

**NORTH CAROLINA GENERAL ASSEMBLY  
LEGISLATIVE FISCAL NOTE**

**BILL NUMBER:** Senate Bill 1125 (Committee Substitute)

**SHORT TITLE:** Miscellaneous Education Changes

**SPONSOR(S):**

**FISCAL IMPACT**

Yes ( )      No (x)      No Estimate Available ( )

FY 1998-99    FY 1999-00    FY 2000-01    FY 2001-02    FY 2002-03

**REVENUES**

**EXPENDITURES**

**POSITIONS:**

**PRINCIPAL DEPARTMENT(S) &  
PROGRAM(S) AFFECTED:**

State Board of Education, Department of Public Instruction, local school administrative units, Board of Governors of the University of North Carolina, Caswell County.

**EFFECTIVE DATE:** Upon ratification, except Section 2 applies to funds awarded at the end of the 1998-99 school year. Section 16 applies to contracts entered into on or after the effective date of this act.

**BILL SUMMARY:**

**SECTION 1:** This section amends G.S. 102.5(b) to substitute President Pro Tempore for President of the Senate as the person who appoints one of the cochairs of the School Technology Commission. Currently, this statute directs the President Pro Tem to appoint six members and the President to appoint a cochair from one of these six.

**SECTION 2:** This section amends G.S. 115C-105.36(b) to encourage school systems to make ABC's bonuses to teachers and teacher assistants by each employee's first regular payday, and are required to make the payments by the second regular teacher payroll following the local unit's receipt of the funds. This section also deletes the authority for the teachers and teacher assistants to develop and vote on a plan to use the funds for any other lawful purpose. This section will go into effect beginning with ABC's bonuses at the end of the 1998-99 school year.

**SECTIONS 3 & 4:** G.S. 115C-244 and G.S. 115C-245 are amended to clarify that the superintendent or superintendent's designee develops the bus assignment plan. (Several years ago the system for administering school buses was amended in order to centralize it under the authority of the superintendent. These are conforming changes.)

**SECTION 5:** This section amends G.S. 115C-290.8, which provides the exemptions from the new school administrator exam that went into effect this past January. Section 5 would exempt from the exam those individuals who obtained or renewed a State administrator/supervisor at any time during the five years preceding January 1, 1998, even if they were not engaged in school administration during those years. It also would direct the State Board to adopt policies governing the requirements for certification of out-of-state school administrators. Since January 1, 1998, the law has required school administrators from other states to take the exam if they want to receive school administrator certification here. Current law also requires individuals who may have received a State administrator/supervisor certificate within the five years before January 1, 1998, but who were not engaged in the business of school administration, to take this exam.

**SECTION 6:** Section 6 would amend G.S. 115C-174.11(b) to move the competency test from tenth to ninth grade. Under current law, the eighth grade end-of-grade tests are used to identify which students will be required to pass the competency test. Students who fail the competency test are required to receive remedial instruction and additional opportunities to take and pass the exam, up to and including the last month of 12<sup>th</sup> grade. Many school systems offer early remediation to students who will be required to take the exam; however, some wait until the students take and fail the exam in 10<sup>th</sup> grade. By moving the exam to ninth grade, there will be an additional year to offer remediation to students who fail the exam.

**SECTIONS 7-10:** **Sections 7-9** amend several sections of G.S. 115C-391, which governs the discipline, suspension, expulsion, and alternative placements of students. The amendment would authorize the superintendent or the local board to suspend a student for a year if the student brings a gun onto school property. The amendment also authorizes the superintendent, upon the recommendation of the principal, to remove to an alternative educational setting a student who assaults another person on school property or at a school-related or -sponsored activity. These decisions may be appealed to the local board, and then are subject to judicial review. Current law requires the local board to make these decisions, and their decisions are subject to judicial review. **Section 10** amends G.S. 115C-276(r), which enumerates the duties of superintendents, to clarify that the superintendent must keep data on students who are suspended more than 10 days. Under current law, data must be kept on all suspended students, but other laws are limited to those who are suspended for more than 10 days.

**SECTION 11:** Section 11 amends G.S. 115C-74.11( c) to require the provision of remedial assistance in ninth grade to students who fail to pass the 8<sup>th</sup> grade end-of-grade tests. This remedial assistance must be calculated to prepare these students to pass the competency test.

**SECTION 12 & 13:** These sections amend G.S. 115C-403(b) and 115C-288 to prohibit principals or their designees from withholding a student record upon the receipt of a request from a school to which the student is transferring. The only exception is what is allowed under

federal law (the Family Educational Rights and Privacy Act "FERPA"), which allows a school to make a reasonable effort to notify the student's parents or guardians before disclosing the record to another school. (These sections basically put current federal law into the State law.)

**SECTIONS 14 & 15:** These sections amend the Excellent Schools Act, as was amended earlier this session. They clarify that an action plan or dismissal is required if a certified employee in a low-performing school receives an unsatisfactory evaluation that is related to the employee's instructional duties. (Currently, the law is not limited to employees in low-performing schools.) Local boards will be required to adopt policies to require an action plan for any certified employee who receives an unsatisfactory evaluation if the superintendent does not intend to recommend the dismissal, demotion, or nonrenewal of that employee.

**SECTION 16:** Section 18 amends G.S. 115C-287.1, which governs the contractual employment of a school administrator, to allow the term of an initial contract to be for less than 12 months if the contract becomes effective on or before September 1. Current law provides that all contracts must be for 2-4 year terms and must end on June 30 of the last 12 months of the contract.

**SECTION 17:** This section directs the State Board to evaluate the allocation of the 1% bonus that goes to principals and assistant principals in schools that meet local goals for maintaining safe and orderly schools. The Board must report the results of this evaluation to the Joint Legislative Education Oversight Committee by November 15, 1998. (The amendment changes this to December 31, 1998.)

**SECTION 18:** This section directs the State Board and the UNC Board of Governors to develop a proposal for a statewide lateral entry teacher licensure program. These boards must report this proposal to the Joint Legislative Education Oversight Committee by December 1, 1998. (The amendment changes this to September 1, 1999.) The Joint Legislative Education Oversight Committee must review the proposal and report any suggested legislation to the General Assembly by January 27, 1999. (The amendment changes this to May 1, 2000.)

*The bill is effective when it becomes law. Section 2 applies to funds awarded beginning at the end of the 1998-99 school year. Section 16 would apply to contracts entered into on or after the effective date.*

**FISCAL RESEARCH DIVISION (733-4910)**

**PREPARED BY:** James D. Johnson

**APPROVED BY:** Tom Covington

**DATE:** October 20, 1998



**Signed Copy Located in the NCGA Principal Clerk's Offices**