276(d) reads as rewritten:

1 "(d) To Attend Professional Meetings. – It shall be the duty of every superintendent
2 to attend professional meetings conducted by the State ~~Superintendent of Public Instruction~~
3 Board of Education and such other professional meetings as are necessary to keep ~~him~~ the
4 superintendent informed on educational matters."

5 Sec. 38. G.S. 115C-276(e) reads as rewritten:

6 "(e) To Report Certain Information to the ~~Superintendent of Public Instruction~~ State
7 Board of Education. – It shall be the duty of every superintendent to furnish as promptly
8 as possible to the State ~~Superintendent~~ when Board any requested by ~~him~~, information and
9 statistics on any phase of the school work in ~~his~~ the superintendent's administrative unit."

10 Sec. 39. G.S. 115C-276(g) reads as rewritten:

11 "(g) To Familiarize Himself with and to Implement State Policies and Rules. – It
12 shall be the duty of the superintendent to keep himself thoroughly informed as to all
13 policies promulgated and rules adopted by the ~~State Superintendent of Public Instruction~~ and
14 the State Board of Education, for the organization and government of the public schools.
15 The superintendent shall notify and inform ~~his~~ the board of education, supervisors,
16 principals, teachers, janitors, bus drivers, and all other persons connected with the public
17 schools, of ~~such~~ these policies and rules. In the performance of these duties, the
18 superintendent shall confer, work, and plan with all school personnel to achieve the best
19 methods of instruction, school organization and school government."

20 Sec. 40. G.S. 115C-278 reads as rewritten:

21 "**§ 115C-278. Assistant superintendent and associate superintendent.**

22 Local boards of education shall have authority to employ an assistant superintendent,
23 in addition to those that may be furnished by the State when, in the discretion of the
24 board of education, the schools of the administrative unit can thereby be more efficiently
25 and more economically operated and when funds for the same are provided in the current
26 expense fund budget. The duties of such assistant superintendent shall be assigned by the
27 superintendent with the approval of the board of education.

28 Local boards of education may, upon the recommendation of the superintendent, elect
29 assistant or associate superintendents for a term of from one to four years. The term may
30 not, however, exceed the expiration date of the superintendent's contract, unless the
31 remaining time of the superintendent's contract is less than one year. If there is less than
32 one year remaining on the superintendent's contract, the assistant or associate
33 superintendent shall be given a contract through the next school year.

34 The term of employment shall be stated in a written contract which shall be entered
35 into between the board of education and the assistant or associate superintendent, a copy
36 of which shall be filed with the ~~Superintendent of Public Instruction~~ State Board of
37 Education as a matter of information. The assistant or associate superintendent may not
38 be dismissed during the term to which he is elected except for misconduct of such a
39 nature as to indicate he is unfit to continue in his position, incompetence, neglect of duty,
40 or failure or refusal to carry out validly assigned duties."

41 Sec. 41. G.S. 115C-288(b) reads as rewritten:

42 "(b) To Make Accurate Reports to the Superintendent and to the Local Board. –
43 The principal shall make all reports to the superintendent. Every principal of a public

1 school shall make ~~such any~~ reports as that are required by the boards of education, and the
2 superintendent shall not approve the vouchers for the pay of principals until the required
3 monthly and annual reports are made. ~~Provided, that made.~~ However, the superintendents
4 may require teachers to make reports to the principals and principals to make reports to
5 the superintendent. ~~Provided further, that any superintendent.~~ Any principal or supervisor
6 who knowingly and willfully makes or procures another to make any false report or
7 records, requisitions, or payrolls, respecting daily attendance of pupils in the public
8 schools, payroll data sheets, or other reports required to be made to any board or officer
9 in the performance of his duties, shall be guilty of a Class 1 misdemeanor and the
10 certificate of such person to teach in the public schools of North Carolina shall be
11 revoked by the ~~Superintendent of Public Instruction.~~ State Board of Education."

12 Sec. 42. G.S. 115C-288(d) reads as rewritten:

13 "(d) To Conduct Fire Drills and Inspect for Fire Hazards. – It shall be the duty of
14 the principal to conduct a fire drill during the first week after the opening of school and
15 thereafter at least one fire drill each school month, in each building in ~~his~~ the principal's
16 charge, where children are assembled. Fire drills shall include all pupils and school
17 employees, and the use of various ways of egress to simulate evacuation of ~~said these~~
18 buildings under various conditions, and ~~such any~~ other regulations as shall be prescribed
19 for fire safety by the Commissioner of ~~Insurance, the Superintendent of Public Instruction~~
20 Insurance and the State Board of Education. A copy of ~~such these~~ regulations shall be
21 kept posted on the bulletin board in each building.

22 It shall be the duty of each principal to inspect each of the buildings in his charge at
23 least twice each month during the regular school session. This inspection shall include
24 cafeterias, gymnasiums, boiler rooms, storage rooms, auditoriums and stage areas as well
25 as all classrooms. This inspection shall be for the purpose of keeping the buildings safe
26 from the accumulation of trash and other fire hazards.

27 It shall be the duty of the principal to file two copies of a written report once each
28 month during the regular school session with the superintendent of his local school
29 administrative unit, one copy of which shall be transmitted by the superintendent to the
30 chairman of the local board of education. This report shall state the date the last fire drill
31 was held, the time consumed in evacuating each building, that the inspection has been
32 made as prescribed by law and ~~such any~~ other information as is deemed necessary for fire
33 safety by the Commissioner of ~~Insurance, the Superintendent of Public Instruction~~ Insurance
34 and the State Board of Education.

35 It shall be the duty of the principal to minimize fire hazards pursuant to ~~the provisions~~
36 ~~of~~ G.S. 115C-525."

37 Sec. 43. G.S. 115C-290.2 reads as rewritten:

38 "**§ 115C-290.2. Definitions.**

39 The following definitions apply in this Article:

- 40 (1) Standards Board. – The North Carolina Standards Board for Public
41 School Administration.
42 (2) Exam. – The North Carolina Public School Administrator Exam.

1 (3) School administrator. – Public school superintendents, deputy
2 superintendents, associate superintendents, assistant superintendents,
3 principals, and assistant principals."

4 Sec. 44. G.S.115C-290.3 reads as rewritten:

5 **"§ 115C-290.3. (Effective January 1, 1997) False representation of ~~qualifications~~**
6 **prohibited.**

7 It is unlawful for a person whom the Standards Board has not ~~qualified-recommended~~
8 for certification as a public school administrator to represent himself or herself as having
9 been ~~qualified-recommended~~ by the Standards Board or to hold himself or herself out to
10 the public by any title or description denoting that he or she has been ~~qualified~~
11 recommended by the Standards Board for certification. A person who violates this
12 section is guilty of a Class 2 misdemeanor."

13 Sec. 45. G.S. 115C-290.4 reads as rewritten:

14 **"§ 115C-290.4. North Carolina Standards Board for Public School Administration;**
15 **appointments; terms; composition.**

16 (a) The North Carolina Standards Board for Public School Administration is
17 created. The Standards Board shall be located for administrative purposes in the Office
18 of the Governor. The Standards Board shall exercise its powers independently of that
19 Office.

20 (b) The Standards Board shall consist of seven members appointed by the
21 Governor as follows:

22 (1) Two local superintendents employed by a local school administrative
23 unit.

24 (2) Three principals employed by a local school administrative unit.

25 (3) One dean of a school of education or a designee.

26 (4) One representative of the public at large.

27 Composition of the Standards Board as to the race and sex of its members shall reflect
28 the composition of the population of the State. Members of the Standards Board shall be
29 residents of the State and shall each reside in a different congressional district.

30 With the exception of the member representing the public at large, each member must
31 be qualified under this Article, and must be actively engaged in the practice of public
32 school administration or in the education and training of students in public school
33 administration. Before their appointment to the Standards Board, these professional
34 Standards Board members must have been actively engaged in the practice of public
35 school administration or in the education and training of students in public school
36 administration for at least three years, at least two of which occurred primarily in this
37 State.

38 (c) The Governor may only remove a member of the Standards Board for neglect
39 of duty, malfeasance, or conviction of a felony or other crime of moral turpitude.

40 (d) Effective July 1, 1993, the Governor shall appoint one superintendent, two
41 principals, and the dean of a school of education for terms of three years, and one
42 superintendent, one principal, and the representative of the public for terms of two years.
43 Thereafter the terms shall be for three years. Each term of service on the Standards

1 Board shall expire on the 30th day of June of the year in which the term expires. No
2 member shall serve more than two consecutive three-year terms. As the term of a
3 member expires, the Governor shall make the appointment for a full term, or, if a vacancy
4 occurs for any other reason, for the remainder of the unexpired term.

5 (e) Members of the Standards Board shall receive compensation for their services
6 and reimbursement for expenses incurred in the performance of duties required by this
7 Article, at the rates prescribed in G.S. 93B-5.

8 (f) The Standards Board shall elect from its membership a chairperson, a vice-
9 chairperson, and a secretary-treasurer, and adopt rules to govern its proceedings. All
10 members are voting members, and a majority of the membership constitutes a quorum.

11 (g) The Standards Board may employ, subject to Chapter 126 of the General
12 Statutes, the necessary personnel for the performance of its functions, and fix their
13 compensation within the limits of funds available to the Standards Board.

14 Sec. 46. G.S. 115C-290.5(a) reads as rewritten:

15 "(a) The Standards Board shall administer this Article. In fulfilling this duty, the
16 Standards Board shall:

- 17 (1) Develop and implement a North Carolina Public School Administrator
18 Exam, based on the professional standards established by the Standards
19 Board.
- 20 (2) Establish and collect an application fee not to exceed fifty dollars
21 (\$50.00), and an exam fee not to exceed one hundred fifty dollars
22 (\$150.00). Fees collected under this Article shall be credited to the
23 General Fund as nontax revenue.
- 24 (3) Review the educational achievements of an applicant to take the exam
25 to determine whether the achievements meet the requirements set by
26 G.S. 115C-290.7.
- 27 (4) Notify the State Board of Education of the names and addresses of the
28 persons who passed the exam and are thereby ~~qualified-recommended~~ to
29 be certified as public school administrators by the State Board of
30 Education.
- 31 (5) Maintain accounts and records in accordance with the Executive Budget
32 Act, Article 1 of Chapter 143 of the General Statutes.
- 33 (6) Adopt rules in accordance with Chapter 150B of the General Statutes to
34 implement this Article.
- 35 (7) Submit an annual report by December 1 of each year to the Joint
36 Legislative Education Oversight Committee of its activities during the
37 preceding year, together with any recommendations and findings
38 regarding improvement of the profession of public school
39 administration."

40 Sec. 47. G.S. 115C-290.6 reads as rewritten:

41 "**§ 115C-290.6. (Effective January 1, 1997) Application for ~~qualification by~~ to the**
42 **Standards Board.**

1 An individual who seeks to be ~~qualified~~ recommended by the Standards Board as a
2 ~~public school administrator, thereby becoming eligible~~ for certification by the State Board of
3 Education, shall file a written application with the Standards Board. The application
4 must be on a form provided by the Standards Board, must be accompanied by the
5 required application and exam fees established by the Standards Board, and must include
6 any information required by the Standards Board."

7 Sec. 48. G.S. 115C-290.7 reads as rewritten:

8 "**§ 115C-290.7. (Effective January 1, 1997) Qualification-Recommendation by the**
9 **Standards Board.**

10 (a) The Standards Board shall ~~qualify~~ recommend for certification by the State
11 Board an individual who submits a complete application to the Standards Board and
12 satisfies all of the following requirements:

13 (1) Pays the application fee established by the Standards Board.

14 (2) Pays the exam fee established by the Standards Board.

15 (3) Has a bachelors degree from an accredited college or university and has
16 a graduate degree from a public school administration program that
17 meets the public school administrator program approval standards set by
18 the State Board of Education.

19 (4) Passes the exam.

20 (b) The State Board of Education may not certify an individual as a public school
21 administrator unless it has received notice from the Standards Board of the individual's
22 ~~qualification~~ that the person is recommended by the Standards Board under this Article."

23 Sec. 49. G.S. 115C-290.8 reads as rewritten:

24 "**§ 115C-290.8. (Effective January 1, 1997) Exemptions from qualification**
25 **requirements.**

26 The ~~qualification~~ requirements of this Article do not apply to a person who, at any
27 time during the five years preceding January 1, 1997, was engaged in public school
28 administration at either a public school in North Carolina or a school in North Carolina
29 operated by the United States government. A person who is exempt from the ~~qualification~~
30 requirements of this Article but applies ~~for qualification~~ to the Standards Board under this
31 Article ~~shall be is~~ subject to it ~~the Article~~."

32 Sec. 50. G.S. 115C-290.9 reads as rewritten:

33 "**§ 115C-290.9. (Effective January 1, 1997) Grounds for refusal to qualify**
34 **recommend a person.**

35 The Standards Board may, in accordance with Chapter 150B of the General Statutes,
36 refuse to ~~qualify~~ recommend a person for certification by the State Board of Education for
37 any of the following reasons:

38 (1) Submitting a false application ~~for qualification~~ or otherwise attempting
39 to obtain ~~qualification~~ a recommendation from the Standards Board by
40 fraud or misrepresentation.

41 (2) Failure to meet the requirements set in G.S. 115C-290.7.

42 (3) Violating a provision of this Article or a rule adopted by the Standards
43 Board."

1 Sec. 51. G.S. 115C-317 reads as rewritten:

2 **"§ 115C-317. Penalty for making false reports or records.**

3 Any school employee of the public schools other than a superintendent, principal, or
4 teacher, who knowingly and willfully makes or procures another to make any false report
5 or records, requisitions, or payrolls, respecting daily attendance of pupils in the public
6 schools, payroll data sheets, or other reports required to be made to any board or officer
7 in the performance of his duties, shall be guilty of a Class 1 misdemeanor and the
8 certificate of such person to teach in the public schools of North Carolina shall be
9 revoked by the ~~Superintendent of Public Instruction~~. State Board of Education."

10 Sec. 52. G.S. 115C-323 reads as rewritten:

11 **"§ 115C-323. Employee health certificate.**

12 All public school employees upon initial employment, and those who have been
13 separated from public school employment more than one school year, including
14 superintendents, supervisors, principals, teachers, and any other employees in the public
15 schools of the State, shall file in the office of the superintendent, before assuming his
16 duties, a certificate from a physician licensed to practice medicine in the State of North
17 Carolina, certifying that said person does not have tuberculosis in the communicable
18 form, or other communicable disease, or any disease, physical or mental, which would
19 impair the ability of the said person to perform effectively his duties. A local school
20 board or a superintendent may require any person herein named to take a physical
21 examination when deemed necessary.

22 Any public school employee who has been absent for more than 40 successive school
23 days because of a communicable disease must, before returning to work, file with the
24 superintendent a physician's certificate certifying that the individual is free from any
25 communicable disease.

26 The examining physician shall make the aforesaid certificates on an examination form
27 supplied by the ~~Superintendent of Public Instruction~~. State Board of Education. The
28 certificate shall be issued only after a physical examination has been made at the time of
29 the certification, and such examination shall be in accordance with rules ~~and regulations~~
30 adopted by the ~~Superintendent of Public Instruction~~, State Board of Education, with
31 approval of the Secretary of Environment, Health, and Natural Resources, and ~~such these~~
32 rules ~~and regulations~~ may include the requirement of an X-ray chest examination for all
33 new employees of the public school system.

34 It shall be the duty of the superintendent of the school in which the person is
35 employed to enforce the provisions of this section.

36 Any person violating any of the provisions of this section shall be guilty of a Class 1
37 misdemeanor."

38 Sec. 53. G.S. 115C-325(g) reads as rewritten:

39 "(g) Professional Review Committee; Qualifications; Terms; Vacancy; Training.

40 (1) There is hereby created a Professional Review Committee which shall
41 consist of 132 citizens, 11 from each of the State's congressional
42 districts, five of whom shall be lay persons and six of whom shall have
43 been actively and continuously engaged in teaching or in supervision or

1 administration of schools in this State for the five years preceding their
2 appointment and who are broadly representative of the profession, to be
3 appointed by ~~the Superintendent of Public Instruction with the advice and~~
4 ~~consent of~~ the State Board of Education. Each member shall be
5 appointed for a term of three years. The initial terms of office of the
6 persons appointed from the 12th Congressional District shall commence
7 on January 3, 1993, and expire on June 30, 1995. ~~The Superintendent of~~
8 ~~Public Instruction, with the advice and consent of the~~ State Board of
9 Education, shall fill any vacancy which may occur in the Committee.
10 The person appointed to fill the vacancy shall serve for the unexpired
11 portion of the term of the member of the Committee whom he is
12 appointed to replace.

13 (2) ~~The Superintendent of Public Instruction~~ State Board of Education shall
14 provide for the Committee ~~such any~~ training as ~~he~~ it considers necessary
15 or desirable for the purpose of enabling the members of the Committee
16 to perform the functions required of them.

17 (3) The compensation of committee members while serving as a member of
18 a hearing panel shall be as for State boards and commissions ~~pursuant to~~
19 under G.S. 138-5. The compensation shall be paid by the State Board of
20 Education."

21 Sec. 54. G.S. 115C-325(h)(4) reads as rewritten:

22 "(4) If a request for review is made, the superintendent, within five days of
23 filing such request for review, shall notify the ~~Superintendent of Public~~
24 ~~Instruction who,~~ State Board of Education which, within seven days from
25 the time of receipt of such notice, shall designate a panel of five
26 members of the Committee, at least two of whom shall be lay persons,
27 who shall not be employed in or be residents of the county in which the
28 request for review is made, to review the proposed recommendations of
29 the superintendent for the purpose of determining whether in its opinion
30 the grounds for the recommendation are true and substantiated. The
31 teacher or principal making the request for review shall have the right to
32 require that at least two members of the panel shall be members of his
33 professional peer group."

34 Sec. 55. G.S. 115C-325(i)(1) reads as rewritten:

35 "(1) The career teacher and superintendent will each have the right to
36 designate not more than 33 of the 132 members of the Professional
37 Review Committee as not acceptable to the teacher or superintendent
38 respectively. No person so designated shall be appointed to the panel.
39 The career teacher shall specify to the superintendent those Committee
40 members who are not acceptable in his request for a review of the
41 superintendent's proposed recommendations provided for in ~~subdivision~~
42 ~~(h)(3) above.~~ G.S. 115C-325(h)(3). The superintendent's notice to the
43 ~~Superintendent of Public Instruction provided for in subdivision (h)(4) above~~

1 State Board of Education provided for in G.S. 115C-325(h)(4) shall
2 contain a list of those members of the Committee not acceptable to the
3 superintendent and the teacher respectively. Failure to designate
4 nonacceptable members in accordance with this subsection shall
5 constitute a waiver of that right."

6 Sec. 56. G.S. 115C-381 reads as rewritten:

7 "**§ 115C-381. School social workers; reports; prosecutions.**

8 The ~~Superintendent of Public Instruction~~ State Board of Education shall ~~prepare such~~
9 adopt any rules and procedures and furnish ~~such blanks~~ any forms for teachers and other
10 school officials as may be necessary for reporting ~~such~~ any case of unlawful absence or
11 lack of attendance to the school social worker of the respective local school
12 administrative units. ~~Such~~ These rules shall provide, among other things, for a
13 notification in writing, to the person responsible for the nonattendance of any child, that
14 the case is to be reported to the school social worker of the local school administrative
15 unit unless the law is complied with immediately. Upon recommendation of the
16 superintendent, local boards of education may employ school social workers and such
17 school social workers shall have authority to report and verify on oath the necessary
18 criminal warrants or other documents for the prosecutions of violations of this Part:
19 Provided, that local school administrative units shall provide in their local operating
20 budgets for travel and necessary office expense for such school social workers as may be
21 employed through State or local funds, or both. The State Board of Education shall
22 determine the process for allocating school social workers to the various local school
23 administrative units, establish their qualifications, and develop a salary schedule which
24 shall be applicable to such personnel: Provided, that persons now employed by local
25 boards of education as attendance counselors shall be deemed qualified as school social
26 workers under the terms of this Part subject to the approval of said local boards of
27 education.

28 The school social worker shall investigate all violators of the provisions of this Part.
29 The reports of unlawful absence required to be made by teachers and principals to the
30 school social worker shall, in his hands, in case of any prosecution, constitute prima facie
31 evidence of the violation of this Part and the burden of proof shall be upon the defendant
32 to show the lawful attendance of the child or children upon an authorized school."

33 Sec. 57. G.S. 115C-418(b) reads as rewritten:

34 "(b) The ~~Superintendent of Public Instruction~~ State Board of Education shall appoint a
35 State task force to assist the ~~Superintendent~~ State Board in reviewing grant applications.
36 The State task force shall include representatives of the Department of Public Instruction,
37 local school administrative units, educators, parents, the juvenile justice system, social
38 services, and nongovernmental agencies providing services to children, and other
39 members the Superintendent deems appropriate. In reviewing grant applications, the
40 ~~Superintendent~~ State Board and the State task force shall consider the severity of the local
41 problems with regard to violence in the schools and the likelihood that the locally
42 designed plan will deal with the problems successfully."

43 Sec. 58. G.S. 115C-418(c) reads as rewritten:

1 "(c) The State Board of Education shall consider the recommendations of the
2 ~~Superintendent~~~~State task force~~ in selecting grant recipients. The State Board shall also
3 attempt to give grants to local school administrative units that are located geographically
4 throughout the State, that have different demographic profiles, and that propose different
5 approaches to their problems. The State Board shall select grant recipients prior to
6 January 1, 1994."

7 Sec. 59. G.S. 115C-418(d) reads as rewritten:

8 "(d) The ~~Superintendent of Public Instruction~~State Board of Education shall
9 administer the grant program and provide technical assistance to grant applicants and
10 recipients."

11 Sec. 60. G.S. 115C-458 reads as rewritten:

12 **"§ 115C-458. Loans by State Board from State Literary Fund.**

13 The State Literary Fund includes all funds derived from the sources enumerated in
14 Sec. 6, Article IX, of the Constitution, and all funds that may be hereafter so derived,
15 together with any interest that may accrue thereon. This Fund shall be separate and
16 distinct from other funds of the State.

17 The State Board of Education, under ~~such any~~ rules and regulations—as it may deem
18 advisable, not inconsistent with the provisions of this Article, may make loans from the
19 State Literary Fund to the counties for the use of local boards of education under ~~such any~~
20 rules and regulations—as it may adopt and according to law for the purpose of aiding in the
21 erection and equipment of school plants, maintenance buildings and transportation
22 garages. No warrant for the expenditure of money for ~~such these~~ purposes shall be issued
23 except upon the order of the ~~Superintendent of Public Instruction with the approval of the~~
24 State Board of Education."

25 Sec. 61. G.S. 115C-468(c) reads as rewritten:

26 "(c) The ~~Superintendent of Public Instruction~~State Board of Education may earmark
27 up to twenty percent (20%) of the funds available for scholarship loans each year for
28 awards to applicants who have been employed for at least one year as teacher assistants
29 and who are currently employed as teacher assistants. Preference for these scholarship
30 loans from funds earmarked for teacher assistants shall be given to applicants who
31 already hold a baccalaureate degree or who have already been formally admitted to an
32 approved teacher education program in North Carolina."

33 Sec. 62. G.S. 115C-469 reads as rewritten:

34 **"§ 115C-469. Appropriations paid into fund; how administered.**

35 Such funds as may be appropriated by the General Assembly to said fund or to the
36 State Board of Education for the purpose of a student loan fund for teacher education
37 shall be paid into the Scholarship Loan Fund for Prospective Teachers and administered
38 by the State Board of Education ~~and the State Superintendent of Public Instruction~~ as
39 follows:

40 During the first year of the 1957-1959 biennium, to provide for prospective teachers
41 not to exceed 300 regular scholarship loans in the amount of not more than three hundred
42 fifty dollars (\$350.00) each, and for the second year of the biennium to provide for such
43 persons not to exceed 600 regular scholarship loans in the amount of not more than three

1 hundred fifty dollars (\$350.00) each, and for each summer of said biennium to provide
2 for prospective teachers and for teachers taking undergraduate courses not to exceed 200
3 summer school scholarship loans in the amount of not more than seventy-five dollars
4 (\$75.00) each; provided, however, the State Board of Education in its discretion may,
5 within the funds available, vary the number and proportion of regular and summer
6 scholarship loans to be established in any one year.

7 During years after the first biennium in which this fund ~~shall be~~^{is} established, loans of
8 the type and amounts provided for during the first biennium shall be made in such
9 numbers and amounts and proportions as the State Board of Education in its discretion
10 may prescribe within the funds available from appropriations or otherwise."

11 Sec. 63. G.S. 115C-471 reads as rewritten:

12 **"§ 115C-471. Fund administered by State Superintendent of Public Instruction; rules**
13 **and regulations. Board of Education; rules.**

14 ~~The Scholarship Loan Fund for Prospective Teachers shall be administered by the~~
15 ~~State Superintendent of Public Instruction, under rules adopted by the State Board of~~
16 ~~Education and~~ The State Board of Education shall adopt rules and shall administer the
17 Scholarship Loan Fund for Prospective Teachers. These rules are subject to the
18 following directions and limitations:

- 19 (1) Any resident of North Carolina who is interested in preparing to teach in
20 the public schools of the State may apply in writing to the State
21 ~~Superintendent of Public Instruction~~ Board of Education for a regular
22 scholarship loan in the amount of not more than two thousand dollars
23 (\$2,000) per academic school year. An applicant who has been
24 employed for at least one year as a teacher assistant and who is currently
25 employed as a teacher assistant may apply for a scholarship loan from
26 funds earmarked for teacher assistants in the amount of not more than
27 one thousand two hundred dollars (\$1,200) per academic school year.
- 28 (2) All scholarship loans shall be evidenced by notes made payable to the
29 State Board of Education that bear interest at the rate of six percent
30 (6%) per annum from and after September 1 following fulfillment by a
31 prospective teacher of the requirements for a certificate based upon the
32 entry level degree; or in the case of persons already teaching in the
33 public schools who obtain scholarship loans, the notes shall bear interest
34 at the prescribed rate from and after September 1 of the school year
35 beginning immediately after the use of the scholarship loans; or in the
36 event any such scholarship is terminated under the provisions of
37 subdivision (3) of this section, the notes shall bear interest from the date
38 of termination. A minor recipient who signs a note shall also obtain the
39 endorsement thereon by a parent, if there be a living parent, unless the
40 endorsement is waived by the ~~Superintendent of Public Instruction~~ State
41 Board of Education. The minor recipient shall be obligated upon the
42 note as fully as if the recipient were of age and shall not be permitted to

1 plead such minority as a defense in order to avoid the obligations
2 undertaken upon the notes.

3 (3) Each recipient of a scholarship loan under the provisions of this
4 program shall be eligible for scholarship loans each year until the
5 recipient has qualified for a certificate based upon the entry level
6 degree, but the recipient shall not be so eligible for more than the
7 minimum number of years normally required for qualifying for the
8 certificate. The permanent withdrawal of any recipient from college or
9 failure of the recipient to do college work in a manner acceptable to the
10 State ~~Superintendent of Public Instruction~~ Board of Education shall
11 immediately forfeit the recipient's right to retain the scholarship and
12 subject the scholarship to termination by the State ~~Superintendent of~~
13 ~~Public Instruction in the Superintendent's~~ Board of Education in the
14 Board's discretion. All terminated scholarships shall be regarded as
15 vacant and subject to being awarded to other eligible persons.

16 (4) Except under emergency conditions applicable to the State
17 ~~Superintendent of Public Instruction~~, Board of Education, recipients of
18 scholarship loans shall enter the public school system of North Carolina
19 at the beginning of the next school term after qualifying for a certificate
20 based upon the entry level degree or, in case of persons already teaching
21 in the public schools, at the beginning of the next school term after the
22 use of the loan. All teaching service for which the recipient of any
23 scholarship loan is obligated shall be rendered by August 31 of the
24 seventh school year following graduation.

25 (5) For each full school year taught in a North Carolina public school, the
26 recipient of a scholarship loan shall receive credit upon the amount due
27 by reason of the loan equal to the loan amount for a school year as
28 provided in the note plus credit for the total interest accrued on that
29 amount; provided, however, that in lieu of teaching in the public school,
30 a recipient may elect to pay in cash the full amount of scholarship loans
31 received plus interest then due thereon or any part thereof that has not
32 been canceled by the State Board of Education by reason of teaching
33 service rendered.

34 (6) If any recipient of a scholarship loan dies during the period of
35 attendance at a college or university under a scholarship loan or before
36 the scholarship loan is satisfied by payment or teaching service, any
37 balance shall be automatically canceled.

38 If any recipient of a scholarship loan fails to fulfill the recipient's
39 obligations under subdivision (4) of this section, other than as provided
40 above, the amount of the loan and accrued interest, if any, shall be due
41 and payable from the time of failure to fulfill the recipient's obligations.

42 (7) The State ~~Superintendent of Public Instruction~~ Board of Education shall
43 award scholarship loans with due consideration to factors and

1 circumstances such as aptitude, purposefulness, scholarship, character,
2 financial need, and geographic areas or subjects of instruction in which
3 the demands for teachers are greatest. Since the primary purpose of this
4 Article is to attract worthy young people to the teaching profession,
5 preference for scholarship loans, except for the scholarship loans from
6 funds earmarked for teacher assistants, shall be given to high school
7 seniors in the awarding of scholarships. In awarding scholarship loans
8 from funds earmarked for teacher assistants, preference shall be given to
9 applicants who have already earned a baccalaureate degree or who have
10 been formally admitted to an approved teacher education program in
11 North Carolina."

12 Sec. 64. G.S. 115C-472.5 reads as rewritten:

13 **"§ 115C-472.5. (For effective date see note) Creation of the Fund; administration.**

14 (a) ~~The Department of Public Instruction~~ State Board of Education shall administer
15 the Computer Loan Revolving Fund. The Fund shall be used to provide loans to local
16 school administrative units to enable them to purchase computer equipment to implement
17 the Uniform Education Reporting System in accordance with the standards adopted by
18 the State Board of Education ~~pursuant to~~ under G.S. 115C-12(18).

19 (b) A loan shall be for the actual amount of the equipment up to a maximum to be
20 determined by the ~~Superintendent~~ State Board.

21 (c) Loans shall be evidenced by notes made payable to the ~~Department of Public~~
22 ~~Instruction~~ State Board of Education. The rate, term, and other conditions of the note
23 shall be determined in accordance with uniform policies established by the ~~Superintendent~~
24 State Board of Education.

25 (d) ~~The Department of Public Instruction~~ State Board of Education shall report to the
26 Information Resource Management Commission, the Joint Legislative Commission on
27 Governmental Operations, the Fiscal Research Division, and the State Government
28 Performance Audit Committee on an annual basis on all loans made from the fund."

29 Sec. 65. G.S. 115C-525(b)(3) reads as rewritten:

30 "(3) It shall be the duty of the Commissioner of ~~Insurance, the Superintendent~~
31 ~~of Public Instruction, Insurance~~ and the State Board of Education to
32 prescribe any additional rules ~~and regulations which they may deem that~~
33 they consider necessary in connection with such inspections and reports
34 for the reduction of fire hazards and protection of life and property in
35 public schools."

36 Sec. 66. G.S. 20-7(m) reads as rewritten:

37 "(m) Instruction Permit. – The Division upon receiving proper application may in its
38 discretion issue a restricted instruction permit effective for a school year or a lesser
39 period to any of the following applicants:

40 (1) An applicant who is less than 18 years old and is enrolled in a drivers
41 education program that is approved by the State ~~Superintendent of Public~~
42 ~~Instruction~~ Board of Education and is offered at a public high school, a
43 nonpublic secondary school, or a licensed drivers training school.

1 (2) An applicant for certification under G.S. 20-218 as a school bus driver.
2 A restricted instruction permit authorizes the holder of the permit to drive a specified type
3 or class of motor vehicle when in possession of the permit, subject to any restrictions
4 imposed by the Division. The restrictions the Division may impose on a permit include
5 restrictions to designated areas and highways and restrictions prohibiting operation
6 except when an approved instructor is occupying a seat beside the permittee. A restricted
7 instruction permit is not required to have a distinguishing number or a picture of the
8 person to whom the permit is issued."

9 Sec. 67. G.S. 20-11(a) reads as rewritten:

10 "(a) The Division shall not grant the application of any minor between the ages of
11 16 and 18 years for a driver's license or a learner's permit unless such application is
12 signed both by the applicant and by the parent, guardian, husband, wife or employer of
13 the applicant, or, if the applicant has no parent, guardian, husband, wife or employer
14 residing in this State, by some other responsible adult person. It shall be unlawful for any
15 person to sign the application of a minor under the provisions of this section when such
16 application misstates the age of the minor and any person knowingly violating this
17 provision shall be guilty of a Class 2 misdemeanor.

18 The Division shall not grant the application of any minor between the ages of 16 and
19 18 years for a driver's license unless such minor presents evidence of having satisfactorily
20 completed the driver training and safety education courses offered at the public high
21 schools as provided in G.S. 20-88.1 or upon having satisfactorily completed a course of
22 driving instruction offered at a licensed commercial driver training school or an approved
23 nonpublic secondary school, provided instruction offered in such schools shall be
24 approved by the State Commissioner of Motor Vehicles and the State ~~Superintendent of~~
25 ~~Public Instruction~~ Board of Education and all expenses for such instruction shall be paid
26 by the persons enrolling in such courses and/or by the schools offering them."

27 Sec. 68. G.S. 20-88.1 reads as rewritten:

28 "**§ 20-88.1. Driver education.**

29 (a) In accordance with criteria and standards ~~approved by the State Board of~~
30 ~~Education, the State Superintendent of Public Instruction~~ it has adopted, the State Board of
31 Education shall organize and administer a program of driver education to be offered at
32 the public high schools of this State for all physically and mentally qualified persons who
33 (i) are older than 14 years and six months, (ii) are approved by the principal of the school,
34 pursuant to rules adopted by the State Board of Education, (iii) are enrolled in a public or
35 private high school within the State, and (iv) have not previously enrolled in the program.
36 The State Board of Education shall use for such purpose all funds appropriated to it for
37 said purpose, and may use all other funds that become available for its use for said
38 purpose. The driver education program established pursuant to this section shall include
39 instructions on the rights and privileges of the handicapped and the signs and symbols
40 used to assist the handicapped relative to motor vehicles, including the 'international
41 symbol of accessibility' and other symbols and devices as provided in Article 2A of this
42 Chapter. In addition, this program shall include at least six hours of instruction on the
43 offense of driving while impaired and related subjects.

1 (b) The State Board of Education shall adopt a salary range for driver education
2 instructors who are public school employees and who do not hold teacher certificates.

3 Driver education instructors who are public school employees and who hold teacher
4 certificates shall be paid on the teacher salary schedule. A day of employment for driver
5 education instructors who hold teacher certificates shall be the same number of hours
6 required of all regular classroom teachers as established by the local board of education.

7 (b1) The State Board of Education shall adopt rules to permit local boards of
8 education to enter contracts with public or private entities to provide a program of driver
9 education at public high schools. All driver education instructors shall meet the
10 requirements established by the State Board of Education; provided, however, driver
11 education instructors shall not be required to hold teacher certificates.

12 (c) All expenses incurred by the State in carrying out the provisions of this section
13 shall be paid out of the Highway Fund.

14 (d) The Division shall prepare a driver license handbook that explains the traffic
15 laws of the State and shall periodically revise the handbook to reflect changes in these
16 laws. At the request of the Department of ~~Education, Public Instruction,~~ the Division shall
17 provide free copies of the handbook to that Department for use in the program of driver
18 education offered at public high schools."

19 Sec. 69. G.S. 20-129(4) reads as rewritten:

20 "(4) At any other time when windshield wipers are in use as a result of
21 smoke, fog, rain, sleet, or snow, or when inclement weather or
22 environmental factors severely reduce the ability to clearly discern
23 persons and vehicles on the street and highway at a distance of 500 feet
24 ahead, provided, however, the provisions of this subdivision shall not
25 apply to instances when windshield wipers are used intermittently in
26 misting rain, sleet, or snow. Any person violating this subdivision
27 during the period from October 1, 1990, through December 31, 1991,
28 shall be given a warning of the violation only. Thereafter, any person
29 violating this subdivision shall have committed an infraction and shall
30 pay a fine of five dollars (\$5.00) and shall not be assessed court costs.
31 No drivers license points, insurance points or premium surcharge shall
32 be assessed on account of violation of this subdivision and no
33 negligence or liability shall be assessed on or imputed to any party on
34 account of a violation of this subdivision. The Commissioner of Motor
35 Vehicles and the ~~Superintendent of Public Instruction~~ State Board of
36 Education shall incorporate into driver education programs and driver
37 licensing programs instruction designed to encourage compliance with
38 this subdivision as an important means of reducing accidents by making
39 vehicles more discernible during periods of limited visibility."

40 Sec. 70. G.S. 20-321(b) reads as rewritten:

41 "(b) The Commissioner shall administer and enforce the provisions of this Article,
42 and may call upon the State ~~Superintendent of Public Instruction~~ Board of Education for
43 assistance in developing and formulating appropriate regulations."

1 Sec. 71. G.S. 58-79-35 reads as rewritten:

2 **"§ 58-79-35. Fire prevention and Fire Prevention Day.**

3 It is the duty of the Commissioner of ~~Insurance, the Superintendent of Public Instruction~~
4 Insurance and the State Board of Education to provide a pamphlet containing printed
5 instructions for properly conducting fire drills in all schools and auxiliary school
6 buildings and the principal of every public and private school shall conduct at least one
7 fire drill every month during the regular school session in each building in his charge
8 where children are assembled. The fire drills shall include all children and teachers and
9 the use of various ways of egress to assimilate evacuation of said buildings under various
10 conditions, and ~~such~~ any other regulations as prescribed by the Commissioner of
11 ~~Insurance, Superintendent of Public Instruction~~ Insurance and State Board of Education.

12 The Commissioner of ~~Insurance and Superintendent of Public Instruction~~ State Board of
13 Education shall further provide for the teaching of 'Fire Prevention' in the colleges and
14 schools of the State, and to arrange for a textbook adapted to such use. The ninth day of
15 October of every year shall be set aside and designated as 'Fire Prevention Day,' and the
16 Governor shall issue a proclamation urging the people to a proper observance of the day,
17 and the Commissioner of Insurance shall bring the day and its observance to the attention
18 of the officials of all organized fire departments of the State, whose duty it shall be to
19 disseminate the materials and to arrange suitable programs to be followed in its
20 observance."

21 Sec. 72. G.S. 105A-2(1) reads as rewritten:

22 "(1) 'Claimant agency' means and includes:

- 23 a. The State Education Assistance Authority as enabled by Article
24 23 of Chapter 116 of the General Statutes;
- 25 b. The North Carolina Department of Human Resources when in
26 the exercise of its authority to collect health profession student
27 loans made pursuant to G.S. 131-121;
- 28 c. The North Carolina Department of Human Resources when in
29 the performance of its duties under the Medical Assistance
30 Program enabled by Chapter 108A, Article 2, Part 6, and any
31 county operating the same Program at the local level, when and
32 only to the extent such a county is in the performance of Medical
33 Assistance Program collection functions;
- 34 d. The North Carolina Department of Human Resources when in
35 the performance of its duties, under the Child Support
36 Enforcement Program as enabled by Chapter 110, Article 9 and
37 Title IV, Part D of the Social Security Act to obtain
38 indemnification for past paid public assistance or to collect child
39 support arrearages owed to an individual receiving program
40 services and any county operating the program at the local level,
41 when and only to the extent that the county is engaged in the
42 performance of those same duties;

- 1 e. The University of North Carolina, including its constituent
2 institutions as specified by G.S. 116-2(4);
- 3 f. The University of North Carolina Hospitals at Chapel Hill in the
4 conduct of its financial affairs and operations pursuant to G.S.
5 116-37;
- 6 g. The Board of Governors of the University of North Carolina and
7 the State Board of Education through the College Scholarship
8 Loan Committee when in the performance of its duties of
9 administering the Scholarship Loan Fund for Prospective College
10 Teachers enabled by Chapter 116, Article 5;
- 11 h. The Office of the North Carolina Attorney General on behalf of
12 any State agency when the claim has been reduced to a judgment;
- 13 i. The State Board of Community Colleges through community
14 colleges as enabled by Chapter 115D in the conduct of their
15 financial affairs and operations;
- 16 j. State facilities as listed in G.S. 122C-181(a), School for the Deaf
17 at Morganton, North Carolina Sanatorium at McCain, Western
18 Carolina Sanatorium at Black Mountain, Eastern North Carolina
19 Sanatorium at Wilson, and Gravely Sanatorium at Chapel Hill
20 under Chapter 143, Article 7; Governor Morehead School under
21 Chapter 115, Article 40; Central North Carolina School for the
22 Deaf under Chapter 115, Article 41; Wright School for
23 Treatment and Education of Emotionally Disturbed Children
24 under Chapter 122C; and these same institutions by any other
25 names by which they may be known in the future;
- 26 k. The North Carolina Department of Revenue;
- 27 l. The Administrative Office of the Courts;
- 28 m. The Division of Forest Resources of the Department of
29 Environment, Health, and Natural Resources;
- 30 n. The Administrator of the Teachers' and State Employees'
31 Comprehensive Major Medical Plan, established in Article 3 of
32 General Statutes Chapter 135;
- 33 o. The State Board of Education ~~through the Superintendent of Public~~
34 ~~Instruction~~—when in the performance of ~~his—its~~ duties of
35 administering the Scholarship Loan Fund for Prospective
36 Teachers enabled by Chapter 115C, Article 32A and the
37 scholarship loan and grant programs enabled by Chapter 115C,
38 Article 24C, Part 1;
- 39 p. The Board of Trustees of the Teachers' and State Employees'
40 Retirement System and the Board of Trustees of the Local
41 Governmental Employees' Retirement System in the performance
42 of their duties pursuant to Chapters 120, 128, 135 and 143 of the
43 General Statutes;

- 1 q. The North Carolina Teaching Fellows Commission in the
2 performance of its duties pursuant to Chapter 115C, Article 24C,
3 Part 2;
- 4 r. The North Carolina Department of Human Resources when in
5 the performance of its intentional program violation collection
6 duties under the Food Stamp Program enabled by Chapter 108A,
7 Article 2, Part 5, and any county operating the same Program at
8 the local level, when and only to the extent such a county is in
9 the performance of Food Stamp Program intentional program
10 violation collection functions.
11 The North Carolina Department of Human Resources when, in
12 the performance of its duties under the Aid to Families with
13 Dependent Children Program or the Aid to Families with
14 Dependent Children – Emergency Assistance Program provided
15 in Part 2 of Article 2 of Chapter 108A or under the State-County
16 Special Assistance for Adults Program provided in Part 3 of
17 Article 2 of Chapter 108A, it seeks to collect public assistance
18 payments obtained through an intentional false statement,
19 intentional misrepresentation, or intentional failure to disclose a
20 material fact;
- 21 s. The Employment Security Commission of North Carolina;
- 22 t. Any State agency in the collection of salary overpayments from
23 former employees."

24 Sec. 73. G.S. 116C-1(b) reads as rewritten:

25 "(b) The Education Cabinet shall consist of the Governor, who shall serve as chair,
26 the President of The University of North Carolina, the ~~State Superintendent of Public~~
27 ~~Instruction, Chairman of the State Board of Education,~~ and the President of the North
28 Carolina Community College System. The Education Cabinet shall invite representatives
29 of private education to participate in its deliberations as adjunct members."

30 Sec. 74. Article 5 of Chapter 143A of the General Statutes reads as rewritten:

31 "ARTICLE 5.

32 **"DEPARTMENT OF PUBLIC INSTRUCTION.**

33 **"§ 143A-39. Creation.**

34 There is hereby created a Department of Public Instruction. The head of the
35 Department of Public Instruction is the State Board of Education. Any provision of G.S.
36 143A-9 to the contrary notwithstanding, the appointment of the State Board of Education
37 shall be as prescribed in Article IX, Sec. 4(1) of the Constitution.

38 **"§ 143A-40. State Board of Education; powers and duties.**

39 The State Board of Education shall have such powers and duties as are conferred on
40 the Board by this Chapter, delegated to the Board by the Governor and conferred by the
41 Constitution and laws of this State.

42 **"§ 143A-41. State Board of Education; transfer of powers and duties to**
43 **Department.**

1 Except as otherwise provided in the Constitution or in this Chapter, all powers, duties,
2 and functions vested by law in the State Board of Education are transferred by a Type I
3 transfer to the Department of Public Instruction.

4 **"§ 143A-42. Superintendent of Public Instruction; transfer of office and**
5 **Department of Public Instruction; powers and duties.**

6 The office of the Superintendent of Public Instruction, as provided by Article III, Sec.
7 7, of the Constitution, the Department of Public Education, and the Department of Public
8 Instruction are hereby transferred to the Department of Public Instruction. The
9 Superintendent of Public Instruction shall be the secretary and chief administrative
10 officer of the State Board of Education, and shall have such powers and duties as are
11 conferred by the Constitution, by the State Board of Education, Chapter 115C of the
12 General Statutes, and the laws of this State.

13 **"§ 143A-45. Interstate Compact for Education; rights, duties and privileges.**

14 All of the rights, duties and privileges of this State obtained as a party to the Interstate
15 Compact for Education as contained in Part 5 of Article 8 of Chapter 115C of the General
16 Statutes and the laws of this State, shall be supervised and administered by the
17 ~~Superintendent of Public Instruction.~~ State Board of Education.

18 **"§ 143A-47. Interstate Agreement on Qualifications of Educational Personnel;**
19 **rights, duties and privileges.**

20 All of the rights, duties and privileges of this State obtained as a party to the Interstate
21 Agreement on Qualifications of Educational Personnel as contained in Article 24 of
22 Chapter 115C of the General Statutes and the laws of this State shall be supervised and
23 administered by the ~~Superintendent of Public Instruction.~~ State Board of Education.

24 **"§ 143A-48. Textbook Commission; transfer.**

25 The Textbook Commission, as created by G.S. 115C-87 and the laws of this State, is
26 hereby transferred by a Type I transfer to the Department of Public Instruction."

27 Sec. 75. G.S. 143B-152.5(b) reads as rewritten:

28 "(b) The Secretary of Human Resources shall appoint a State task force to assist the
29 Secretary in reviewing grant applications. The State task force shall include
30 representatives of the Department of Human Resources, the Department of Public
31 Instruction, local school administrative units, educators, parents, the juvenile justice
32 system, social services, and governmental agencies providing services to children, and
33 other members the Secretary considers appropriate. In appointing the State task force,
34 the Secretary shall consult with the ~~Superintendent of Public Instruction~~ State Board of
35 Education in an effort to coordinate the membership of this State task force, the State task
36 force appointed by the Secretary pursuant to ~~under~~ G.S. 143B-152.14, and the State task
37 force appointed by the ~~Superintendent~~ pursuant to State Board of Education under G.S.
38 115C-238.42.

39 In reviewing grant applications, the Secretary and the State task force may consider (i)
40 the severity of the local problems as determined by the needs assessment data,
41 (ii) the likelihood that the locally designed plan will result in high quality after-school
42 services for school-aged children, (iii) evidence of local collaboration and coordination of
43 services, (iv) any innovative or experimental aspects of the plan that will make it a useful

1 model for replication in other neighborhoods and communities, and (v) any other factors
2 which affect the well-being of school-aged children."

3 Sec. 76. G.S. 143B-152.6 reads as rewritten:

4 **"§ 143B-152.6. Cooperation of State and local agencies.**

5 All agencies of the State and local government, including departments of social
6 services, health departments, local mental health, mental retardation, and substance abuse
7 authorities, court personnel, law enforcement agencies, The University of North Carolina,
8 the community college system, and cities and counties, shall cooperate with the
9 Department of Human Resources, and local nonprofit corporations that receive grants in
10 coordinating the program at the State level and in implementing the program at the local
11 level. The Secretary of Human Resources, after consultation with the ~~Superintendent of~~
12 ~~Public Instruction, State Board of Education,~~ shall develop a plan for ensuring the
13 cooperation of State agencies and local agencies, and encouraging the cooperation of
14 private entities, especially those receiving State funds, in the coordination and
15 implementation of the program."

16 Sec. 77. G.S. 143B-152.13(b) reads as rewritten:

17 "(b) The Secretary of Human Resources shall appoint a State task force to assist the
18 Secretary in reviewing grant applications. The State task force shall include
19 representatives of the Department of Human Resources, the Department of Public
20 Instruction, local school administrative units, educators, parents, the juvenile justice
21 system, social services, and governmental agencies providing services to children, and
22 other members the Secretary considers appropriate. In appointing the State task force,
23 the Secretary shall consult with the ~~Superintendent of Public Instruction State Board of~~
24 ~~Education~~ in an effort to coordinate the membership of this State task force, the State task
25 force appointed by the Secretary pursuant to under G.S. 143B-152.5, and the State task
26 force appointed by the ~~Superintendent pursuant to State Board of Education under~~ G.S.
27 115C-238.42.

28 In reviewing grant applications, the Secretary and the State task force may consider (i)
29 the severity of the local problems as determined by the needs assessment data,
30 (ii) the likelihood that the locally designed plan will result in high quality services for
31 children and their families, (iii) evidence of local collaboration and coordination of
32 services, (iv) any innovative or experimental aspects of the plan that will make it a useful
33 model for replication in other counties, (v) the availability of other resources or funds,
34 (vi) the incidence of crime and juvenile delinquency, (vii) the amount needed to
35 implement the proposal, and (viii) any other factors consistent with the intent of this
36 Part."

37 Sec. 78. G.S. 143B-152.14 reads as rewritten:

38 **"§ 143B-152.14. Cooperation of State and local agencies.**

39 All agencies of the State and local government, including departments of social
40 services, health departments, local mental health, mental retardation, and substance abuse
41 authorities, court personnel, law enforcement agencies, The University of North Carolina,
42 the community college system, and cities and counties, shall cooperate with the
43 Department of Human Resources, and local nonprofit corporations that receive grants in

1 coordinating the program at the State level and in implementing the program at the local
2 level. The Secretary of Human Resources, after consultation with the ~~Superintendent of~~
3 ~~Public Instruction, State Board of Education,~~ shall develop a plan for ensuring the
4 cooperation of State agencies and local agencies and encouraging the cooperation of
5 private entities, especially those receiving State funds, in the coordination and
6 implementation of the program."

7 Sec. 79. G.S. 143B-179.5(f) reads as rewritten:

8 "(f) The Council shall prepare and submit an annual report to the Governor and to
9 the General Assembly on the status of the early intervention system for eligible infants
10 and toddlers and on the status of special education services for preschoolers.

11 All clerical and other services required by the Council shall be supplied by the
12 Secretary of Human Resources and the ~~Superintendent of Public Instruction, State Board of~~
13 ~~Education,~~ as specified by the interagency agreement authorized by G.S. 122C-
14 112(a)(13)."

15 Sec. 80. G.S. 143B-216.31(4) reads as rewritten:

16 "(4) To study any State programs that provide educational services for deaf
17 and hard of hearing persons and to advise the Secretary of the
18 Department of Human Resources and the ~~Superintendent of Public~~
19 ~~Instruction State Board of Education~~ concerning coordination of these
20 programs to prevent duplication of services; and".

21 Sec. 81. G.S. 143B-216.33(a)(1) reads as rewritten:

22 "(1) To review existing programs for persons who are deaf or hard of
23 hearing in the State, and make recommendations to the Secretary of the
24 Department of Human Resources and to the ~~Superintendent of the~~
25 ~~Department of Public Instruction State Board of Education~~ for
26 improvements to such programs;".

27 Sec. 82. G.S. 143B-285.25 reads as rewritten:

28 **"§ 143B-285.25. Liaison between the Office of Environmental Education and the**
29 **Department of Public Instruction.**

30 The ~~Superintendent of the Department of Public Instruction State Board of Education~~
31 shall identify an environmental education liaison within the ~~Office of Instructional Services~~
32 ~~of the Department of Public Instruction~~ to:

- 33 (1) Coordinate environmental education within the State curriculum and
34 among the Department and other State agencies.
- 35 (2) Conduct teacher training in environmental education topics in
36 conjunction with Department and other State agencies.
- 37 (3) Coordinate and integrate topics within the various curriculum areas of
38 the standard course of study.
- 39 (4) Promote awareness of environmental issues to the public and to the
40 school communities, including students, teachers, and administrators.
- 41 (5) Establish a repository of environmental education instructional materials
42 and disseminate information on the availability of these materials to
43 schools.

1 (6) Promote and facilitate the sharing of information through electronic
2 networks to all schools."

3 Sec. 83. The State Board of Education shall review all State laws and policies
4 governing the public school system to ensure their compliance with the intent of this act
5 to restore constitutional authority to the Board. The Board shall complete this review and
6 make any recommendations for additional statutory changes to the General Assembly no
7 later than June 1, 1995.

8 Sec. 84. This act is effective upon ratification.