

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1995

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SENATE BILL 15

Short Title: Streamline State Education Agency.

(Public)

Sponsors: Senators Perdue; Winner, Martin of Guilford, Plexico, Odom, Rand, Gulley, Lucas, and Plyler.

Referred to: Education/Higher Education.

January 26, 1995

A BILL TO BE ENTITLED

AN ACT TO CLARIFY THE STATUTES SO AS TO STREAMLINE THE OPERATIONS OF THE STATE EDUCATION AGENCY.

The General Assembly of North Carolina enacts:

Section 1. G.S. 115C-19 reads as rewritten:

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

As provided in Article IX, Sec. 4(2) of the North Carolina Constitution, the Superintendent of Public Instruction shall be the secretary and chief administrative officer of the State Board of Education. ~~The Superintendent of Public Instruction shall administer the policies adopted by the State Board of Education.~~"

Sec. 2. G.S. 115C-21 reads as rewritten:

"§ 115C-21. Powers and duties generally.

(a) Administrative Duties. – It shall be the duty of the Superintendent of Public Instruction:

- (1) To organize and ~~establish~~ establish, subject to the approval of the State Board of Education, a Department of Public Instruction which shall include such divisions and departments as are necessary for supervision and administration of the public school system, ~~to administer the funds for the operation of the Department of Public Instruction, and to enter into~~

1 ~~contracts for the operations of the Department of Public Instruction system.~~
2 All appointments of administrative and supervisory personnel to the
3 staff of the Department of Public Instruction shall be subject to the
4 approval of the State Board of Education, which shall have authority to
5 terminate such appointments for cause in conformity with Chapter 126
6 of the General Statutes, the State Personnel System.

7 (2) To keep the public informed as to the problems and needs of the public
8 schools by constant contact with all school administrators and teachers,
9 by his personal appearance at public gatherings, and by information
10 furnished to the press of the State.

11 (3) To report biennially to the Governor 30 days prior to each regular
12 session of the General Assembly, such report to include information and
13 statistics of the public schools, with recommendations for their
14 improvement and for such changes in the school law as shall occur to
15 him.

16 (4) To have printed and distributed such educational bulletins as he shall
17 deem necessary for the professional improvement of teachers and for
18 the cultivation of public sentiment for public education, and to have
19 printed all forms necessary and proper for the administration of the
20 Department of Public Instruction.

21 (5) To have under his direction, in his capacity as the ~~constitutional head of~~
22 ~~the public school system,~~ chief administrative officer of the State Board of
23 Education, all those matters relating to the supervision and
24 administration of the public school ~~system.~~ system, as determined by the
25 State Board and subject to the policies and direction of the State Board.

26 ~~(6) To create a special fund within the Department of Public Instruction to~~
27 ~~manage funds received as grants from nongovernmental sources in~~
28 ~~support of public education. The Superintendent may accept grants and~~
29 ~~gifts from corporations and other sources made in support of public~~
30 ~~education and may hold and disburse such funds, in accordance with the~~
31 ~~purposes, conditions, and limitations associated with such grants and~~
32 ~~gifts. Any special fund created pursuant to this subdivision shall be~~
33 ~~subject to audit by the State Auditor.~~

34 ~~(7) To have solely under his direction and control all matters relating to~~
35 ~~provision of staff services and support to the State Board of Education,~~
36 ~~including implementation of federal programs on behalf of the State~~
37 ~~Board of Education, except as otherwise provided in the Current~~
38 ~~Operations Appropriations Act.~~

39 (b) Duties as Secretary to the State Board of Education. – As secretary, under the
40 direction of the Board, it shall be the duty of the Superintendent of Public Instruction:

41 (1) To administer through the Department of Public ~~Instruction,~~ all
42 Instruction the instructional policies established by the Board. Board, as
43 determined by the Board and subject to the direction of the Board.

- 1 ~~(1a) To administer the funds appropriated for the operations of the State~~
- 2 ~~Board of Education and for aid to local school administrative units.~~
- 3 (2) To keep the Board informed regarding developments in the field of
- 4 public education.
- 5 (3) To make recommendations to the Board with regard to the problems and
- 6 needs of education in North Carolina.
- 7 (4) To make available to the public schools a continuous program of
- 8 comprehensive supervisory services.
- 9 (5) To collect and organize information regarding the public schools, on the
- 10 basis of which he shall furnish the Board such tabulations and reports as
- 11 may be required by the Board.
- 12 (6) To communicate to the public school administrators all information and
- 13 instructions regarding instructional policies and procedures adopted by
- 14 the Board.
- 15 (7) To have custody of the official seal of the Board and to attest all deeds,
- 16 leases, or written contracts executed in the name of the Board. All deeds
- 17 of conveyance, leases, and contracts affecting real estate, title to which
- 18 is held by the Board, and all contracts of the Board required to be in
- 19 writing and under seal, shall be executed in the name of the Board by
- 20 the chairman and attested by the secretary; and proof of the execution, if
- 21 required or desired, may be had as provided by law for the proof of
- 22 corporate instruments.
- 23 (8) To attend all meetings of the Board and to keep the minutes of the
- 24 proceedings of the Board in a well-bound and suitable book, which
- 25 minutes shall be approved by the Board prior to its adjournment; and, as
- 26 soon thereafter as possible, to furnish to each member of the Board and
- 27 the controller a copy of said minutes.
- 28 (9) To perform such other duties as the Board may assign to him from time
- 29 to time."

30 Sec. 3. Chapter 115C of the General Statutes is amended by adding a new
31 article to read:

32 "ARTICLE 4.

33 "OFFICE OF THE CONTROLLER.

34 "§ 115C-27. Appointment of controller; salary.

35 The Board shall appoint a controller who shall serve at the will of the Board. The
36 salary of the controller shall be fixed by the Governor.

37 "§ 115C-28. Fiscal affairs of the Board defined.

38 All matters pertaining to the budgeting, allocation, accounting, auditing, certification,
39 and disbursing of public school funds, now or hereafter committed to the administration
40 of the State Board of Education, are included within the meaning of the term 'fiscal
41 affairs of the Board' and, under the direction of the Board, shall be supervised and
42 managed by the controller. The fiscal affairs of the Board shall also include:

- 1 (1) The preparation and administration of the State school budget, including
2 all funds appropriated for the maintenance of the public school term.
- 3 (2) The allotment of teachers.
- 4 (3) The protection of State funds by appropriate bonds.
- 5 (4) Workers' compensation as applicable to school employees.
- 6 (5) Sick leave.
- 7 (6) The administration of such federal funds as may be made available by
8 acts of Congress for the use of public schools.
- 9 (7) Administration of all State funds derived from the sale and rental of
10 textbooks in the public schools.
- 11 (8) The operation of plant, and other auxiliary agencies under the
12 administration of the Board.
- 13 (9) Administration of the Public School Insurance Fund.
- 14 (10) All fiscal matters embraced in the objects of expenditure referred to in
15 current acts of the General Assembly appropriating funds for the system
16 of free public schools.

17 **"§ 115C-29. Controller's powers and duties generally.**

18 (a) The controller is constituted the executive administrator of the Board in the
19 supervision and management of the fiscal affairs of the Board. In this capacity it shall be
20 his duty, under the direction of the Board, to administer the funds provided for the
21 operation of the schools of the State on such standards as may be determined by the
22 Board and always within the total funds appropriated therefor.

23 (b) The controller, under the direction of the Board, shall:

- 24 (1) Maintain a record or system of bookkeeping which shall reflect at all
25 times the status of all educational funds committed to the administration
26 of the Board and particularly the following:
 - 27 a. State appropriation for maintenance of the public school term,
28 which shall include all the objects of expenditures enumerated in
29 G.S. 115C-426.
 - 30 b. State appropriation and any other funds provided for the purchase
31 and rental of public school textbooks.
 - 32 c. State literary and building funds and such other building funds as
33 may be hereafter provided by the General Assembly for loans, or
34 grants, to local boards of education for school building purposes.
 - 35 d. State and federal funds for vocational education and other funds
36 as may be provided by act of Congress for assistance to the
37 educational program.
 - 38 e. State appropriation for the maintenance of the Board and its
39 office personnel and including all employees serving under the
40 Board.
 - 41 f. Any miscellaneous funds within the jurisdiction of the Board not
42 included in the above.

- 1 (2) Prepare all forms and questionnaires necessary to furnish information
2 and data for the consideration of the Board in preparing the State budget
3 estimates required to be determined by the Board as to each local school
4 administrative unit.
- 5 (3) Certify to each local school administrative unit the teacher allotment as
6 determined by the Board under G.S. 115C-301. The superintendent of
7 the administrative units shall then certify to the Superintendent the
8 names of the persons employed as teachers and principals by districts.
9 The Superintendent shall then determine the certificate ratings of the
10 teacher and principals, shall certify such ratings to the controller, who
11 shall then determine in accordance with the State standard salary
12 schedule for teachers and principals, the salary rating of each person so
13 certified. The controller shall then determine, in accordance with the
14 schedule of salaries established, the total cost of salaries in each local
15 school administrative unit for teachers and principals to be included in
16 the State budget for the current fiscal year.
- 17 (4) Satisfy himself before issuing any requisition upon the Department of
18 Administration for payment out of the State treasury of any funds placed
19 to the credit of any local school administrative unit, under the provisions
20 of G.S. 115C-438:
- 21 a. That funds are lawfully available for the payment of such
22 requisition; and
- 23 b. Where the order covers salary payment to any employee that the
24 amount thereof if within the salary schedule or salary rating of
25 the particular employee.
- 26 (5) Procure, through the Department of Administration, contracts for the
27 purchase of the estimated needs and requirements of the several local
28 school administrative units, covering the items of janitor supplies,
29 instructional supplies, supplies used by the State Board of Education,
30 and all other supplies, the payment for which is made from funds
31 committed to the administration of the Board.
- 32 (6) Purchase from the various publishers the textbooks needed and required
33 in the public schools in accordance with contracts made by the State
34 Board of Education.
- 35 (7) In cooperation with the State Auditor, cause to be made an annual audit
36 of the State school funds disbursed by local school administrative units
37 and all other funds which by law are committed to the administration of
38 the Board.
- 39 (8) Attend all meetings of the Board and shall furnish all such information
40 and data concerning the fiscal affairs of the Board as the Board may
41 require.
- 42 (9) Employ all necessary administrative and supervisory employees who
43 work under his direction in the administration of the fiscal affairs of the

1 Board, subject to the approval of the State Board of Education, which
2 shall have authority to terminate such appointment for cause in
3 conformity with Chapter 126 of the General Statutes, the State
4 Personnel System.

5 (10) Report directly to the Board upon all matters coming within his
6 supervision and management.

7 (11) Furnish to the Superintendent such information relating to fiscal affairs
8 as may be necessary in the administration of his official duties.

9 (12) Perform such other duties as may be assigned to him by the Board from
10 time to time."

11 Sec. 4. G.S. 115C-12 reads as rewritten:

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

13 The general supervision and administration of the free public school system shall be
14 vested in the State Board of Education. ~~The State Board of Education shall establish~~
15 ~~policy for the system of free public schools, subject to laws enacted by the General~~
16 ~~Assembly.~~ The powers and duties of the State Board of Education are defined as follows:

17 (1) Financial Powers. – The financial powers of the Board are set forth in
18 Article 30 of this Chapter.

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

20 (4) Appointment of Controller. – The Board shall appoint a controller who
21 shall serve at the will of the Board and who, under the direction of the
22 Board, shall have supervision and management of the fiscal affairs of
23 the Board.

24 (5) Apportionment of Funds. – The Board shall have authority to apportion
25 and equalize over the State all State school funds and all federal funds
26 granted to the State for assistance to educational programs administered
27 within or sponsored by the public school system of the State.

28 (6) Power to Demand Refund for Inaccurate Apportionment Due to False
29 Attendance Records. – When it shall be found by the State Board of
30 Education that inaccurate attendance records have been filed with the
31 State Board of Education which resulted in an excess allotment of funds
32 for teacher salaries in any school unit in any school year, the school unit
33 concerned may be required to refund to the State Board the amount
34 allotted to said unit in excess of the amount an accurate attendance
35 record would have justified.

36 (7) Power to Alter the Boundaries of City School Administrative Units and
37 to Approve Agreements for the Consolidation and Merger of School
38 Administrative Units Located in the Same County. – The Board shall
39 have authority, in its discretion, to alter the boundaries of city school
40 administrative units and to approve agreements submitted by county and
41 city boards of education requesting the merger of two or more
42 contiguous city school administrative units and the merger of city
43 school administrative units with county school administrative units and

1 the consolidation of all the public schools in the respective units under
2 the administration of one board of education: Provided, that such merger
3 of units and reorganization of school units shall not have the effect of
4 abolishing any special taxes that may have been voted in any such units.

5 (8) Power to Make Provisions for Sick Leave. – The Board shall provide
6 for a minimum of five days per school year term of sick leave with pay
7 for all public school employees and shall promulgate rules and
8 regulations providing for necessary substitutes on account of said sick
9 leave. The pay for a substitute shall be fixed by the Board. The Board
10 may provide to each local school administrative unit not exceeding one
11 percent (1%) of the cost of instructional services for the purpose of
12 providing substitute teachers for those on sick leave as authorized by
13 law or by regulations of the Board, but not exceeding the provisions
14 made for other State employees.

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

19 a. To certify and regulate the grade and salary of teachers and other
20 school employees.

21 b. To adopt and supply textbooks.

22 c. To adopt rules requiring all local boards of education to
23 implement the Basic Education Program on an incremental basis
24 within funds appropriated for that purpose by the General
25 Assembly and by units of local government. Beginning with the
26 1991-92 school year, the rules shall require each local school
27 administrative unit to implement fully the standard course of
28 study in every school in the State in accordance with the Basic
29 Education Program so that every student in the State shall have
30 equal access to the curriculum as provided in the Basic Education
31 Program and the standard course of study.

32 The Board shall establish benchmarks by which to measure the
33 progress that each local board of education has made in implementing
34 the Basic Education Program. The Board shall report to the Joint
35 Legislative Education Oversight Committee and to the General
36 Assembly by December 31, 1991, and by February 1 of each subsequent
37 year on each local board's progress in implementing the Basic Education
38 Program, including the use of State and local funds for the Basic
39 Education Program.

40 The Board shall develop a State accreditation program that meets or
41 exceeds the standards and requirements of the Basic Education
42 Program. The Board shall require each local school administrative unit
43 to comply with the State accreditation program to the extent that funds

1 have been made available to the local school administrative unit for
2 implementation of the Basic Education Program.

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

5 c1. To issue an annual 'report card' for the State and for each local
6 school administrative unit, assessing each unit's efforts to
7 improve student performance and taking into account progress
8 over the previous years' level of performance and the State's
9 performance in comparison with other states. This assessment
10 shall take into account demographic, economic, and other factors
11 that have been shown to affect student performance.

12 c2. To develop management accountability indicators to measure the
13 efficiency and appropriate use of staff in each school and at the
14 administrative office. Staff development for school
15 administrators shall be a high priority of the Department of
16 Public Instruction.

17 c3. To develop a system of school building improvement reports for
18 each school building. The purpose of school building
19 improvement reports is to measure improvement in student
20 performance at each school building from year to year, not to
21 compare school buildings. The Board may consider for inclusion
22 in the building reports the following criteria: test scores, the
23 success of graduating students in postsecondary institutions,
24 attendance, graduation and dropout rates, the numbers of children
25 enrolled in free lunch or Chapter 1 programs, the education level
26 of the parents of children enrolled in the school, the teaching
27 experience of the school staff, and whether the building has been
28 successful in meeting the goals of the building and systemwide
29 plans developed in accordance with G.S. 115C-238.1 through
30 G.S. 115C-238.6. Local school administrative units shall produce
31 school building improvement reports by March 15, 1995, and
32 annually thereafter. Each report shall be based on building-level
33 data for the prior school year.

34 d. To formulate rules and regulations for the enforcement of the
35 compulsory attendance law.

36 e. To manage and operate a system of insurance for public school
37 property, as provided in Article 38 of this Chapter.

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

42 (10) Power to Provide for Programs or Projects in the Cultural and Fine Arts
43 Areas. – The Board is authorized and empowered, in its discretion, to

1 make provisions for special programs or projects of a cultural and fine
2 arts nature for the enrichment and strengthening of educational
3 opportunities for the children of the State.

4 For this purpose, the Board may use funds received from gifts or
5 grants and, with the approval of the Director of the Budget, may use
6 State funds which the Board may find available in any budget
7 administered by the Board.

8 (11) Power to Conduct Education Research. – The Board is authorized to
9 sponsor or conduct education research and special school projects
10 considered important by the Board for improving the public schools of
11 the State. Such research or projects may be conducted during the
12 summer months and involve one or more local school units as the Board
13 may determine. The Board may use any available funds for such
14 purposes.

15 (12) Duty to Provide for Sports Medicine and Emergency Paramedical
16 Program. – The State Board of Education is authorized and directed to
17 develop a comprehensive plan to train and make available to the public
18 schools personnel who shall have major responsibility for exercising
19 preventive measures against sports related deaths and injuries and for
20 providing sports medicine and emergency paramedical services for
21 injuries that occur in school related activities. The plan shall include, but
22 is not limited to, the training, assignment of responsibilities, and
23 appropriate additional reimbursement for individuals participating in the
24 program.

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

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

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

37 (14) Duty to Provide Personnel Information to Local Boards. – Upon
38 request, the State Board of Education and the Department of Public
39 Instruction shall furnish to any county or city board of education any
40 and all available personnel information relating to certification,
41 evaluation and qualification including, but not limited to, semester
42 hours or quarterly hours completed, graduate work, grades, scores, etc.,

1 that are on that date in the files of the State Board of Education or
2 Department of Public Instruction.

- 3 (15) Duty to Develop Noncertified Personnel Position Evaluation
4 Descriptions. – The Board is authorized and directed to develop position
5 evaluation descriptions covering those positions in local school
6 administrative units for which certification by the State Board of
7 Education is not normally a prerequisite. The position evaluation
8 descriptions required in this subdivision are to be used by local boards
9 of education as the basis for assignment of noncertified employees to an
10 appropriate pay grade in accordance with salary grades and ranges
11 adopted by the State Board of Education. No appropriations are required
12 by this subdivision.

- 13 (16) Power with Regard to Salary Schedules. –

14 a. Support personnel refers to all public school employees who are
15 not required by statute or regulation to be certified in order to be
16 employed. The State Board of Education is authorized and
17 empowered to adopt all necessary rules for full implementation
18 of all schedules to the extent that State funds are made available
19 for support personnel.

20 b. Salary schedules for the following public school support
21 personnel shall be adopted by the State Board of Education:
22 school finance officer, office support personnel, teacher
23 assistants, maintenance supervisors, custodial personnel, and
24 transportation personnel. The Board shall classify these support
25 positions in terms of uniform pay grades included in the salary
26 schedule of the State Personnel Commission.

27 By the end of the third payroll period of the 1995-96 fiscal
28 year, local boards of education shall place State-allotted office
29 support personnel, teacher assistants, and custodial personnel on
30 the salary schedule adopted by the State Board of Education so
31 that the average salary paid is the State-allotted amount for the
32 category. In placing employees on the salary schedule, the local
33 board shall consider the education, training, and experience of
34 each employee. It is the intent of the General Assembly that a
35 local school administrative unit not fail to employ an employee
36 who was employed for the prior school year in order to
37 implement the provisions of this sub-subdivision. A local board
38 of education is in compliance with this sub-subdivision if the
39 average salary paid is at least ninety-five percent (95%) of the
40 State-allotted amount for the category at the end of the third
41 payroll period of the 1995-96 fiscal year, and at least ninety-eight
42 percent (98%) of the State-allotted amount for the category at the
43 end of the third payroll period of each subsequent fiscal year.

1 The Department of Public Instruction shall provide technical
2 assistance to local school administrative units regarding the
3 implementation of this sub-subdivision.

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

- 7 c. Salary schedules for other support personnel, including but not
8 limited to maintenance and school food service personnel, shall
9 be adopted by the State Board of Education. The Board shall
10 classify these support positions in terms of uniform pay grades
11 included in the salary schedule of the State Personnel
12 Commission. These schedules shall apply if the local board of
13 education does not adopt a salary schedule of its own for
14 personnel paid from other than State appropriations.

- 15 (17) Power to provide for school transportation programs. The State Board of
16 Education is authorized and empowered to promulgate such policies,
17 rules, and regulations as it may deem necessary and desirable for the
18 operation of a public school transportation system by each local
19 administrative unit in the State. Such policies, rules, and regulations
20 shall include, but are not limited to, fund allocations and fiscal support
21 to assure the effective and efficient use of funds appropriated by the
22 General Assembly in support of the school transportation system.
23 Nothing herein shall be construed to affect in any way or to lessen in
24 any way the full and complete authority of local boards of education to
25 assign pupils to schools in accordance with G.S. 115C-366.

- 26 (18) Duty to Develop and Implement a Uniform Education Reporting
27 System, Which Shall Include Standards and Procedures for Collecting
28 Fiscal and Personnel Information.

- 29 a. The State Board of Education shall adopt standards and
30 procedures for local school administrative units to provide
31 timely, accurate, and complete fiscal and personnel information,
32 including payroll information, on all school personnel. All local
33 school administrative units shall comply with these standards and
34 procedures by the beginning of the 1987-88 school year.

- 35 b. The State Board of Education shall develop and implement a
36 Uniform Education Reporting System that shall include
37 requirements for collecting, processing, and reporting fiscal,
38 personnel, and student data, by means of electronic transfer of
39 data files from local computers to the State Computer Center
40 through the State Communications Network. All local school
41 administrative units shall comply with the requirements of the
42 Uniform Education Reporting System by the beginning of the
43 1989-90 school year.

1 c. The State Board of Education shall comply with the provisions of
2 G.S. 116-11(10a) to plan and implement an exchange of
3 information between the public schools and the institutions of
4 higher education in the State. The State Board of Education shall
5 require local boards of education to provide to the parents of
6 children at a school all information except for confidential
7 information received about that school from institutions of higher
8 education pursuant to G.S. 116-11(10a) and to make that
9 information available to the general public.

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

13 (20) Duty to Report Appointment of Caretaker Administrators and Boards. –
14 Pursuant to G.S. 120-30.9G the State Board of Education shall submit to
15 the Attorney General of the United States within 30 days any rules,
16 policies, procedures, or actions taken pursuant to G.S. 115C-64.4 which
17 could result in the appointment of a caretaker administrator or board to
18 perform any of the powers and duties of a local board of education
19 where that school administrative unit is covered by the Voting Rights
20 Act of 1965.

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

27 (22) Duty to Monitor the Decisions of Teachers to Leave the Teaching
28 Profession. – The State Board of Education shall monitor and compile
29 an annual report on the decisions of teachers to leave the teaching
30 profession. The State Board shall adopt standard procedures for each
31 local board of education to use in requesting the information from
32 teachers who are not continuing to work as teachers in the local school
33 administrative unit and shall require each local boards of education to
34 report the information to the State Board in a standard format adopted
35 by the State Board."

36 Sec. 5. G.S. 143A-11 reads as rewritten:

37 **"§ 143A-11. Principal departments.**

38 Except as otherwise provided by this Chapter, or the State Constitution, all executive
39 and administrative powers, duties and functions, not including those of the General
40 Assembly and the judiciary, previously vested by law in the several State agencies, are
41 vested in the following principal offices or departments:

42 (1) Office of the Governor.

43 (2) Office of the Lieutenant Governor.

- 1 (3) Department of the Secretary of State.
2 (4) Department of State Auditor.
3 (5) Department of State Treasurer.
4 (6) Department of Public ~~Instruction~~-Education.
5 (7) Department of Justice.
6 (8) Department of Agriculture.
7 (9) Department of Labor.
8 (10) Department of Insurance.
9 (11) Department of Administration.
10 (12) Department of Transportation.
11 (13) Department of Environment, Health, and Natural Resources.
12 (14) Repealed by Session Laws 1973, c. 476, s. 6.
13 (15) Department of Social Rehabilitation and Control.
14 (16) Department of Commerce.
15 (17), (18) Repealed by Session Laws 1973, c. 476, s. 6.
16 (19) Repealed by Session Laws 1973, c. 620, s. 9."
17 Sec. 6. The name of Article 5 of Chapter 143A of the General Statutes reads as
18 rewritten:

19 **"ARTICLE 5.**

20 **"DEPARTMENT OF PUBLIC ~~INSTRUCTION~~-EDUCATION."**

21 Sec. 7. Article 5 of Chapter 143A of the General Statutes is amended by
22 adding four new sections to read:

23 **"§ 143A-39. Creation.**

24 There is hereby created a Department of Public Education. The head of the
25 Department of Public Education is the State Board of Education. Any provision of G.S.
26 143A-9 to the contrary notwithstanding, the appointment of the State Board of Education
27 shall be as prescribed in Article IV, Section 4(1) of the Constitution.

28 **"§ 143A-40. State Board of Education; transfer of powers and duties to State**
29 **Board.**

30 The State Board of Education shall have such powers and duties as are conferred on
31 the Board by this Article, delegated to the Board by the Governor, and conferred by the
32 Constitution and laws of this State.

33 **"§ 143A-41. State Board of Education; transfer of powers and duties to**
34 **Department.**

35 Except as otherwise provided in the Constitution or in this Article, all powers, duties,
36 and functions vested by law in the State Board of Education are transferred by a Type I
37 transfer to the Department of Public Education.

38 **"§ 143A-42. Superintendent of Public Instruction; creation; transfer of powers and**
39 **duties.**

40 The office of the Superintendent of Public Instruction, as provided for by Article III,
41 Section 7 of the Constitution, and the Department of Public Instruction are hereby
42 transferred to the Department of Public Education. The Superintendent of Public
43 Instruction shall be the Secretary and Chief Administrative Officer of the State Board of

1 Education, and shall have such powers and duties as are conferred by the Constitution, by
2 the State Board of Education, Chapter 1156 of the General Statutes, and the laws of this
3 State."

4 Sec. 8. G.S. 115C-47(21) reads as rewritten:

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

10 The local board shall determine salary schedules of employees
11 pursuant to the provisions of G.S. 115C-273, 115C-285(b), 115C-
12 302(c), and 115C-316(b).

13 The authority for boards of education to issue salary vouchers to all
14 school employees, whether paid from State or local funds, shall be a
15 monthly payroll prepared on forms approved by the State Board of
16 Education and containing all information required by the controller of
17 the State Board of Education. This monthly payroll shall be signed by
18 the principal of each school."

19 Sec. 9. G.S. 115C-102.5(a) reads as rewritten:

20 "(a) There is created the Commission on School Technology. The Commission
21 shall be located administratively in the Department of Public ~~Instruction-Education~~ but
22 shall exercise all its prescribed statutory powers independently of the State Board of
23 Education and the Department of Public Instruction."

24 Sec. 10. G.S. 115C-146.3(b) reads as rewritten:

25 "(b) The ~~State Board of Education-Department of Public Education~~ shall cause local
26 school administrative units to make available special education and related services to all
27 preschool handicapped children whose parents or guardians request these services."

28 Sec. 11. G.S. 115C-238.2(b) reads as rewritten:

29 "(b) Local school administrative units that participate in the Performance-based
30 Accountability Program:

31 (1) Are exempt from State requirements to submit reports and plans,
32 other than local school improvement plans, to the ~~State Board of~~
33 ~~Education and the Department of Public Instruction-Department of~~
34 Public Education. They are not exempt from federal requirements to
35 submit reports and plans to the Department.

36 (2) Are subject to the performance standards but not the opportunity
37 standards or the staffing ratios of the State Accreditation Program.
38 The performance standards in the State Accreditation Program,
39 modified to reflect the results of end-of-course and end-of-grade
40 tests, may serve as the basis for developing the student performance
41 indicators adopted by the State Board of Education pursuant to G.S.
42 115C-238.1.

- 1 (3) May receive funds for differentiated pay for certain State-paid
2 employees, in accordance with G.S. 115C-238.4, if they elect to
3 participate in a differentiated pay plan.
- 4 (4) May be allowed increased flexibility in the expenditure of State
5 funds, in accordance with G.S. 115C-238.5.
- 6 (5) May be granted waivers of certain State laws, regulations, and
7 policies that inhibit their ability to reach local accountability goals,
8 in accordance with G.S. 115C-238.6(a).
- 9 (6) Shall continue to use the Teacher Performance Appraisal Instrument
10 (TPAI) for evaluating beginning teachers during the first three years
11 of their employment; they may, however, develop other evaluation
12 approaches for teachers who have attained career status.

13 The Department of Public Instruction shall provide technical
14 assistance, including the provision of model evaluation processes and
15 instruments, to local school administrative units that elect to develop
16 dual personnel evaluation processes. A dual personnel evaluation
17 process includes (i) an evaluation designed to provide information to
18 guide teachers in their professional growth and development, and (ii) an
19 evaluation to provide information to make personnel decisions
20 pertaining to hiring, termination, promotion, and reassignment."

21 Sec. 12. G.S. 115C-275 reads as rewritten:

22 **"§ 115C-275. Vacancies in office of superintendent.**

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

41 Sec. 13. G.S. 115C-276(n) reads as rewritten:

42 "(n) To Issue Salary Vouchers. – The authority for a superintendent to issue
43 vouchers for the salary of all school employees, whether paid from State or local funds,

1 shall be a monthly payroll, prepared on forms furnished by the State Board of Education
2 and containing all information required by the controller of the State Board of Education.
3 This monthly payroll shall be signed by the principal of the school. If any voucher so
4 drawn is chargeable against district funds, the amount so charged and the district to
5 which said amount is charged shall be specified on the voucher. The superintendent shall
6 not approve the vouchers for the pay of principals or teachers until the monthly and
7 annual reports required by the local board of education are made."

8 Sec. 14. G.S. 115C-318 reads as rewritten:

9 **"§ 115C-318. Liability insurance for nonteaching public school personnel.**

10 The ~~State Board of Education~~ Department of Public Education shall provide for liability
11 insurance for nonteaching public school personnel to the extent that such personnel's
12 salaries are funded by the State. The insurance shall cover claims made for injury
13 liability and property damage liability on account of an act done or an omission made in
14 the course of the employee's duties. As provided by law or the rules and policies of the
15 ~~State Board of Education~~ Department of Public Education or the local school
16 administrative unit, the Department and State Board of Education shall comply with the
17 State's laws in securing the insurance and shall provide it at the earliest possible date for
18 the 1982-83 school year. Funds for this purpose shall be allocated from the State's
19 Contingency and Emergency Fund. Nothing in this section shall prevent the Department
20 and the State Board from furnishing the same liability insurance protection for
21 nonteaching public school personnel not supported by State funds, provided that the cost
22 of the protection shall be funded from the same source that supports the salaries of these
23 employees."

24 Sec. 15. G.S. 115C-447 reads as rewritten:

25 **"§ 115C-447. Annual independent audit.**

26 Each local school administrative unit shall have its accounts and the accounts of
27 individual schools therein audited as soon as possible after the close of each fiscal year
28 by a certified public accountant or by an accountant certified by the Local Government
29 Commission as qualified to audit local government accounts. The auditor who audits the
30 accounts of a local school administrative unit shall also audit the accounts of its
31 individual schools. The auditor shall be selected by and shall report directly to the board
32 of education. The audit contract shall be in writing, shall include all its terms and
33 conditions, and shall be submitted to the Secretary of the Local Government Commission
34 for his approval as to form, terms and conditions. The terms and conditions of the audit
35 contract shall include the scope of the audit, and the requirement that upon completion of
36 the examination the auditor shall prepare a typewritten or printed report embodying
37 financial statements and his opinion and comments relating thereto. The financial
38 statements accompanying the auditor's report shall be prepared in conformity with
39 generally accepted accounting principles. The auditor shall file a copy of the audit report
40 with the Secretary of the Local Government Commission, the controller of the State
41 Board of Education, the board of education and the board of county commissioners, and
42 shall submit all bills or claims for audit fees and costs to the Secretary of the Local
43 Government Commission for his approval. It shall be unlawful for any local school

1 administrative unit to pay or permit the payment of such bills or claims without this
2 approval. Each officer, employee and agent of the local school administrative unit
3 having custody of public money or responsibility for keeping records of public financial
4 or fiscal affairs shall produce all books and records requested by the auditor and shall
5 divulge such information relating to fiscal affairs as he may request. If any member of a
6 board of education or any other public officer, employee or agent shall conceal, falsify, or
7 refuse to deliver or divulge any books, records, or information, with an intent thereby to
8 mislead the auditor or impede or interfere with the audit, he is guilty of a Class 1
9 misdemeanor.

10 The State Auditor shall have authority to prescribe the manner in which funds
11 disbursed by administrative units by warrants on the State Treasurer shall be audited."

12 Sec. 16. G.S. 115C-489.4(a) reads as rewritten:

13 "(a) There is created the Commission on School Facility Needs. The Commission
14 shall be located administratively in the Department of Public ~~Instruction-Education~~ but
15 shall exercise all its prescribed statutory powers independently of the State Board of
16 Education and the Department of Public Instruction.

17 The Commission shall consist of five members appointed by the General Assembly
18 upon the recommendation of the President of the Senate in accordance with G.S. 120-
19 121, one of whom shall be recommended by the President of the Senate to serve as
20 cochairman, and five members appointed by the General Assembly upon the
21 recommendation of the Speaker of the House of Representatives in accordance with G.S.
22 120-121, one of whom shall be recommended by the Speaker of the House of
23 Representatives to serve as cochairman.

24 The initial terms of members shall expire July 1, 1991. Their successors shall serve
25 for four-year terms. A vacancy shall be filled for the remainder of the unexpired term in
26 accordance with G.S. 120-122.

27 The initial meeting of the Commission shall be called jointly by the cochairmen.

28 Members of the Commission who are not State officers or employees shall receive per
29 diem and necessary travel and subsistence expenses in accordance with G.S. 138-5.
30 Members who are State officers or employees shall be reimbursed for travel and
31 subsistence in accordance with G.S. 138-6.

32 The Department of Public Instruction shall provide requested professional and clerical
33 staff to the Commission. The Commission may also employ professional and clerical
34 staff and may hire outside consultants to assist it in its work."

35 Sec. 17. G.S. 115D-3 reads as rewritten:

36 "**§ 115D-3. Department of Community Colleges; staff.**

37 The Department of Community Colleges shall be a principal administrative
38 department of State government under the direction of the State Board of Community
39 Colleges, and shall be separate from the free public school system of the ~~State, the State~~
40 ~~Board of Education, and the Department of Public Instruction.~~ State and the Department of
41 Public Education. The State Board has authority to adopt and administer all policies,
42 regulations, and standards which it deems necessary for the operation of the Department.

1 The State Board shall elect a President of the North Carolina System of Community
2 Colleges who shall serve as chief administrative officer of the Department of Community
3 Colleges. The compensation of this position shall be fixed by the State Board from funds
4 provided by the General Assembly in the Current Operations Appropriations Act.

5 The President shall be assisted by such professional staff members as may be deemed
6 necessary to carry out the provisions of this Chapter, who shall be elected by the State
7 Board on nomination of the President. The compensation of the staff members elected by
8 the Board shall be fixed by the State Board of Community Colleges, upon
9 recommendation of the President of the Community College System, from funds
10 provided in the Current Operations Appropriations Act. These staff members shall
11 include such officers as may be deemed desirable by the President and State Board.
12 Provision shall be made for persons of high competence and strong professional
13 experience in such areas as academic affairs, public service programs, business and
14 financial affairs, institutional studies and long-range planning, student affairs, research,
15 legal affairs, health affairs and institutional development, and for State and federal
16 programs administered by the State Board. In addition, the President shall be assisted by
17 such other employees as may be needed to carry out the provisions of this Chapter, who
18 shall be subject to the provisions of Chapter 126 of the General Statutes. The staff
19 complement shall be established by the State Board on recommendation of the President
20 to insure that there are persons on the staff who have the professional competence and
21 experience to carry out the duties assigned and to insure that there are persons on the staff
22 who are familiar with the problems and capabilities of all of the principal types of
23 institutions represented in the system. The State Board of Community Colleges shall
24 have all other powers, duties, and responsibilities delegated to the State Board of
25 Education affecting the Department of Community Colleges not otherwise stated in this
26 Chapter."

27 Sec. 18. G.S. 120-65 reads as rewritten:

28 "**§ 120-65. Assistance of Department of Human Resources, State Board of Education,**
29 **and Department of Public Instruction. Resources and Department of Public**
30 **Education.**

31 The Department of Human Resources, the State Board of Education, and the Department
32 of Public Instruction Resources and the Department of Public Education are vital
33 departments of State government to assist especially the Commission and to furnish it
34 with information, and to the extent permitted by the Commission, to participate actively
35 in the work and deliberations of the Commission."

36 Sec. 19. G.S. 121-4(5) reads as rewritten:

37 "(5) With the cooperation of the State Board of Education and the Department of
38 Public Instruction-Department of Public Education to develop, conduct,
39 and assist in the coordination of a program for the better and more
40 adequate teaching of State and local history in the public schools and
41 the institutions of the community college system of North Carolina,
42 including, as appropriate, the preparation and publication of suitable
43 histories of all counties and of other appropriate materials, the

1 distribution of such materials to the public schools and community
2 college system for a reasonable charge, and the coordination of this
3 program throughout the State."

4 Sec. 20. G.S. 122C-113(b1) reads as rewritten:

5 "(b1) The Secretary shall cooperate with the State Board of Education in
6 coordinating the responsibilities of the Department of Human Resources, ~~the State Board of~~
7 ~~Education, and the Department of Public Instruction~~ Resources and the Department of Public
8 Education for adolescent substance abuse programs. The Department of Human
9 Resources, through its Division of Mental Health, Developmental Disabilities, and
10 Substance Abuse Services, shall be responsible for intervention and treatment in non-
11 school based programs. ~~The State Board of Education and the Department of Public~~
12 ~~Instruction~~ Department of Public Education shall have primary responsibility for in-school
13 education, identification, and intervention services, including student assistance
14 programs."

15 Sec. 21. G.S. 126-4(7) reads as rewritten:

16 "(7) Cooperation with the ~~State Board of Education, the Department of Public~~
17 ~~Instruction, Department of Public Education,~~ the University of North
18 Carolina, and the Community Colleges of the State and other
19 appropriate resources in developing programs in, including but not
20 limited to, management and supervisory skills, performance evaluation,
21 specialized employee skills, accident prevention, equal employment
22 opportunity awareness, and customer service; and to maintain an
23 accredited Certified Public Manager program."

24 Sec. 22. G.S. 130A-236 reads as rewritten:

25 "**§ 130A-236. Regulation of sanitation in schools.**

26 For the protection of the public health, the Commission shall adopt rules to establish
27 sanitation requirements for public, private and religious schools. The rules shall address,
28 but not be limited to, the cleanliness of floors, walls, ceilings, storage spaces and other
29 areas; adequacy of lighting, ventilation, water supply, toilet and lavatory facilities;
30 sewage collection, treatment and disposal facilities; and solid waste disposal. The
31 Department shall inspect schools at least annually. The Department shall submit written
32 inspection reports of public schools to the ~~State Board of Education~~ Department of Public
33 Education and written inspection reports of private and religious schools to the
34 Department of Administration."

35 Sec. 23. G.S. 143A-48 reads as rewritten:

36 "**§ 143A-48. Textbook Commission; transfer.**

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

40 Sec. 24. G.S. 143B-181 reads as rewritten:

41 "**§ 143B-181. Governor's Advisory Council on Aging – members; selection;**
42 **quorum; compensation.**

1 The Governor's Advisory Council on Aging of the Department of Human Resources
2 shall consist of 33 members, 29 members to be appointed by the Governor, two members
3 to be appointed by the Lieutenant Governor, and two members to be appointed by the
4 Speaker of the House of Representatives. The composition of the Council shall be as
5 follows: one representative of the Department of Administration; one representative of
6 the Department of Cultural Resources; one representative of the Employment Security
7 Commission; one representative of the Teachers' and State Employees' Retirement
8 System; one representative of the Commissioner of Labor; one representative of the
9 Department of Public ~~Instruction~~; Education; one representative of the Department of
10 Environment, Health, and Natural Resources; one representative of the Department of
11 Insurance; one representative of the Department of Crime Control and Public Safety; one
12 representative of the Department of Community Colleges; one representative of the
13 School of Public Health of The University of North Carolina; one representative of the
14 School of Social Work of The University of North Carolina; one representative of the
15 Agricultural Extension Service of North Carolina State University; one representative of
16 the collective body of the Medical Society of North Carolina; and 19 members at large.
17 The at large members shall be citizens who are knowledgeable about services supported
18 through the Older Americans Act of 1965, as amended, and shall include persons with
19 greatest economic or social need, minority older persons, and participants in programs
20 under the Older Americans Act of 1965, as amended. The Governor shall appoint 15
21 members at large who meet these qualifications and are 60 years of age or older. The
22 four remaining members at large, two of whom shall be appointed by the Lieutenant
23 Governor and two of whom shall be appointed by the Speaker of the House of
24 Representatives, shall be broadly representative of the major private agencies and
25 organizations in the State who are experienced in or have demonstrated particular interest
26 in the special concerns of older persons. At least one of each of the at-large appointments
27 of the Lieutenant Governor and the Speaker of the House of Representatives shall be
28 persons 60 years of age or older. The Council shall meet at least quarterly.

29 Members at large shall be appointed for four-year terms and until their successors are
30 appointed and qualify. Ad interim appointments shall be for the balance of the unexpired
31 term.

32 The Governor shall have the power to remove any member of the Council from office
33 in accordance with the provisions of G.S. 143B-16 of the Executive Organization Act of
34 1973.

35 The Governor shall designate one member of the Council as chairman to serve in such
36 capacity at his pleasure.

37 Members of the Council shall receive per diem and necessary travel and subsistence
38 expenses in accordance with the provisions of G.S. 138-5.

39 A majority of the Council shall constitute a quorum for the transaction of business.

40 All clerical and other services required by the Council shall be supplied by the
41 Secretary of Human Resources."

42 Sec. 25. G.S. 143B-417(1) reads as rewritten:

- 1 "(1) To determine the number of student interns to be allocated to each of the
 2 following offices or departments:
 3 a. Office of the Governor
 4 b. Department of Administration
 5 c. Department of Correction
 6 d. Department of Cultural Resources
 7 e. Department of Revenue
 8 f. Department of Transportation
 9 g. Department of Environment, Health, and Natural Resources
 10 h. Department of Commerce
 11 i. Department of Crime Control and Public Safety
 12 j. Department of Human Resources
 13 k. Office of the Lieutenant Governor
 14 l. Office of the Secretary of State
 15 m. Office of the State Auditor
 16 n. Office of the State Treasurer
 17 o. Department of Public ~~Instruction~~-Education
 18 p. Repealed by Session Laws 1985, c. 757, s. 162.
 19 q. Department of Agriculture
 20 r. Department of Labor
 21 s. Department of Insurance
 22 t. Office of the Speaker of the House of Representatives
 23 u. Justices of the Supreme Court and Judges of the Court of
 24 Appeals
 25 v. Department of Community Colleges
 26 w. Office of State Personnel
 27 x. Office of the Senate President Pro Tempore;"

28 Sec. 26. The chart in G.S. 147-45 is amended by deleting the language:

29	"State Board of Education	1	0
30	Department of Public Instruction	3	1
31	Controller	1	0
32	Technical Assistance Centers	1 ea.	0", and
33	substituting the following:		
34	"Public Education, Department of	1	0
35	Superintendent of Public Instruction	3	1
36	Controller	1	0
37	Technical Assistance Centers	1 ea.	0."

38 Sec. 27. This act becomes effective July 1, 1995.