

NORTH CAROLINA GENERAL ASSEMBLY
1981 SESSION

CHAPTER 1392
SENATE BILL 700

AN ACT TO CREATE A SELECT COMMITTEE TO STUDY THE DEPARTMENT OF
PUBLIC EDUCATION.

Whereas, the Declaration of Rights in the Constitution of North Carolina guarantees the people the "right to the privilege of education" and makes it the "duty of the State to guard and maintain that right"; and

Whereas, the Constitution of North Carolina mandates that the General Assembly "provide . . . for a general and uniform system of free public schools"; and

Whereas, the Department of Public Education is comprised of a Superintendent of Public Instruction elected by the people and a State Board of Education consisting of the Lieutenant Governor, the Treasurer and 11 members appointed by the Governor; and

Whereas, the Constitution of North Carolina grants the Superintendent and the State Board of Education interrelated powers which may lead to irreconcilable differences; and

Whereas, the General Assembly feels it is necessary to study the fiscal and operational functions of the Department of Public Education so as to guarantee the fundamental right of the people to the privilege of education and to provide for a general and uniform system of free public schools; Now, therefore,

The General Assembly of North Carolina enacts:

Section 1. There is created a Legislative Committee to Study the Department of Public Education. The Committee shall consist of five members appointed by the Speaker of the House and five members appointed by the Lieutenant Governor.

Sec. 2. Members of the Committee shall be reimbursed for travel and subsistence expenses at the rates set out in G.S. 120-3.1. All expenses of the Committee shall be paid from funds appropriated to the General Assembly. The Legislative Services Officer shall provide staff to the Committee.

Sec. 3. The Committee shall study the fiscal and operational functions of the Department of Public Education and shall consider the effect of placing the fiscal functions of the Department under the Office of State Budget and Management. The study shall include policies, procedures, philosophy and educational programs of the Department and shall examine the constitutional tension created by the separate but interrelated powers of the Superintendent of Public Instruction and the State Board of Education.

Sec. 4. The Committee shall report to the 1983 General Assembly. The report shall include recommendations on providing better educational opportunities to the citizens of the State in a more cost-effective manner. The report may include proposed legislation including proposed constitutional amendments.

Sec. 5. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 23rd day of June, 1982.