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REPORTS

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LEGISLATIVE RESEARCH COMMISSION

REPORT
TO THE

1977

GENERAL ASSEMBLY OF NORTH CAROLINA



COMMUNITY COLLEGES /

DEPARTMENT OF PUBLIC INSTRUCTION

RALEIGH, NORTH CAROLINA

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STATE OF NORTH CAROLINA
LEGISLATIVE RESEARCH COMMISSION
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January 13, 1977

TO THE MEMBERS OF THE 1977 GENERAL ASSEMBLY:

The Legislative Research Commission was directed by Chapter 851 of the 1975 Session Laws (Ratified House Bill 296 of the 1975 General Assembly) to produce a study of the relationship between the Department of Public Instruction and the Division of Community Colleges. Senator Bob L. Barker, as a member of the Legislative Research Commission, was given responsibility for producing the study. A committee drawn from the membership of the General Assembly was appointed to work under Senator Barker in making the study.

The Legislative Research Commission Committee on Public Instruction/Community Colleges was unable to agree on a report. On December 16, 1976, Senator Barker informed the Legislative Research Commission of the lack of agreement by the Committee, but as a response to the Legislative Research Commission's direction to him, he presented copies of a draft report prepared at his order by the staff. Senator Barker noted that he had worked with the staff in editing the draft report but that the draft had been rejected by the Committee because there was not enough time to give it adequate study.

A copy of the Committee minutes recording the rejection of the draft report follows this letter. The draft report is reproduced as part of this document because it provides a useful discussion of the study subject. The findings and recommendations were not approved by the Committee, and they reflect only the opinion of Senator Barker. The Legislative Research Commission transmits the report for the information of members of the 1977 General Assembly.

Respectfully submitted,

John T. Henley

James C. Green

Co-Chairmen

LEGISLATIVE RESEARCH COMMISSION

MEETING OF
COMMITTEE ON COMMUNITY COLLEGES/PUBLIC INSTRUCTION

November 30, 1976

The fourth meeting of the Community Colleges/Public Instruction Study Committee met at 1:00 p.m. on Tuesday, November 30, 1976, in Room 1425 of the State Legislative Building. This meeting was co-chaired by Senator Robert Barker, Legislative Research Commission member, and Senator Dallas Alford, Co-Chairman of this Committee. Members present: Senators Barker, Alford, White, Walker and Childers; Representatives Lilley, Tison, Breece and Stewart; Dr. James. Members absent: Senator Mills; Representatives Holt, Chapin and Harris.

Senator Barker submitted the draft of the committee report to the members for approval.

Senator Alford opened the meeting for discussion of the report. The following corrections were noted:

1. On Page 10, first line, the number 147 should be corrected to 145.
2. Senator White asked that his initial be corrected on Page 1 from "L" to "E."
3. Rep. Tison asked that his name be corrected on Page 1 from "Tyson" to "Tison."
4. It was requested that where "Division of Community Colleges" appears this should be changed to read "Department of Community Colleges."

Rep. Stewart moved that the four recommendations in the report be acted upon separately. Motion was seconded by Rep. Tison and carried.

Sen. Childers questioned the use of positive recommendations as presented in this report when the committee members have had little or no input into the report. The members present shared his feeling.

Sen. Childers moved that this report be rejected in that the matter had not been adequately studied. Motion was seconded by Sen. Walker and was unanimously passed by the members.

Sen. Alford accepted a motion for adjournment.

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INTRODUCTION

By House Bill 296 of the 1975 General Assembly, First Session 1975 the Committee on Community Colleges/Department of Public Instruction of the Legislative Research Commission was created; a copy is attached as Appendix A to this report. The Committee was directed to study the relationship between the Department of Community Colleges and the Department of Public Instruction; to produce recommended legislation that will clearly define, by statute, the relationship between the Department of Community Colleges and the Department of Public Instruction; and to suggest any other appropriate adjustments.

Pursuant to the directives in House Bill 296, the Committee on Community Colleges/Department of Public Instruction was appointed to study the questions and to submit a report to the Legislative Research Commission for inclusion in its report to the 1977 General Assembly. The Committee consisted of Senator Bob L. Barker, Legislative Research Commission member responsible for this study; Senators Dallas L. Alford, Co-Chairman, Jack Childers, William D. Mills, Russell Walker, Vernon E. White, and Representatives George W. Breece, Howard B. Chapin, W. S. Harris, Jr., Bertha M. Holt, Daniel T. Lilley, Co-Chairman, Ben Tison, Carl J. Stewart, Jr., and one public member, Dr.

Gerald James, President of Rockingham Community Colleges.

The Committee has met three times to consider matters concerning the relationship between the Department of Community Colleges and the Department of Public Instruction at which the following persons appeared and gave formal presentations:

Mr. Mercer Doty, Director, Fiscal Research Division, Legislative Services Office, North Carolina General Assembly;

Dr. W. Dallas Herring, Chairman, State Board of Education;

Dr. Ben E. Fountain, Jr., President, Department of Community Colleges;

Dr. A. Craig Phillips, State Superintendent of Public Instruction; and

Mr. Andrew A. Vanore, Jr., Deputy Attorney General, Department of Justice.

In addition, three surveys were conducted to determine the current status of state-level governance and coordination for community colleges throughout the country. Of the fifty states surveyed, forty-five states responded; fourteen states indicated a separate board responsible for community colleges and ten, excluding North Carolina, were identified as having boards of education with responsibility for public schools and community colleges. A report of the surveys is attached as Appendix B to this report.

The report contains a summary of materials generated and presentations heard at these meetings. The report also contains the Committee's findings and conclusions based on

information gathered at these meetings, and the Committee's recommendations for further action by the General Assembly concerning the relation between the Department of Community Colleges and the Department of Public Instruction.



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PROCEEDINGS

The Committee on Community Colleges/Department of Public Instruction held its first meeting on Friday, September 26, 1975. This and the other Committee meetings were held in the Legislative Building in Raleigh.

Senator Bob L. Barker informed the members of the Committee that the Committee would function as a subcommittee of the Legislative Research Commission and that the Committee would submit its report to the Legislative Research Commission for approval and for inclusion in the report of the Legislative Research Commission to the 1977 General Assembly.

Senator Dallas Alford informed the Committee that during the 1975 General Assembly (First Session 1975) a special Senate Education Subcommittee had studied the problems which this Committee had been directed to study; but that the Senate Education Subcommittee did not reach any conclusions because of limited time. However, the Senate Education Subcommittee introduced legislation, Senate Bill 909, which would have created a study commission; however, Senate Bill 909 was incorporated in House Bill 296 which created this Committee.

To illustrate some of the problems confronting education, Senator Dallas Alford passed out copies of the magazine "We the People of North Carolina" and asked the Committee to read two articles, "State Board of Education is Where the Battle Rages" and "How Superintendent Phillips Views His

Opponents and Issues;" copies of the articles are attached as Appendix C.

Discussion was then held concerning the possibility of a conflict between the subject matter to be studied by this Committee and the Commission on Public School Laws. It was agreed that Senator Edward Renfrow, Chairman of the Commission on Public School Laws would be consulted to make sure that the two groups were not studying the same subject matter.

The second meeting of the Committee on Community Colleges/ Department of Public Instruction was held on Friday, October 10, 1976. Mr. Andrew Vanore, Deputy Attorney General, Mr. Mercer Doty, Director of the Fiscal Research Division, and Dr. Gerald James, President of Rockingham Community College appeared before the Committee and gave formal presentations concerning the present structure of public education in North Carolina.

Mr. Vanore presented information concerning the constitutional and statutory authority and duties of (a) the State Board of Education; (b) the State Superintendent of Public Instruction; (c) the Controller to the State Board of Education; and (d) the State President of the Department of Community Colleges.

Mr. Vanore pointed out that Article IX Section 5 of the Constitution of North Carolina requires the State Board of Education "to supervise and administer the free public school system and the educational funds provide for its support

consistent with directives laid down by the General Assembly;" that pursuant to Chapter 115A of the General Statutes the State Board of Education has been given general supervisory authority over the community colleges system.

Mr. Vanore was asked to comment on whether or not there had been any litigation between the State Board of Education and the Department of Public Instruction and the Department of Community Colleges since they were created. Mr. Vanore replied by stating that there had been problems between the institutions but the problems had never reached the point of entering into litigation against each other.

Mr. Vanore pointed out that the duties of the controller are set out in G.S. 115-16. The controller prepares all budgets submitted by the State Board of Education to the General Assembly for both the public school system and the community colleges system. The controller works under the direct supervision of the State Board of Education and works very closely with the State Superintendent of Public Instruction on matters concerning monies appropriated by the General Assembly to the State Board of Education for the public school system and with the President of the Department of Community Colleges on matters concerning monies appropriated by the General Assembly to the State Board of Education for the community colleges system. A copy of Mr. Vanore's statement is attached as Appendix D to this report.

The Committee received information that the State Board of Education had gone on record as being opposed to the

creation of a separate board to administer the Department of Community Colleges. It appeared that the State Board of Education's opposition to creating a separate board to administer the Department of Community Colleges was based on the fact that the present State Board feels it can, has, and will properly administer the Department of Community Colleges.

The Committee requested and received a copy of the statement made by the State Board of Education opposing the creation of a separate board to administer the Department of Community Colleges.

Mr. Mercer Doty was the next person to appear before the Committee. He noted that since the Committee had expressed interest in a report entitled "Management Review - North Carolina Public Education" published by the Fiscal Research Division in January of 1975, he would direct his comments to that report. Mr. Doty pointed out that the study was aimed at the functions of the Department of Public Instruction, and the relationship of the local educational agencies; and that the study did not specifically address the Department of Community Colleges, although the Department of Community Colleges is mentioned in the report.

Mr. Doty noted that finding Number 4 of the report was probably the one of most interest to the Committee. Finding Number 4 reads as follows:

"Interaction among public schools, community colleges, and institutions of higher education is adequate at both State and local levels."

The report made the following recommendations concerning finding Number 4:

"The State Superintendent of Public Instruction, the State President of the community colleges system and the President of the University of North Carolina should devise the means for effective continuing coordination in areas of joint responsibility."

Mr. Doty noted that occupational education cuts across both the public school system and the community Colleges system; that preparation of teachers cuts across the public school system and higher education; and that the competency of high school graduates is shared by the public schools system, the community colleges system, and higher education.

Dr. Gerald James, President of Rockingham Community Colleges and a member of the Committee gave a presentation concerning the origin and growth of the community colleges system; a copy of his statement is attached as Appendix E to this report.

The third meeting of the Committee on Community Colleges/ Department of Public Instruction was held on Friday, November 14, 1975.

Dr. W. Dallas Herring, Chairman of the State Board of Education; Dr. Ben E. Fountain, President of the Department Community Colleges, and Dr. A. Craig Phillips, State Superintendent of Public Instruction appeared before the Committee. They were asked to call to the attention of the Committee any sections of the General Statutes dealing with public education and community colleges and technical institutes which they felt might need to be reworded,

removed, or changed.

Dr. Herring commented on the policy statement (adopted by the State Board of Education on October 2, 1975) which opposed any efforts to remove the Department of Community Colleges from the jurisdiction of the State Board of Education. A copy of that statement is attached as Appendix F to this report.

Dr. Herring stated that prior to adoption of the Bell Act (House Bill 872) the State Board of Education did not have the privilege of adopting rules and appointing committee, since adoption of the Bell Act, the Board has combined the committees on Vocational Education and Community Colleges; the new committee has responded in a commendable way to bring articulation to programs between the public school and community colleges systems.

Dr. Herring pointed out that state laws place the State Board of Education in charge of Public Education; that the North Carolina Constitution vests in the State Board of Education authority to administer and supervise the free public school system; but that the State Board of Education had not been given the statutory powers to carry out the duties assigned by the Constitution.

Dr. Herring was asked to comment on whether or not he could foresee a time when the community colleges system and the public school system might increase in growth to the point where there would be a need for separation in order that the State Board of Education would not be "wearing two hats."

Dr. Herring replied that as long as the members of the State Board of Education are committed as they presently are to providing the leadership and to solving the problems, he could not foresee a time when the Board would be so overburdened that it could not discharge its duties. He also stated that he recognized the workload as a factor, but did not see it as being prohibitive of doing the job.

Dr. Fountain made the following points:

That the adult education area is the mission of the community colleges system and the area of children's education is the mission of the public school system but the two systems should work together;

That the State is well served by having two separate programs as State law provides governed by one board;

That the North Carolina Trustees Association of Community Education Institutions has consistently maintained that the State Board of Education should be responsible for the public school system and the community colleges system; that the North Carolina Association of Public Community College Presidents, in view of the reorganization of the State Board of Education, had agreed to shelve the idea of a separate board.

He continued that the Trustees and Presidents' Associations are supportive of the public school program. Whatever programs the State Board of Education adopts for the public schools we support--and we want the Board to adopt whatever it thinks is necessary for the public schools.

He concluded by saying that the present record indicates that the system has worked efficiently in North Carolina and that a separation could disrupt a very efficient, although not perfect, well-working arrangement.

Dr. Phillips was the last person to appear before the Committee; he made the following points:

That the State Superintendent is by statute Secretary to the State Board of Education and is accountable to the people, who elect him to be the Chief Administrative School Officer of elementary and secondary education as provided in the State Constitution.

That the manner in which the State Superintendent is chosen is one of the problems involved in this study.

That presently there are 145 local administrative units for elementary and secondary education with elected governing bodies while there are 57 community colleges and technical institutes with appointed governing bodies.

That there are some differences in the degree of control within the two systems concerning the distribution of resources, policies, programs and procedures.

FINDINGS AND CONCLUSIONS

State Board of Education

Pursuant to Article IX Section 5 of the Constitution of North Carolina, the State Board of Education is required "to supervise and administer the free public school system and the educational funds provided for its supports . . . subject to laws enacted by the General Assembly." Pursuant to Section 3 of Chapter 115 of the General Statutes of North Carolina, the State Board of Education is authorized to supervise and administer the community colleges system.

The Committee has found no significant dissatisfaction with the State Board of Education exercising the dual responsibility of governing both the public school system and the community colleges system. The Committee felt creation of a separate board to govern the community colleges system would constitute a proliferation of boards and diminish the opportunity for cooperation among educational programs.

Superintendent of Public Instruction

Pursuant to Article 9 Section 4(2) of the Constitution of North Carolina, the Superintendent of Public Instruction is the secretary and chief administrative officer of the State Board of Education in matters concerning the public school system. He is an elected official, a member of the Council of State, and he is accountable to the electorate.

The Committee has found that the present method of having

an elected Superintendent of Public Instruction to serve as the chief administrative officer of an appointed State Board of Education has built in potentials for conflicts. Under the present method the Superintendent of Public Instruction is accountable to the electorate and to the State Board of Education. Therefore, the Committee has concluded that the Constitution of North Carolina should be amended to change the Office of the Superintendent of Public Instruction from an elective office to an appointive office.

President of the Department of Community Colleges

Pursuant to Section 3 of Chapter 115A of the General Statutes, the President of the Department of Community College is the chief administrative officer to the State Board of Education in matters concerning the Department of Community Colleges; he is an appointee of the State Board of Education. The Committee has found no dissatisfaction with the method of selecting the President of the Department of Community Colleges.

The Controller of the State Board of Education

The controller is responsible for the supervision and management of the fiscal affairs of the State Board of Education. The controller prepares all budgets submitted by the State Board of Education to the General Assembly for both the public school system and the community colleges system. He works under the direct supervision of the State Board of

Education; and he works very closely with the Superintendent of Public Instruction on matters concerning monies appropriated by the General Assembly to the State Board of Education for the public school system, and with the President of the Department of Community Colleges on matters concerning monies appropriated by the General Assembly to the State Board of Education for the community colleges system.

The Committee has concluded that the controller should not be an appointee of the State Board of Education; that effective management within the systems requires that the functions presently assigned to the office of the controller be transferred to the Superintendent of Public Instruction and to the President of the Department of Community Colleges respectively.

RECOMMENDATIONS

State Board of Education

The Committee has considered the possibility of establishing a separate board of governance for the community colleges system; however, the Committee recommends that a separate board of governance not be established. The Committee is aware of the existing structural problems within the system and is making independent recommendations to resolve these problems.

Superintendent of Public Instruction

The Committee recommends that the Constitution of North Carolina be amended to change the Office of Superintendent of Public Instruction from an elective office to an appointive office. The Committee further recommends that the Office of Superintendent of Public Instruction become an appointive office of the State Board of Education. A draft of a constitutional amendment and a draft of conforming statutory changes to accomplish these recommendations are attached as Appendix G to this report. The election procedure for the Superintendent of Public Instruction, if ratified by the voters, shall effect all future selections for that office.

President of the Department of Community Colleges

The Committee has found no dissatisfaction with the present method of selecting the President of the Department of Community Colleges, therefore, the Committee recommends no change

in the present method.

Controller of the State Board of Education

The Committee recommends that the controller not be an appointee of the State Board of Education; that the functions presently assigned to the controller be transferred to the Superintendent of Public Instruction and the President of the Department of Community Colleges respectively.

The Committee further recommends that the Governor review the administrative operations of the State Board of Education and take whatever steps are required to ensure effective functioning of the Board and of the public schools and community colleges systems.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 1975
RATIFIED BILL

CHAPTER 851

HOUSE BILL 296

AN ACT TO DIRECT THE LEGISLATIVE RESEARCH COMMISSION TO STUDY
VARIOUS MATTERS.

The General Assembly of North Carolina enacts:

Section 1. The Legislative Research Commission is directed to study the following issues, designing the individual study efforts as described in the other sections of this act:

- (1) Services for the blind (H. 296);
- (2) The office of magistrate (H. 720);
- (3) Land records information systems (H. 785);
- (4) North Carolina laws on sex discrimination (H. 845, S. 1214);
- (5) Problems in foreclosure law (H. 893);
- (6) Fire and casualty insurance rate regulation (H. 1214);
- (7) State licensing boards (H. 1223);
- (8) Need for compensation of victims of crimes (H. 1202);
- (9) Means to increase the level of professionalism and efficiency of local building inspectors (S. 325);
- (10) The effect of the tax-exempt status of State-owned property upon local government revenue (S. 765); and
- (11) The possibility of State operation of a fisheries training vessel program (S. 855);
- (12) Emergency Medical Care and Services;

- (13) The operation of the North Carolina Department of Correction's Prison Enterprises Division (H. 1265, S. 806);
- (14) Programs available to females committed to the Department of Correction (H. 20, S. 24);
- (15) The need for an actuarial services division within the Department of State Treasurer (H. 331);
- (16) The feasibility of using inmate labor in Department of Correction construction (S.606);
- (17) The problems of the hearing aid business (S. 630);
- (18) The relationship between the Division of Community Colleges and the State Department of Public Instruction (S. 909);
- (19) The problem of sexual assaults in North Carolina (H. 816); and
- (20) The funding, benefits, and operations of the Retirement System (H. 994).

Sec. 2. In its study of services for the blind the Legislative Research Commission shall inquire into the responsibilities for services to the blind of North Carolina, and the current operating practices of the North Carolina Department of Human Resources and North Carolina Library for the Blind and Physically Handicapped. The study shall embrace: (1) present services to the blind, (2) ways of achieving greater effectiveness in rendering services, and (3) possible expansion and strengthening quality of services to the blind.

Sec. 2.5. In its study of emergency medical care and services the Legislative Research Commission shall inquire into

training, standards, examination, qualifications and other pertinent areas of emergency medical care and services, and a special subcommittee shall be authorized consisting of six persons named by the Speaker of the House of which three shall be members of the House and three shall be public members who are interested in the problem of emergency medical care; and six persons named by the Lt. Governor of which three shall be members of the Senate and three shall be public members who are interested in the problem of emergency medical care.

Sec. 3. In its study of the office of magistrate the Legislative Research Commission shall examine the office of magistrate in North Carolina, including, but not restricted to, the method of appointment, compensation, and criteria by which allocation of magistrates are determined for each county.

Sec. 4. In its study of land records information systems in North Carolina the Legislative Research Commission shall investigate and review the land records information systems of the State and make recommendations concerning ways of modernizing them and making them more uniform. The Legislative Research Commission shall include in its study an inquiry into the following issues: (1) Should there be created a State registrar's office to perform a role with regard to the registers of deeds similar to that performed by the Administrative Officer of the Court with regard to the clerks of superior court. (2) Should the assignment of land parcel identifiers and the creation of land parcel identifier indexes be required. (3) What arrangements can be made to provide automated data processing services to counties that desire them but do not have them

available. (4) What should the role of land title registration be in a system of modernized land records. (5) How should the modernization of land records be financed. (6) If a decision is made to establish a system of land records using parcel identifiers, parcel identifier indexes, and computerization, what statutory revisions must be made to facilitate conversion to this system. (7) In establishing a modernized land records system, what changes need to be made in records that make claims against land but are filed against persons, rather than against particular parcels of land. (8) Should land records and land information, whether stored in a computer, on microfilm, or in books, be available from a single county office. (9) What statutory revisions are needed to improve land records systems exclusive of those necessary to implement a computerized system based upon parcel identifiers. (10) What statutory revisions are needed to increase statewide uniformity of land records systems.

Sec. 5. In its study of sexual discrimination in North Carolina laws and practices the Legislative Research Commission shall examine North Carolina laws and practices, including the General Statutes, case law, customs and regulations of the various branches of State government; the studies shall examine these laws and practices as they relate to a specific sex, as they may deny equality of rights under the laws of this State, and as they might be modified by the possible passage of the Equal Rights Amendment to the Constitution of the United States. The Legislative Research Commission shall also study the desirability of enacting the legislation contained in Senate Bill

813 from the 1975 Session, or the enactment of similar legislation that would establish a fair employment opportunity commission in North Carolina with powers and duties designed to eliminate discrimination based upon race, color, religion, national origin, ancestry, age, or sex.

Sec. 6. In its study of the problems in North Carolina's statutory treatment of foreclosure the Legislative Research Commission shall examine the North Carolina General Statutes and applicable case law concerning: (1) foreclosure of real and personal property, and (2) lien laws and other statutes allowing the taking, sale, or other disposal of property, both real and personal.

Sec. 7. In its study of fire and casualty insurance rate regulation the Legislative Research Commission shall have the responsibility to make a thorough and comprehensive study of all aspects of fire and casualty insurance rate regulation in North Carolina and in other states in the Union. In conducting its studies the Legislative Research Commission shall evaluate and report on the system of prior approval rate making as used in this State and other states and shall compare the effectiveness and rate impact of the practices and procedures utilized in this State as compared with other states. In addition, the Legislative Research Commission shall evaluate and report on the rate impact of other systems of rate making including but not limited to (1) file and use rate making and (2) open competition rate making and (3) rate making utilizing the concept of return on invested capital. The Legislative Research Commission shall further evaluate the advantages and disadvantages of establishing

an insurance commission consisting of three or more members with adequate supporting staff which shall be invested with the authority to determine and fix fire and casualty rates for use in North Carolina.

Sec. 8. In its study of State licensing boards the Legislative Research Commission shall:

(1) Look into the present law in North Carolina and compare North Carolina law and practice with that in other states;

(2) Inquire into the proper makeup of licensing boards;

(3) Determine whether there is any misuse of funds by licensing boards;

(4) Determine whether licensing boards are unduly restricting entry into their respective professions; and

(5) Seek information on how to get more people into needed professions.

Sec. 9. In its study of the need for compensation of victims of crimes the Legislative Research Commission shall analyze all problems surrounding the establishment of a plan by which victims of crimes committed within North Carolina might be compensated for the injuries that they sustain. The Legislative Research Commission is specifically directed to study the following areas:

(1) the types of crimes and of injuries for which compensation should be awarded;

(2) the experience of other jurisdictions in administering similar programs, the problems that these

jurisdictions have encountered and the cost of such programs;

(3) whether such a program should be administered separately or under the auspices of an existing State department or agency;

(4) the estimated cost of administration of a program and of awarding compensation under it; and

(5) any actual or potential sources of aid either federal or otherwise to help this State defray the costs of such a program.

Sec. 10. In its study of means to increase the level of professionalism and efficiency of local building inspectors the Legislative Research Commission shall include an examination of training opportunities, expanded technical assistance from State agencies, improved compensation, joint organizational arrangements, advisory services, and intergovernmental grant programs.

Sec. 11. In its study of the effect of tax-exempt State-owned property upon local governmental revenue the Legislative Research Commission shall look at the relationship between State and local governments regarding the exemption of State-owned real property from ad valorem taxation, including the nature and extent of acquisition of real property by the State within the last decade, the effect of tax exemption upon local tax revenues, and the cost of local government services that benefit State-owned real property.

Sec. 11.1. In its study of the fisheries training vessel issue the Legislative Research Commission shall have the

following responsibilities:

(1) To determine the need for training vessels; to determine the number and kinds of vessels necessary to provide North Carolina's students of vocational fisheries the highest educational, training and experience opportunities; to determine the optimum navigation, safety, propulsion and fishing equipment for each class of vessel, and to make recommendations to the General Assembly and the State Board of Education.

(2) To investigate sources of funding for obtaining and equipping training vessels, and to make recommendations to appropriate agencies that they seek funds.

(3) To establish criteria for dockage, scheduling, maintenance, ownership, insuring, operating and financing for the efficient prosecution of the Vocational Fisheries Program, and to recommend these criteria to the State Board of Education.

(4) To recommend an administrative structure or organization or agency to direct and manage the training vessel program for maximum training opportunities for vocational fisheries students.

(5) To examine the motor pool approach to State-owned vessels where all departments would have access to some use of vessels now under exclusive departmental control.

Sec. 11.2. In its study of programs available to females committed to the Department of Correction the Legislative Research Commission shall evaluate the educational, vocational, and rehabilitative programs available to females committed to the custody of the Department of Correction, and recommend possible

improvements and additions to these programs.

Sec. 11.3. In its study of the need for the creation of a Division of Actuarial Services within the Department of the State Treasurer the Legislative Research Commission shall look into the availability, quality, use and costs of the actuarial services furnished by private business to those agencies of the State requiring these services.

Sec. 11.4. In its study of the feasibility of using inmate labor in Department of Correction construction the Legislative Research Commission shall look into either construction of new facilities or conversion or expansion of existing facilities being undertaken to the maximum extent feasible utilizing such inmate labor as may be available and fit for such work, contingent upon the availability of funds. If appropriate, the Commission report shall propose a comprehensive master plan for future construction. If the Commission should determine that construction of campus type facilities using inmate labor would be feasible and beneficial, special attention should be given to the development of an appropriate system to provide inmate incentives which might include:

- (1) Review of the incentive wage provisions of G.S. 148-18,
- (2) Review of good time credit as provided in G.S. 148-13,
- (3) Special work release consideration for exemplary work performance, and
- (4) Development of any other rewards or incentives that

may seem to be desirable.

Sec. 11.5. In its study of the problems of the hearing aid business the Legislative Research Commission shall look into the manufacture, distribution, sale and repair of hearing aids.

Sec. 11.6. In its study of the relationship between the Division of Community Colleges and the State Department of Public Instruction the Legislative Research Commission shall produce recommended legislation that will clearly define, by statute, the relationship between the Division of Community Colleges and the Department of Public Instruction and suggest any other appropriate adjustments.

Sec. 11.7. In its study of the problem of sexual assaults the Legislative Research Commission shall undertake:

(1) An analysis of statistics of reported rapes and the ultimate disposition of these cases,

(2) An examination of the reasons rape cases are not reported or not prosecuted,

(3) A follow-up study of the long-term impact of the crime upon rape victims, and

(4) An examination of the social and psychological profile of the rapist to aid in the development of appropriate sanctions and programs for rehabilitation.

The Commission shall also review the North Carolina criminal code, examine pertinent court procedures and develop recommendations for revision of those statutory provisions and procedural policies it deems appropriate. The Commission shall further develop recommendations for implementation and funding

for:

(1) Such programs as it finds necessary to train criminal justice, emergency room, crisis intervention center and rape crisis center personnel in appropriate techniques in the investigation and counseling of the rape victim, and

(2) Programs for education of the public in rape prevention.

Sec. 11.8. In its study of the Retirement System the Legislative Research Commission shall look into the many questions that have developed among members of the General Assembly concerning the financing of the Teachers' and State Employees' Retirement System and the Local Governmental Retirement System, and the Commission shall study the financing, the benefits and the operation of the retirement systems. The Commission shall further examine:

(1) Providing a permanent plan for maintaining the relative adequacy of benefits for retired employees;

(2) A comparison of our benefit structure with those of other jurisdictions; and

(3) A determination of the advisability of combining the administration and actuarial services for all the retirement systems financed in whole or in part by State funds.

Sec. 12. The Co-chairmen of the Legislative Research Commission are authorized to appoint additional members of the General Assembly to study committees to assist the regular members of the Research Commission in conducting these studies, and they are authorized to appoint members of the public to advisory subcommittees. The President Pro Tempore of the Senate

shall consult with the President of the Senate when he considers these additional appointments.

Sec. 13. For the purpose of producing the studies directed by this act and other expressions by the General Assembly, one hundred thousand dollars (\$100,000) is appropriated for use during the 1975-76 and 1976-77 fiscal years by the Legislative Research Commission. This appropriation shall be in addition to any other appropriation to the use of the Legislative Research Commission, and any amount not expended in the first fiscal year 1975-76 shall be available to the Research Commission in the second year 1976-77.

Sec. 14. In its study of the operation of the North Carolina Department of Correction's Prison Enterprises Division, the Legislative Research Commission shall include an investigation of Prison Enterprises' relationship to privately operated businesses, of the management goals of the Department of Correction in this division, and of the attitudes of private business interest in competition with Prison Enterprises.

Sec. 15. This act shall become effective upon ratification.

In the General Assembly read three times and ratified, this the 25th day of June, 1975.

JAMES B. HUNT, JR.

James B. Hunt, Jr.

President of the Senate

JAMES C. GREEN, SR.

James C. Green, Sr.

Speaker of the House of Representatives

A STUDY OF STATE-LEVEL BOARDS FOR COMMUNITY COLLEGES

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INTRODUCTION

In a review of the status of the extent of separate state boards for community college systems, two efforts were made. First, three surveys were conducted to determine the current status of state-level governance and coordination for community colleges throughout the country. Secondly, several pieces of literature were selected for use as resource material if further research is needed.

The information provided herein is designed to report the results of the three surveys (i.e., a preliminary survey to ascertain the type of governance in each state, a more extensive survey of states with separate state boards, and a survey of some management procedures in states which have a state board of education serving both public instruction and community colleges).

In accordance with their preference, the participating states were guaranteed confidentiality in the reporting of their responses.

PRELIMINARY SURVEY

In a preliminary survey, requests were made of state directors of community colleges (identified from the current roster of the National Council of State Directors of Community/Junior Colleges) for a determination of those governed by a separate state board for community colleges in their respective states. Responses were received and maximum response was encouraged by follow-up letters. Of the fifty states surveyed, forty-five states responded. Of those, fourteen states indicated a separate board for community colleges.

A summary of the responses is as follows:

Number of states surveyed: 50

Number of states responding: 45

Number of states indicating a separate board: 14

FOLLOW-UP SURVEY OF STATES WITH
SEPARATE STATE BOARDS FOR COMMUNITY COLLEGES

Of the fourteen states citing separate state boards in the preliminary survey, thirteen states responded to a more detailed survey which requested information on assessment, looking ahead, historical perspective, and nature of their respective boards. Follow-up contact was made to encourage maximum response.

States responding:

Arizona	Massachusetts
California	Michigan
Colorado	Minnesota
Connecticut	South Carolina
Delaware	Washington
Illinois	Wyoming
Maryland	

States not responding:

Utah

A summary of those responses follows:

SUMMARY OF RESPONSES FROM THIRTEEN PARTICIPATING
STATES WITH SEPARATE STATE BOARDS FOR COMMUNITY COLLEGES

I. ASSESSMENT

1. What, if anything, would you have done differently in the initial establishment or transition to a separate state board for community colleges?

Respondents

- | | |
|---|------------------------------------------------------------------------------------------------|
| 2 | Would have pushed harder to include technical institutes. |
| 1 | Clearer statement of roles of separate boards for community colleges and technical institutes. |

- 1 ~~Give title of real property to institutional boards.~~
- 1 Keep legislators more informed.
- 1 Change from having Governor appointing members and chairperson; better "blue ribbon" screening committee.
- 2 Better definition of relationships between colleges and state office.
- 1 Clearer distinction of role of state director✓ and presidents.

2. What, if any, have been the advantages to having a separate board?

Respondents

- 8 a. Increased state funding.
- 10 b. Increased influence in the Legislature.✓
- 10 c. Improved relationship with institutions.
- 8 d. Others - Please Specify.

Respondents

- 2 Better coordination.
- 1 Lay involvement.
- 1 Better planning.
- 2 More competitive with other post-secondary segments.
- 1 Improved relationship with other state agencies.
- 1 Improved total funding.

3. What, if any, have been the disadvantages to having a separate state board?

Respondents

- 2 a. Hindered relationship with institutions.
- 7 b. Others - Please Specify.

Respondents

- 1 Additional bureaucratic "level."
- 2 Difficulty in coordinating with other postsecondary systems.
- 1 Questions raised regarding lack of statewide program coordination.
- 2 Danger of loss of institutional autonomy or oppressive state-level control by board and staff.
- 1 Created potential for conflict with universities.

4. Who has benefited from having a separate state board?

Respondents

- 7 a. Faculty.
- 6 b. Institutional staff - non-teaching.
- 3 c. State-level staff.
- 2 d. Existing student body at time of establishment or change.
- 8 e. Unserved or potential students.
- 8 f. Other - Please Specify.

Respondents

- 1 People (i.e., taxpayers).
- 1 Institutions.
- 1 Legislature.
- 1 Students in general.
- 1 Community college "family" as a whole.
- 3 All of the above (total system).

5. Who has not benefited from having a separate state board?
(No adverse effect reported.)

Respondents

- 2 a. Existing student body at time of establishment or change.
- 2 b. Other - Please Specify.

Respondents

- 1 If philosophy of state board reverses, service regions would be powerless to retain comprehensiveness.
- 1 Major professional organization.

- 5 c. No effect on any constituencies.

6. How has the operation and efficiency of the state level been affected since the inception of or change to a separate state board?

Respondents

- 4 a. Improved
- 1 b. Deteriorated

NOTE: Since some respondents indicated that the system had begun with separate board, there was no basis for comparison.

7. How were the relationships with the institutions affected?

Respondents

6 a. Improved

NOTE: Since some respondents indicated that the system had begun with separate board, there was no basis for comparison.

8. How was the effectiveness of the educational program affected?

Respondents

6 a. Improved

NOTE: Since some respondents indicated that the system began with separate board, there was no basis for comparison.

9. What changes, if any, would you prefer to make the state office more effective?

Respondents

- 1 Give title of real property to institutional boards.
- 1 Better computer and data system.
- 1 More staff.
- 1 Annual appraisal of state office services.
- 1 Provision for budget review and approval of individual districts.
- 1 Better planning.
- 1 Increased funding and better coordination within state department itself.
- 1 Reduce size.
- 1 Improve communications between state office and institutions.
- 1 Keep state staff small and refrain from involvement in the operations of individual institutions.
- 1 Increased policy development with delegation to campuses for putting policy into operation.
- 1 Reduction of state bureaucracy.
- 1 Expansion of research and development component.

10. Please evaluate your experience with a separate state board as compared to other arrangements.

Respondents

- 8 a. Positive.
- 2 b. No opinion.

11. What is your advice to other states that may be considering a change to a separate state board?

Respondents

- 11
✓ 3
- a. Strongly recommend.
 - b. Recommend under the following circumstances:
(Please specify)

Respondents

- 1 "if local autonomy is preserved."
- 1 "if institutions want it...(and)
if provisions are made for coordination
with Board of Higher Education and
public schools."
- 1 c. Do not recommend.

II. LOOKING AHEAD

12. Has there been any discussion about a change from a separate state board in your state? If "yes," in what direction is there speculation about a change?

Respondents

- 7 Yes
- 6 No

Respondents
of "yes"

- 4 Single board for all public higher education.
- 1 Separate board for community colleges from Board
of Higher Education.

From what groups is the discussion originating?

Respondents

- 1 State Legislature.
- 1 Community college trustees and presidents.
- 2 Report of commission.
- 1 Senate President and strong private colleges'
lobby.

13. What are the prospects of the continuation of a separate board?

Respondents

- 10 a. Excellent.
- 1 b. Good.
- 2 c. Fair to good.

III. HISTORICAL PERSPECTIVE

14. How long have you had a separate state board for community colleges?

Respondents

5	5 to 9 years.
7	10 to 15 years.
1	15 plus years.

15. What was the actual date of implementation?

Respondents

7	Before 1965.
5	1965-1970.
1	1970-1976.

16. What circumstances lent to its establishment?

Respondents

1	a.	Dissatisfaction with legislative appropriations as compared with state funds for public schools.
4	b.	Inadequate understanding or support for the community college role by previous decision-making body.
12	c.	Other - Please Specify.

Respondents

2	Original decision.
2	Need for coordinating body.
3	To create state system.
2	Separate from K-12.
2	Political expediency - local property tax not high enough.
1	Legislature impatient with progress of local districts.

17. What group(s) prompted the establishment of the separate state board?

Respondents

4	a.	Governor.
8	b.	State Legislature.
6	c.	Special study commission.
1	d.	Trustees of community colleges.
3	e.	Presidents of community colleges.
3	f.	Other - Please Specify.

Respondents

1	Board of Higher Education.
1	Constitutional convention.
1	University officials.

18. From what type of governance did you change?

Respondents

- 1 a. University Board of Regents.
- 3 b. None.
- 2 c. Other - Please Specify.

Respondents

- 1 Local colleges governed by city structures.
- 1 Board of education just added board in advisory capacity.

19. Do you currently have a coordinating board for all public education in the state?

Respondents

- 2 Yes
- 11 No

If "yes," how are the community colleges' interests safeguarded?

No responses.

If "no," why are the community colleges' interests not served by it?

No responses.

20. Do you currently have a coordinating board for all public postsecondary education in the state (other than a 1202 Commission)?

Respondents

- 9 Yes ✓
- 4 No

If "yes," how are the community colleges' interests safeguarded?

Respondents

- 1 Purely coordinating.
- 1 Representatives from all facets are on the board.
- 1 Same board as the 1202.
- 1 Board has been quite neutral.
- 1 Institutional boards' participation on coordinating board.

If "no," why are the community colleges' interests not served by it?

No responses.

21. Do you currently have a 1202 Commission?

Respondents

11 Yes
2 No

22. If you have a 1202 Commission, are the interests of the community colleges served by it?

Respondents

7 Yes
1 No

If "yes," how are the community colleges' interests safeguarded?

Respondents

1 In a limited way.
2 State director is on the commission/board.
1 Open communications--understanding people.
3 Same as coordinating board for all public post-secondary education in state.

If "no," why are the community colleges' interests not served by it?

Respondent

1. 1202 is currently powerbase for one individual.

IV. PROCEDURES FOLLOWED IN ESTABLISHING STATE-LEVEL OFFICE

23. Was there enabling legislation written to establish the separate board? (If "yes," may we have a copy?)

Respondents

12 Yes
0 No
1 No response

24. Will you briefly outline the procedure followed in implementation?

Respondents

2 Study commission recommendation.

Respondents

1 To Board of Higher Education and then to Legislature and Governor.
1 To Legislature and Governor.

2 Statutes provided for implementation/transition.
1 Small staff appointed by first board.

25. What effect did the implementation have on the size of the state staff?

Respondents

7 Expanded

26. How much time elapsed between the passage of the enabling legislation and the implementation of the new operation?

Respondents

6 Less than 6 months.
2 6 to 12 months.

V. NATURE OF THE BOARD

27. How many members are on the state board?

Respondents

8 Less than 10.
2 10 to 15.
3 16 to 20.

28. Are they appointed?

Respondents

13 Yes

29. Are they elected?

Respondents

1 Yes - Only member elected is the one elected by students.

30. By whom are they appointed/elected?

Respondents

12 Governor
1 State Superintendent of Education
3 Students
1 State Board of Education
1 Ex-officio

NOTE: Three states have appointments/elections from more than one source.

31. What is the length of term of the office?

Respondents

2 1 year (for students)
1 3 years

Respondents

4	4 years
2	5 years
4	6 years
1	7 years
1	8 years

NOTE: Length of term varies for board members in two states.

32. Are the members' terms staggered?

Respondents

13	Yes
----	-----

33. Which way describes the manner in which the board functions?

Respondents

6	a. Governing
4	b. Coordinating
5	c. Governing/coordinating

34. Does it have the responsibility for both community colleges and technical institutes (or vocational technical education in public two-year institutions at the postsecondary level)?

Respondents

7	Yes
6	No

35. Are there any ex-officio members on the state board?

Respondents

7	Yes
6	No

36. If there are ex-officio members on the state board, who are they? (Please state position.)

Respondents

6	State Superintendent of Education
2	State college president
1	State director of vocation education
1	Board of Regents members
1	Governor
1	State director
1	Chancellor
1	President of technical school
1	University president

37. If there are ex-officio members, do they have the power to vote?

Respondents

5 Yes
2 No

VI. COMMENTS

38. Please make any additional comments that you feel may be relevant and/or helpful to a state considering the possibility of a separate state board.

Respondents

- 1 There should be one governing board for technical colleges and community colleges. A coordinating board should have only the following responsibilities and keep out of actual operational matters: (1) Coordinate budget recommendations and suggest preferences to Legislature; (2) Determine site location of public colleges; (3) Approve new degree programs but not certified programs; (4) Supervise and control accreditation and licensing; and (5) Have a means to help influence assignment of federal vocational educational funds.
- 1 Get Governor's and legislative support through the individual boards of trustees support.
- 1 Examine carefully the need to ensure sufficient state board authority, particularly over fiscal operations if your Legislature will expect to hold that board accountable for system operations. Legislatures tend to seek consistency, evidence of equity, and uniformity of operations. If the state board is expected to be responsible for such, it must have the necessary parallel authority. Provision must be made for an adequate management information system. Firm and workable arrangements must be made to ensure equitable division of federal vocational and A.B.E. funds. State board and colleges should have operational control of vocational education programs. The balance of authority between state and local boards is a delicate one. The best situation is to maintain that balance reserving basic operating powers for local boards, but giving state board sufficient authority to establish operating parameters of colleges.

SURVEY OF STATES WITH STATE BOARDS OF EDUCATION
HAVING RESPONSIBILITY FOR PUBLIC SCHOOLS AND COMMUNITY COLLEGES

From the preliminary survey, ten states were identified as having state boards of education with responsibility for public schools and community colleges.* Those ten states responding to a survey related to some aspects of their organization included:

Alabama	Michigan
Florida	Mississippi
Idaho	Oregon
Iowa	Pennsylvania
Kansas	Rhode Island

A summary of responses follows.

SUMMARY OF RESPONSES FROM TEN PARTICIPATING STATES WITH
STATE BOARDS OF EDUCATION HAVING RESPONSIBILITY FOR PUBLIC
SCHOOLS AND COMMUNITY COLLEGES

<u>(YES)</u>	<u>(NO)</u>	
<u>10</u>	<u> </u>	1. Do you have a state board of education as your governing board?
<u>10</u>	<u> </u>	2. Does it also have jurisdiction over public schools (K-12)?
		If "no," stop questioning here. If "yes," continue.
<u>8</u>	<u>1</u>	3. Has the community college system in your state always been under this type of governance--i.e., a board responsible for both K-12 and community colleges?
1 - No response		
<u>7</u>	<u>3</u>	4. Is your financial section or fiscal management for community colleges separate and distinct (or apart) from the financial section of K-12 or public schools? Are you pleased with the arrangement you have?

*Does not include North Carolina.

(YES) (NO)

Of the seven answering
"yes" to #4:

4 Excellent
2 Satisfactory
1 Poor

Of the three answering
"no" to #4:

2 Satisfactory
1 No response

9 2 5. Would you recommend that it be this way?

NOTE: One state answered both "yes" and "no," stating that "it depended on existing conditions."

7 1 6. Is your management information system or data base
2 - No response for community colleges separate and distinct from that of K-12 or public schools?

Of the seven answering
"yes" to #6:

5 Excellent
2 Satisfactory

Of the one answering
"no" to #6:

1 No opinion

8 2 7. Would you recommend that it be this way?
1 - No response

NOTE: One state answered both "yes" and "no," stating that "it depended on existing conditions."

10 0 8. Do you have any additional comments?

In general, most of the respondents agreed that all management functions should be under the direct authority of the administrative department responsible for community colleges. Sample comments include the following:

"You must have an organization which related directly to delivery system. (Otherwise) it is harder to set direction...Furthermore, you lose the ability to work most effectively and directly with the Presidents. When you lose control of resources, getting a job done is more difficult. If you lose control of information for decision-making, you will run a loose system."

"Through this type of organizational structure (i.e., with fiscal management directly under the state director for community colleges) is the only way to effectively accomplish the objectives of the system."

"Curriculum, construction, and fiscal matters-- these are tied together, and when you separate them, you destroy something (and) dollars and cents are no longer tied to program...(You) get unnecessary duplication when fiscal affairs and institutional characteristics are separated (from chief administrator's office)...(Also) there is no control over to whom and how information is divulged."

"Separate fiscal section is indispensable."

State Board of Education Is Where the Battle Rages

The full details of how it happened may never be known. The parties involved are reluctant to discuss it, particularly for publication. Each side privately accuses the other of dirty pool in connection with the imbroglio.

Earlier this year, State Board of Education Chairman Dallas Herring and some other members of the board were informed that the staff of State Superintendent Craig Phillips had assembled the results of a study of comparative academic achievements of first-graders who had attended public kindergartens, and of those who had not. The reported results of the study were absolutely startling—the gap between the two groups was astoundingly wide. Chairman Herring and others were dubious. The report was to be presented at the next board meeting, and later to the General Assembly in support of increased financial support of the public kindergarten program.

Dr. Herring and his associates obtained a duplicate of the computer tape containing the raw data of the study. It was examined and findings tabulated by statistical experts at two universities. Their conclusions: The report as prepared for presentation to the board and the legislature did not truly reflect the computer data. Certain key schools in the original study were omitted from the tabulations in order to “sweeten” the conclusions. With all the data included, the results were far less impressive.

“The report was doctored,” flatly declared one Board of Education source. “It was misleading and invalid.”

At the next board meeting, having learned of the inquiry into the report, angry Superintendent Phillips charged Chairman Herring with surreptitiously pirating the tape in an effort to discredit him and his staff. Later Dr. Phillips said study of the

tape and the report by independent experts vindicated him.

“I had no intention of discrediting Dr. Phillips,” Chairman Herring declared later. “My only interest was in getting at the truth, of not making the Board of Education a party to a report which I am convinced was distorted and inaccurate in its original form. I don’t like to deal in personalities and I had no desire to get into a public fight with Craig Phillips. But I’ve tried to serve public education for a long time and I don’t intend to stand aside when I see the threat of a disservice to education.”

His service to state-supported education extends over two decades. A native and resident of the small Duplin County town of Rose Hill, Dallas Herring heads a small family-owned manufacturing business, the Atlantic Coffin and Casket Company. He is a 1938 Phi Beta Kappa graduate of Davidson College and was awarded an honorary doctorate by Pfeiffer College. He has served on the State Board of Higher Education and, since 1957, has been Chairman of the State Board of Education which has jurisdiction over and sets policy for both the public schools of North Carolina on the state level, and for the system of community colleges and technical institutes of which there are now 57 around the state.

There are many who credit Dallas Herring with prime responsibility for starting the community college system during the administration of Governor Luther Hodges and with the broadening of the system during the Sanford Administration from its original role of training non-college students in the trades to inclusion of academic training as well. Few men have put in as many years in a non-professional capacity for public education as has Dallas Herring.

He is a soft-spoken and retiring in-

dividual who obviously does not relish the part which has inevitably been assigned to him as chief opponent and antagonist to State Superintendent Craig Phillips. The storm brewed by the kindergarten report was by no means the first time the two men had clashed, and it is not likely to be the last. Indeed, the present prospect is that conflict between Dr. Phillips and Chairman Herring—and including members of the board who are allied to the Chairman or the Superintendent — may become even more severe in future months.

Many of the differences between the two men (or more accurately, between Phillips and his staff on one side and Herring and those allied with his position on the other) have received extensive public airing in the newspapers. The first major public difference arose in late 1972 when Superintendent Phillips proposed that as a matter of policy the board abandon the longstanding requirement that teacher certification be based upon a

continued



W. Dallas Herring of Rose Hill, Chairman of the State Board of Education.



The North Carolina Board of Education in session. The board is composed of 11 members appointed by the Governor for eight-year terms. The State Treasurer and Lieutenant Governor serve as ex-officio members. The Superintendent of Public Instruction serves as Secretary and Chief Administrative Officer to the Board.

minimum score on the National Teacher Examination. The alternative certification criteria would include an evaluation based upon such factors as personality.

The board approved the Phillips proposal by a 9-3 vote (Chairman Herring, State Treasurer Edwin Gill and R. Barton Hayes of Lenoir being the dissenters), but the decision raised a tempest of protest among public officials and in newspaper editorial columns. And the 1973 session of the General Assembly proceeded to reinstate the National Teacher Examination minimum requirement.

Later a disagreement arose over the issue of career education. Dr. Phillips is an advocate of this fairly new concept which claims to relate to children throughout the education process the real world outside the classroom, without—so its boosters insist — sacrificing or diluting any of the traditional academic disciplines. At the Superintendent's request the board authorized a task force study of career education and its possible inclusion in the public school curriculum. The report of that task force left some board members, Chairman Herring among them, unconvinced. Another who failed to endorse the concept beyond a severely limited degree was State Treasurer Edwin Gill, an ex-officio board member who expressed his reservations in public. Dr. Phillips criticized Mr. Gill's position in a memorandum to the other board members. That prompted Mr. Gill to declare to the board that "I stand before you today to reaffirm every word and phrase that I used (in the career education statement) at Wilmington.

In fact it seems better to me today than it did when I delivered it."

The go-ahead for developing a statewide career education curriculum which Superintendent Phillips hoped the board would grant has never materialized. He continues to support and defend the concept as a means of escaping the rut into which public education in many parts of North Carolina seems inescapably trapped. The board, a majority of whose present members often side with Chairman Herring these days in major policy differences, is apparently not yet convinced that the lower grades need or would benefit from a career education concept.

Among other notable recent flaps involving Superintendent Phillips and the board was his proposal earlier in the year to send 20 school teachers to Japan during the summer for six weeks of observing the Japanese educational process—at a cost of \$102,000 in federal and state funds. The board approved the trip, but outcries were heard in the legislature over the idea of spending that kind of public money in these hard economic times and a resolution of disapproval was introduced. Later the board voted to cancel the trip.

This was a relatively minor matter and the board, after all, went along with the Superintendent on the original proposal. But some board members complain that Dr. Phillips' method of presenting his proposals offers little or no opportunity for discussion or study and pressure is not-too-subtly applied upon members to vote without knowing the full implications of what they are voting for.

Those clashes and conflicts, serious as they are, do not constitute the entire story — or perhaps even the most important part — of what the problem is all about.

"Some people think this is nothing more than a philosophical difference between a Superintendent who wants more innovative educational methods and a Chairman and other board members who believe in the traditional methods," one source close to the board observed. "But it goes far deeper than that."

Simply stated, some members of the State Board of Education are convinced that State Superintendent Craig Phillips tends to ignore board policy when he disagrees with it, or to plant policies and practices into the school system which the board has not approved. Further, they are convinced that the Superintendent, whose major duty under the law is to implement and administer policy as established by the board, seems increasingly determined to go his own way and do his own thing in public education regardless of the restrictions imposed upon him in the statutes. Also, some board members—and no small number of legislators—believe that the Superintendent has constructed in the Department of Education a massive bureaucracy of assistant superintendents, public relations personnel and others which numbers well beyond the needs of administering public education from the state level. They contend that personnel in the Department of Public Instruction has quadrupled since Dr. Phillips became

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MORE THAN AN ATLAS



NORTH CAROLINA ATLAS

PORTRAIT OF A CHANGING
SOUTHERN STATE

- Edited by JAMES W. CLAY,
DOUGLAS M. ORR, JR.,
and ALFRED W. STUART
- Foreword by
GOV. JAMES E. HOLSHOUSER, JR.
- 39 contributors
- 500 Illustrations, color
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STATE BOARD OF EDUCATION

continued from page 32

State Superintendent in 1969.

Enough concern about the ways of Superintendent Phillips and his department had accumulated this year to lead to the enactment of a bill—introduced by Representative E. Graham Bell of Gastonia — that was frankly designed to elip the Superintendent's wings with regard to his authority in relation to that of the Board of Education. Among other provisions, the bill required prior approval by the board of supervisory personnel appointed by the Superintendent (in the final version the word "prior" was deleted). The legislation empowered the board to formulate its own policies if it did not approve those proposed by the Superintendent. There is some dispute over the question of whether the Bell bill actually gave the board more power than it already possessed, or lessened the power of the Superintendent, but without doubt Craig Phillips was the inspiration for the legislation.

Certainly he was the one legislators had in mind when the Senate passed a bill (later tabled by the House) that would have changed the State Constitution to have the State Superintendent appointed by the State Board of Education, and to serve at its pleasure. A similar bill appeared in the House, but that one would have the members of the Board of Education run for the seats in the 11 Congressional districts. Superintendent Phillips professes to favor the idea of an elected board and an appointed Superintendent more than does Chairman Herring, who feels that it would be difficult to find candidates willing to undergo the physical and financial strain of campaigning for an office that carried no remuneration beyond bare expenses.

Because public education in North Carolina is structured so that the state bears its major expense — the salaries of the teachers and other school personnel — a theoretically impregnable system of checks and balances governs educational policy and administration on the state level. The Superintendent is elected by the people, but the members of the Board of Education, appointed by the Governor for staggered eight-year terms, are charged with setting policy and programs as recommended by the Superintendent. Control of the educa-

tional purse strings — the key to power in almost any political setup— rests with the board and with the controller, a fiscal officer who is named by the board and is answerable to it, not to the Superintendent.

It would appear, then, that any Superintendent, no matter how ambitious for power and influence in the state educational structure (as Craig Phillips is charged by his critics with being) would automatically be reined in by the restrictions of the law. If Dr. Phillips has indeed pursued his own course regardless of the intent of the Board of Education, why hasn't the board itself blown the whistle?

Increasingly in recent months, it has. But the board's members, as some of them point out, are not full-time professionals in education. Even though each member is assigned to work in specific areas through committees, their knowledge and expertise are necessarily limited. A skilled and shrewd full-time administrator has been known in many cases to maneuver a proposal past a part-time policy board against the better judgment of many of its members. The vast variety of new federally funded programs for public education that began to be implemented about the time Superintendent Phillips took office has made it even more difficult for board members to keep track of new programs and the new personnel who are hired to administer them.

The discouraging aspect of the friction between the board and the Superintendent, say some board members, is that the victim is public education itself. The glowing reports that emanate so often from the Department of Public Instruction about significant strides in upgrading the quality of public education are, some Board of Education members have declared, a lot of high-flown baloney. School dropout rates remain appallingly high in many cities and counties. Competence in language and numbers among thousands of high school graduates is minimal. Innovations which promise great improvements seem to produce something less. The public kindergarten program should by all logic better prepare youngsters to enter and succeed in the educational process. But if the charges of doctoring the kindergarten study report are to be believed, then the program has not yet produced the outstanding success that was hoped for it.

ply such a great region to live in."

As long as legally permitted to do so, Dr. Jenkins added, "we are going to admit only students from North Carolina" into the medical school. He still subscribes to the idea of laws or regulations which would require a medical student to pledge a residency in some part of the state for a specific period of time in return for admission to the medical school. "I think any student whose medical education is subsidized by the people of North Carolina owes it to them to repay them with his service," Leo Jenkins asserted.

The medical school at Greenville, regarded by most a few years ago as the flimsiest of pipe dreams, is on its way. East Carolina University, with over 11,000 students, is North Carolina's third largest institution of higher education. Under almost any leadership it would have grown significantly in the years since World War II. But it is difficult to imagine that the magnitude of its growth would have been as great under other leadership than that of the former Marine officer named Leo Jenkins.

He himself is quick to credit allies on the ECU staff and others with the kind of active support that made it all possible. Among those are the men who are today North Carolina's two United States Senators—Jesse Helms and Robert Morgan. "Jesse was steadfast and influential in our behalf behind the scenes," said Dr. Jenkins. (Senator Helms was also highly vocal in his support through his television editorials.) "And Bob Morgan was simply a tower of strength. So was First District Congressman Walter Jones during the years he was in the legislature and since then. So were so many physicians and medical educators that I hesitate to mention any of them without leaving out others equally important."

Leo Jenkins may never be the best-loved public figure in North Carolina, but he has a respectable following, not only in the East but in every part of North Carolina. He has never run for public office, but he has all the politician's skills of judging human nature and sizing up strengths and weaknesses in any political situation. His personal ambitions do not exclude the office of Governor North Carolina, and he has not been entirely ruled out by the political speculators as a Democratic candidate in

next year's primaries. That would probably require his taking a leave-of-absence from ECU to campaign or his retirement (he's now 62). Whether he would want to challenge Lt. Governor Jim Hunt, a certain gubernatorial candidate and an ally in the East Carolina medical school campaign, and at the moment the East's strongest potential contender, would seem doubtful. With Leo Jenkins, however, nothing should be taken for granted.

A new Carteret County newspaper, *Downeaster*, published its first edition in early August. Prominent on almost

every page of that initial issue were pictures of and stories about Leo Jenkins, who has a condominium with his family at Pine Knoll Townes near Atlantic Beach and says he hopes to spend much of his time on the coast when he retires from the groves of academe and the lists of political tilting for the Greenville campus. Dr. Jenkins may never run for—or be elected to—political office, but he has an impressive constituency all the same.

And East Carolina University, thanks first of all to him, has a new degree-granting medical school. END

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How Superintendent Phillips Views His Opponents and Issues

EDITOR'S NOTE: *Because the criticisms and charges against State Superintendent Craig Phillips cover such a wide subject area, the editorial staff felt that his comments upon the issues could best be illuminated in question-and-answer form.*

NORTH CAROLINA: Dr. Phillips, can you describe the basis of your differences with the State Board of Education?

Phillips: I think you have to differentiate here between the Board of Education and the chairman. I have had differences with the chairman, but my relationship with the board as a whole has been generally harmonious. We've had disagreements, but not an adversary relationship.

NORTH CAROLINA: Well, then, what is the basis of your differences with the chairman, Dr. Herring?

Phillips: Let me make it clear first that I don't intend to deal in per-

sonalities. I would say the basis is probably a misunderstanding with regard to innovative, progressive educational procedures and techniques.

NORTH CAROLINA: Such as career education?

Phillips: That would be one example. It seems to me that Dr. Herring and other traditionalists on the board, like Mr. Gill (State Treasurer Edwin Gill) seem to insist on viewing career education as a radical departure from the older teaching methods, and I don't see it that way at all. The concept has been endorsed and implemented by distinguished educators in every part of the country, but not in North Carolina.

NORTH CAROLINA: Would the requirement that A Certificate teachers make a minimum score on the National Teacher Examination be an-

other example of what you're talking about?

Phillips: Yes. Dr. Herring was against changing the certification requirements, but I think it's ironic that in the technical institutes and community colleges, which the State Board of Education also administers, a teacher of English doesn't have to have the NTE minimum score requirement. I don't see the difference.

NORTH CAROLINA: The criticisms of you go far beyond differences of opinion over teaching methods and certification. Some members of the board have said that you have failed to implement policy decisions, or have started programs without the board's sanction.

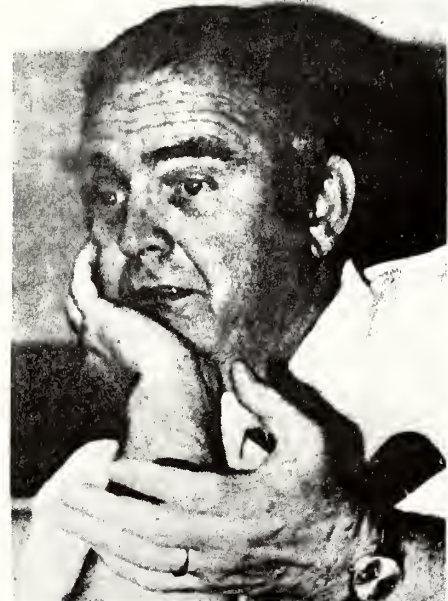
Phillips: There has never been a decision made by the State Board of Education
continued



"There has never been a decision made by the State Board of Education that was not implemented by my office to the best of our ability."



"I think I've been criticized unfairly and inaccurately . . . I have never proposed that the local superintendents set up their own organization. . . ."



"Much of the conflict stems from the funding of two separate systems—public schools and community colleges—from the same available dollars, and from a single board making policy for both."

Education that was not implemented by my office to the best of our ability. We certainly do have our differences from time to time—that would be the case with any board and superintendent. But if this office ever fails to carry through on a decision by the board, it is because of circumstances that make it impossible, not by any willful disregard of the board's expressed wishes.

NORTH CAROLINA: You are of course aware that there is an apparently widespread feeling in state government that you have built the staff of the Superintendent's office to an unnecessarily large size during your incumbency, leading to a suspicion that your purpose is an educational bureaucracy and increased powers. How do you answer that?

Phillips: Simply by pointing out that it isn't true. The people who make those accusations ignore the fact that concurrently with my becoming State Superintendent the federal government began implementation of the Elementary and Secondary School Act, with all the tremendous number of federal grant programs that it provided. And well before I was elected, substantial increases in the staff here had already occurred to meet the requirements of administering the Title I and Title III provisions of the law. In addition to those requirements, the General Assembly started the public kindergarten program several years ago, and that has required added people. Then there was the extension of occupational education courses into the middle grades during the Scott Administration. The staff has grown only so much as was necessary to administer the new state and federal programs. And that isn't Craig Phillips building a dynasty—it's a response to the requirements of new programs as established by Congress and by our state legislature. In some areas we still don't have enough people to do the job properly.

NORTH CAROLINA: The General Assembly passed a bill this year that was surely aimed at you, by requiring that the State Board of Education approve your recommendations for hiring supervisory personnel and by authorizing the board to establish its own programs if it doesn't approve those that you recommend. Would you agree that Craig Phillips was the inspiration for that legislation?

Phillips: Yes, but the bill was really unnecessary. We got a ruling from the Attorney General that the State Board already had the authority to do all the things that were spelled out in the bill. One of the apparent intents of the bill was to remove the Superintendent as a voting member of the board, but that had already been done a few years ago in a constitutional amendment which I supported. The Constitution still specifies that the Superintendent serve as secretary and chief administrative officer of the Board of Education. As far as consulting with the board about supervisory appointments, I have always made a practice of doing that. The Bell Bill (the introducer was Rep. Graham Bell of Gastonia) was superfluous, in my opinion.

NORTH CAROLINA: There have been periodic legislative bills that would change the State Constitution to make the office of State Superintendent an appointive one, including a bill in the 1975 General Assembly. You yourself have supported the concept in the past. Do you still do so?

Phillips: I did support the concept when I first campaigned for State Superintendent. But I've since learned that the people don't want to give up their right to elect either the State Superintendent or the State Board of Education.

NORTH CAROLINA: There was legislation in the House this year to do just that. The board members would run for office—one from each congressional district—and would appoint the Superintendent. The State Board Chairman, Dr. Herring, told us he endorses that concept, but he is afraid that it would be difficult to get good candidates to run for a district office for which there is no appreciable compensation, and for which campaign funds might have to be raised. What is your opinion?

Phillips: I disagree with Dallas on that. I believe good candidates would come forward to run for a seat on the State Board of Education—after all, they run for seats on local boards of education. But I do believe that the most ideal governance setup for public education on the state level would be an elective board and an appointive superintendent, with one qualification.

NORTH CAROLINA: And what is that?

Phillips: That a separate governing board be established for the Community College System. That system and the public school system are different in their needs and functions that the State Board of Education cannot function effectively as the policymaking body for both. I think that the two systems have so many built-in possibilities for mistrust, suspicion and misunderstanding within the board membership that it tends to be torn between the requirements of the two systems. The Board of Education as such should be left to deal only with the public schools.

NORTH CAROLINA: You are aware of charges that you are alienating teachers by your emphasis upon management programs for principals and superintendents, with the danger of teachers drifting out of the North Carolina Association of Educators and into militant teacher unions?

Phillips: I think I've been criticized unfairly and inaccurately in that regard. I have never proposed that the local superintendents set up their own organization, within or outside the NCAE. I have never encouraged a split between principals and teachers. All I have done is try to upgrade the quality of educational leadership in North Carolina. That's in the best interest of all school personnel, and of the taxpayers and the students. But, although I don't advocate it, I am afraid that a split between teachers and supervisors is coming.

NORTH CAROLINA: And why is that?

Phillips: There is a national movement among school personnel toward collective bargaining and a more militant posture. The South is the only region where public employee militance hasn't appeared to any significant extent, but it could well be coming this way within just a few years.

NORTH CAROLINA: Why would our school personnel be receptive to such a movement?

Phillips: Because those responsible for the 90,000 people who work for public education in North Carolina are leaving the way open for militant teachers, collective bargaining and the

continued page 51

Perhaps the most serious apprehensions concerning Superintendent Phillips within the community of public education deal with a potential polarization of teachers and supervisory personnel. By his emphasis upon management techniques by principals and local superintendents, by his promotion of a required eight-hour day in the schoolhouse for all teachers, by his reported encouragement of the formation of a separate professional organization for supervisory personnel in public education, Craig Phillips is, unwittingly or not, creating a division that could result in public school teachers joining militant unions in growing numbers and demanding the right of collective bargaining and the strike. Such concerns are heard from certain Board of Education members. They are heard also in local school units around the state.

Public employee unionization, with collective bargaining and disruptive strikes, is a rapidly growing movement in the United States. The movement has rapped repeatedly upon the door of the North Carolina General Assembly in recent years. Thus far, entry through laws to allow collective bargaining has not been accomplished.

"I don't know what Craig is trying to do with this management business," an educator said recently. "But I do know he has alienated a lot of teachers and made them more ripe to get into an Albert Shanker-type union. If that happens, it will be one of the saddest days public education in North Carolina has known."

The charges and grievances against State Superintendent Phillips, as derived from talks with State Board of Education members and others in education are: (1) He runs his own shop as he sees fit and ignores the policy directives of the board when they do not suit his purpose; (2) he has assembled a massive educational bureaucracy in Raleigh which, at least in part, is there to protect and enhance his own power and authority; (3) in at least one instance he has been a party to a distorted report on progress in public education; (4) he has caused divisiveness and resentment in the ranks of teachers which could lead to militant unionism; and (5) perhaps most serious of all, he has paid much lip service to the cause of improving education but much less actual service.

Those are serious charges against

any public official. In the following article Superintendent Phillips presents his side of the case. END

PHILLIPS VIEWS HIS OPPONENTS

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possibility of strikes. They are leaving the way open by failing to meet the legitimate needs of public school employees. If they continue to fail to do so, then just as employees in industry will drift toward unionism when their legitimate needs are not met by employers, the public school employees will find a way to obtain their needs.

NORTH CAROLINA: Obviously those you refer to as the ones responsible for the needs of public school personnel are the members of the General Assembly. What, in your view, should they do over and above what they are now doing?

Phillips: I'm referring to the General Assembly, but also to our own Department of Public Instruction, to local school boards and boards of county commissioners, and to the federal government. I think that what we have to do is increase our support of public education by a full 50 percent over its present funding level to have what we need in the way of programs, salaries and facilities.

NORTH CAROLINA: But public education in this state already gets the bulk of every General Fund dollar. There has to be a limit to the proportion of our public resources we can allocate to education.

Phillips: I'm not all that convinced that our level of support is as generous as we like to think. Historically, as a number of Southern historians and sociologists have pointed out, North Carolina has given with great generosity to higher education, but the support of public school education has been less generous. The greater support of schools will be expensive—one additional teacher for each school in North Carolina would cost about \$26 million. To put a librarian in each of the nearly 650 schools in the state—a lot of schools don't have anything resembling a librarian—would cost \$17 million a year. But those are improvements that I'm convinced we have to make, expensive as it will be.

NORTH CAROLINA: But while you *continued*



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advocate increased support of education, more personnel and things of that sort, the state school population is declining. Won't that decline tend to relieve the pressure?

Phillips: No, it won't, because state appropriations are geared to a formula of school population. The formula would defeat us in that regard. And while enrollment is declining in the lower grades now, more students are continuing on to high school, so enrollments in the upper grades are increasing the pressure.

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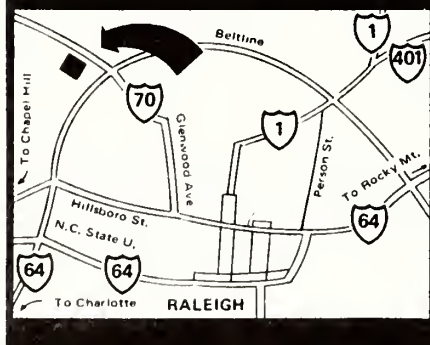
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NORTH CAROLINA: Would you propose abandoning the appropriation formula which as I understand it is supposed to insure that state support is uniform for all public school students?

Phillips: That's a tough question, which I'm not prepared to answer as of now. If we could only be assured of keeping the level of education dollars we have now, without dipping down as the lower birth rate reduces school population, then perhaps we could work from there. But it's a dangerous assumption that we can stop worrying about adequate support of education because of declining enrollment.

NORTH CAROLINA: But, Dr. Phillips, there are a lot of people in North Carolina who maintain that we are not now getting the quality of education for our children that we pay for. If public education has materially improved in the state, a lot of folks aren't aware of it.

Phillips: I disagree. I am convinced that we are improving right along. I believe that we're teaching kindergarten students better today than we're teaching tenth graders, because we can put new concepts into kindergarten teaching that we can't bring into the high schools. It doesn't come overnight, but we are making progress. But we've got to make a lot more progress, and that will require the higher support levels I've been talking about.

NORTH CAROLINA: Back to the reported conflicts between you and the Board of Education, what would you recommend as the best means of avoiding them in the future?

Phillips: Much of the conflict stems from the funding of two separate systems—public schools and the community colleges — from the same available dollars, and from a single board making statewide policy for both. If the two systems could be completely split off from each other and governed by separate boards, then I believe some of our difficulties would disappear. END

CHARLOTTE HORNETS

continued from page 24

team with the worst pro football record at that time, 2-12. He was 33,

the league's youngest general manager, and he took the job of rebuilding the team because he was given a three-year contract and promised full authority. A year later, the Patriot were 6-8, but when Mr. Bell tried to fire the head coach, the club's 17 owners reneged on their original agreement and fired the general manager who was bringing the organization to respectability.

The 80-hour work weeks temporarily over, Mr. Bell watched the Watergate hearings on television, played with his son, enjoyed classical music, and refused offers from other NFL and WFL teams. He also declined an offer to become manager of the Boston Symphony, and he reached an important decision: that his return to football would be on his own terms.

"To see a dream either completed or not completed is what this is all about," he said. "I know we're operating as the underdog, but I like that; it brings out the best in you and your organization. We have a good product. The fans are important to us, and they know it and we know it.

"This is a young idea, but we, and the players, can grow with it, and someday it will be worth something. I take pride in it, just as I take pride in everything I've ever done," he added. "I don't think I'll ever lose my enthusiasm for excellence."

The hard facts and figures, and the almost inhuman work schedule that Mr. Bell has charted for himself, are enough reality to deal with. His years of professional football experience give him the necessary background. But beyond all this, Upton Bell has something else going for him.

His wife, Anne Reilly Bell, once explained it to a reporter. She and her husband took a trip to England a few years ago. "All he kept asking me about were the playing fields of Eton," she said. "If nothing else, he wanted to see them.

"So we went there, and it was nothing but a big, empty field. But not for Upton. I just stood there, looking into his eyes, and I knew he was looking out there and he could see the flags waving and hear the trumpet blowing."

And now he sees them, and hears them, again. END



State of North Carolina

Department of Justice

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RALEIGH

27602

3 October 1975

MEMORANDUM

To: Senator Bob L. Barker
Community Colleges/Public Instruction
Study Commission

From: Andrew A. Vanore, Jr.
Senior Deputy Attorney General

Re: Constitutional and Statutory Authority and duties
of (a) the State Board of Education; (b) the Super-
intendent of Public Instruction; (c) the Controller
to the State Board of Education; (d) the State
President, Department of Community Colleges; and
(e) the Boards of Trustees of Community Colleges
and Technical Institutes.

What follows are the constitutional and statutory duties and functions of the State Board of Education, the State Superintendent of Public Instruction, the Controller to the State Board of Education, the State President, Department of Community Colleges, and the Board of Trustees of Community Colleges and Technical Institutes.

I. THE STATE BOARD OF EDUCATION

(a) The constitutional duties of the State Board of Education are set forth in the North Carolina Constitution, Article IX, §5, as follows:

"Powers and duties of Board. 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 Section 7 of this Article, and shall make all needed rules and regulations in relation thereto, subject to laws enacted by the General Assembly."

Memorandum to

Senator Bob L. Barker
3 October 1975 - Page 2

"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 Section 7 of this Article, and shall make all needed rules and regulations in relation thereto, subject to laws enacted by the General Assembly."

(b) The statutory duties of the State Board of Education are set forth in G. S. 115-1, 115-2, 115-10, 115-11 and 115-11.1. These statutes are quoted below, and particular attention is called to G. S. 115-11 which sets out with some specificity the powers and duties generally of the State Board of Education.

§ 115-1. General and uniform system of schools.—A general and uniform system of free public schools shall be provided throughout the State, where-in equal opportunities shall be provided for all students, in accordance with the provisions of Article IX of the Constitution of North Carolina. Tuition shall be free of charge to all children of the State, and to every person 18 years of age, or over, who has not completed a standard high school course of study. There shall be operated in every county and city administrative unit a uniform school term of nine months, without the levy of a State ad valorem tax therefor.

§ 115-2. Administration of school system vested in State Board of Education.—The general supervision and administration of the free public school system shall be vested in the State Board of Education, to consist of the Lieutenant Governor, the State Treasurer, and 11 members appointed by the Governor, subject to confirmation by the General Assembly in joint session. Of the appointive members of the State Board of Education, one shall be appointed from each of the eight educational districts and three shall be appointed as members at large. Appointments shall be for terms of eight years and shall be made in four classes. Appointments to fill vacancies shall be made by the Governor for the unexpired terms and shall not be subject to confirmation.

The Governor shall transmit to the presiding officers of the Senate and the House of Representatives, on or before the 60th legislative day of the General Assembly, the names of the persons appointed by him and submitted to the General Assembly for confirmation; thereafter, pursuant to joint resolution, the Senate and the House of Representatives shall meet in joint session for consideration of an action upon such appointments.

The provisions of this section shall not affect the terms of office of the members of the State Board of Education as now constituted.

§ 115-10. Organization of Board.—(a) Presiding Officer.—The State Board of Education shall elect from its membership a chairman and vice-chairman. A majority of the Board shall constitute a quorum for the transaction of business. Per diem and expenses of the appointive members of the Board shall be provided by the General Assembly. The chairman of the Board shall preside at all meetings of the Board. In the absence of the chairman, the vice-chairman shall preside; in the absence of both the chairman and the vice-chairman, the Board shall name one of its own members as chairman pro tempore.

(b) Regular Meetings of Board.—The regular meetings of the Board shall be held each month on a day certain, as determined by the Board. The Board shall determine the hour of the meeting, which may be adjourned from day to day, or to a day certain, until the business before the Board has been completed.

(c) Special Meetings.—Special meetings of the Board may be set at any regular meeting or may be called by the chairman or by the secretary upon the approval of the chairman; provided, a special meeting shall be called by the chairman upon the request of any five members of the Board. In case of regular meetings and special meetings, the secretary shall give notice to each member, in writing, of the time and purpose of the meeting, by letter directed to each member at his home post-office address. Such notice must be deposited in the Raleigh Post Office at least three days prior to the date of meeting.

(d) Voting.—No voting by proxy shall be permitted. Except in voting on textbook adoptions, all voting shall be viva voce unless a record vote or secret ballot is demanded by any member, and a majority of those present and voting shall be necessary to carry a motion.

(e) Voting on Adoption of Textbooks.—A majority vote of the whole membership of the Board shall be required to adopt textbooks, and a roll call vote shall be had on each motion for such adoption or adoptions. A record of all such votes shall be kept in the minute book.

(f) Committees.—The Board may create from its membership such committees as it deems necessary to facilitate its business. The chairman of the Board shall appoint members to the several committees, and the secretary shall be an ex officio member of its committee so created and named.

(g) Record of Proceedings.—All the proceedings of the Board shall be recorded in a well-bound and suitable book, which shall be kept in the office of the Superintendent of Public Instruction, and open to public inspection. (1955, c. 1372, art. 2, s. 1; 1959, c. 573, s. 19; 1971, c. 704, s. 3.)

§ 115-11. Powers and duties generally.—The powers and duties of the State Board of Education are defined as follows:

- (1) General Supervision and Administration.—The Board shall have general supervision and administration of the educational funds provided by the State and federal governments, except those mentioned in § 7 of Article IX of the State Constitution, and also excepting such local funds as may be provided by a county, city, or district.
- (2) Successors to Powers of President of Literary Fund and to Boards or Commissions.—The Board shall succeed to all the powers and trusts of the president and directors of the Literary Fund of North Carolina; and to all the powers, functions, duties, and property of all abolished commissions and boards including the State School Commission, the State Textbook Commission, the State Board for Vocational Education, and the State Board of Commercial Education, including the power to take, hold and convey property, both real and personal, to the same extent that any corporation might take, hold and convey the same under the laws of this State.

- (3) Power to Divide the Administrative Units into Districts.—The Board shall have power to create in any county administrative units a convenient number of school districts, upon the recommendation of the county board of education. Such a school district may be entirely in one county or may consist of contiguous parts of two or more counties. The Board may modify the district organization in any administrative unit when it is deemed necessary for the economical and efficient administration and operation of the State school system, when requested to do so by the appropriate county or city board of education.
- (4) Divisions of Functions of Board.—The Board shall divide its duties into two separate functions, insofar as may be practicable, as follows:
 - a. All those matters relating to the supervision and administration of the public school system, except the supervision and management of the fiscal affairs of the Board, shall be under the direction of the State Superintendent in his capacity as the constitutional administrative head of the public school system.
 - b. All those matters relating to the supervision and administration of the fiscal affairs of the public school fund committed to the administration of the State Board of Education shall be under the supervision and management of the controller.
- (5) Appointment of Controller.—The Board shall appoint a controller, subject to the approval of the Governor, who shall serve at the will of the Board and who, under the direction of the Board, shall have supervision and management of the fiscal affairs of the Board. The salary of the controller shall be fixed by the Governor subject to the approval of the Advisory Budget Commission and shall be paid from Board appropriations.
- (6) Apportionment of Funds.—The Board shall have authority to apportion and equalize over the State all State school funds and all federal funds granted to the State for assistance to educational programs administered within or sponsored by the public school system of the State.
- (7) Investments.—The Board is authorized to direct the State Treasurer to invest in interest bearing securities any funds which may come into its possession, and which it deems expedient to invest, as other funds of the State are now or may be hereafter invested.
- (8) Acceptance of Federal Funds and Aid.—The Board is authorized to accept, receive, use or reallocate to local school units any federal funds, or aids, that may be appropriated now or hereafter by the federal government for the encouragement and improvement of any phase of the free public school program which, in the judgment of the Board, will be beneficial to the operation of the schools. However, the Board is not authorized to accept any such funds upon any condition that the public schools of this State shall be operated contrary to any provisions of the Constitution or statutes of this State.
- (9) Power to Purchase at Mortgage Sales; Payment of Drainage Assessments.—The State Board of Education is authorized to purchase at public sale any land or lands upon which it has a mortgage or deed of trust securing the purchase price, or any part thereof, and when any land so sold and purchased by the said Board of Education is a part of a drainage district theretofore constituted, upon which said land assessments have been levied for the maintenance thereof, such assessments shall be paid by the said State Board of Education, as if said land had been purchased or owned by an individual.

- (10) Power to Adjust Debts for Purchase Price of Lands Sold; Sale of Mortgages, etc.—The State Board of Education is hereby authorized and empowered to settle, compromise or otherwise adjust any indebtedness due it upon the purchase price of any land or property sold by it, or to cancel and surrender the notes, mortgages, trust deeds, or other evidence of indebtedness without payment, when, in the discretion of said Board, it appears that it is proper to do so. The Board of Education is further authorized and empowered to sell or otherwise dispose of any such notes, mortgages, trust deeds, or other evidence of indebtedness.
- (11) Power to Alter the Boundaries of City School Administrative Units and to Approve Agreements for the Consolidation and Merger of School Administrative Units Located in the Same County.—The Board shall have authority, in its discretion, to alter the boundaries of city school administrative units and to approve agreements submitted by county and city boards of education requesting the merger of two or more contiguous city school administrative units and the merger of city school administrative units with county school administrative units and the consolidation of all the public schools in the respective units under the administration of one board of education: Provided, that such merger of units and reorganization of school units shall not have the effect of abolishing any special taxes that may have been voted in any such units.
- (12) Power to Allot Special Teaching Personnel and Funds for Clerical Assistants to Principals.—The Board shall have power to provide for the enrichment and strengthening of educational opportunities for the children of the State, and when sufficient State funds are available to provide first for the allotment of such a number of teachers as to prevent the teacher load from being too great in any school, the Board is authorized, in its discretion, to make an additional allotment of teaching personnel to county and city administrative units of the State to be used either jointly or separately, as the Board may prescribe. Such additional teaching personnel may be used in the administrative units as librarians, special teachers, or supervisors of instruction and for other special instructional services such as art, music, physical education, adult education, special education, or industrial arts as may be authorized and approved by the Board. The salary of all such personnel shall be determined in accordance with the State salary schedule adopted by the Board.
- In addition, the Board is authorized and empowered in its discretion, to make allotments of funds for clerical assistants for classified principals and for attendance counselors.
- The Board is further authorized, in its discretion, to allot teaching personnel to county and city administrative units for experimental programs and purposes.
- (13) Power to Make Provisions for Sick Leave.—The Board shall provide for a minimum of five days per school term of sick leave with pay for all public school employees and shall promulgate rules and regulations providing for necessary substitutes on account of said sick leave. The pay for a substitute shall be fixed by the Board. The Board may provide to each administrative unit not exceeding one percent (1%) of the cost of instructional services for the purpose of providing substitute teachers for those on sick leave as authorized by law or by regulations of the Board, but not exceeding the provisions made for other State employees.

- (14) Miscellaneous Powers and Duties. — All the powers and duties exercised by the State Board of Education shall be in conformity with the Constitution and subject to such laws as may be enacted from time to time by the General Assembly. Among such duties are:
- a. To certify and regulate the grade and salary of teachers and other school employees.
 - b. To adopt and supply textbooks.
 - c. To adopt a standard course of study upon recommendation of the State Superintendent of Public Instruction.
 - d. To formulate rules and regulations for the enforcement of the compulsory attendance law.
 - e. Repealed by Session Laws 1963, c. 448, s. 27.
 - f. To report to the General Assembly on the operation of the State Literary Fund.
 - g. To manage and operate a system of insurance for public school property.
- (15) Acceptance of Gifts and Grants.—The Board is authorized to accept, receive, use, or reallocate to local school units any gifts, donations, grants, bequests, or other forms of voluntary contributions.
- (16) Power to Provide for Programs or Projects in the Cultural and Fine Arts Areas.—The Board is authorized and empowered, in its discretion, to make provisions for special programs or projects of a cultural and fine arts nature for the enrichment and strengthening of educational opportunities for the children of the State.
- For this purpose, the Board may use funds received from gifts or grants and, with the approval of the Director of the Budget, may use State funds which the Board may find available in any budget administered by the Board.
- (17) Power to Provide Library Resources, Textbooks and Other Instructional Materials to Private Schools.—The State Board of Education or any other State agency designated by the Governor shall have the power and authority to provide library resources, textbooks, and other instructional materials purchased from federal funds appropriated for the funding of the Elementary and Secondary Education Act of 1965 (Public Law 89-10, 89th Congress, HR 2362, effective April 11, 1965) or other acts of Congress for the use of children and teachers in private elementary and secondary schools in the State as required by acts of Congress and rules and regulations promulgated thereunder.
- (18) Education Research.—The Board is authorized to sponsor or conduct educational research and special school projects considered important by the Board for improving the public schools of the State. Such research or projects may be conducted during the summer months and involve one or more local school units as the Board may determine. The Board may use any available funds for such purposes. |

§ 115-11.1. Authority to expend funds for transportation of certain children. — The State Board of Education is authorized to expend public funds to defray the reasonable cost of motor vehicle transportation for autistic and communications-handicapped children and deaf and blind children to the nearest proper public educational institution located within the State. |

(c) The State Board of Education is also responsible for administering the community colleges and technical institutes. The general powers and duties of the State Board with regard to these institutions are set forth in Article I of Chapter 115A of the General Statutes, which are set out below. Particular attention is called to G. S. 115A-3 and 115A-5 which relate to the State Board's authority to establish a Department of Community Colleges and administer these institutions which comprise the community college system.

§ 115A-1. Statement of purpose.—The purposes of this chapter are to provide for the establishment, organization, and administration of a system of educational institutions throughout the State offering courses of instruction in one or more of the general areas of two-year college parallel, technical, vocational, and adult education programs, to serve as a legislative charter for such institutions, and to authorize the levying of local taxes and the issuing of local bonds for the support thereof. The major purpose of each and every institution operating under the provisions of this chapter, shall be and shall continue to be the offering of vocational and technical education and training, and of basic, high school level, academic education needed in order to profit from vocational and technical education; for students who are high school graduates or who are beyond the compulsory age limit of the public school system and who have left the public schools.

§ 115A-2. Definitions.—As used in this chapter:

- (1) The "administrative area" of an institution comprises the county or counties directly responsible for the local financial support and local administration of such institution as provided in this chapter.
- (2) The term "community college" is defined as an educational institution operating under the provisions of this chapter and dedicated primarily to the educational needs of the particular area for which established, and
 - a. Which offers the freshman and sophomore courses of a college of arts and sciences,
 - b. Which shall offer organized curricula for the training of technicians,
 - c. Which shall offer vocational, trade, and technical specialty courses and programs, and
 - d. Which shall offer courses in general adult education.
- (3) The term "industrial education center" is defined as an educational institution operating under the provisions of this chapter and dedicated primarily to the educational needs of the area for which established, and
 - a. Which offers vocational, trade, and technical specialty courses and programs, and
 - b. Which shall offer courses in general adult education.
- (4) The term "institution" refers to a community college, a technical institute, or an industrial education center.

- (5) The term "State Board of Education" refers to the State Board of Education as established and described in Article IX, § 8, of the Constitution of North Carolina.
- (6) The "tax levying authority" of an institution is the board of commissioners of the county or all of the boards of commissioners of the counties, jointly, which constitute the administrative area of the institution.
- (7) The term "technical institute" is defined as an educational institution operating under the provisions of this chapter and dedicated primarily to the educational needs of the particular area for which established, and
 - a. Which offers organized curricula for the training of technicians,
 - b. Which shall offer vocational, trade, and technical specialty courses and programs, and
 - c. Which shall offer courses in general adult education.
- (8) The term "regional institution" means an institution which serves four or more counties which have been assigned as of July 1, 1973 to the institution by the Department of Community Colleges for purposes of conducting adult education classes. }

§ 115A-3. State Board of Education to establish department to administer system of educational institutions.—The State Board of Education is authorized to establish and organize a department to provide state-level administration, under the direction of the Board, of a system of community colleges, technical institutes, and industrial education centers, separate from the free public school system of the State. The Board shall have authority to adopt and administer all policies, regulations, and standards which it may deem necessary for the establishment and operation of the department. The personnel of the department shall be governed by the same policies as the personnel of the other departments of the Board of Education and shall be subject to the provisions contained in article 2, chapter 143 of the General Statutes; except the position of the director or chief administrative officer of the department shall be exempt from the provisions of the State Personnel Act, and the compensation of this position shall be fixed by the Governor, upon the recommendation of the State Board of Education, subject to approval by the Advisory Budget Commission.

The State Board of Education shall appoint an Advisory Council consisting of at least seven members to advise the Board on matters relating to personnel curricula, finance, articulation, and other matters concerning institutional programs and coordination with other educational institutions of the State. Two members of the Advisory Council shall be members of the North Carolina Board of Higher Education or of its professional staff, and two members of the Advisory Council shall be members of the faculties or administrative staffs of institutions of higher education in this State. }

§ 115A-4. Establishment and transfer of institutions.—After the effective date of this chapter, the establishment of all community colleges, technical institutes, and industrial education centers shall be subject to the prior approval of the State Board of Education and each institution shall be established only in

accordance with the provisions of this chapter and the regulations, standards, and procedures adopted by the Board not inconsistent herewith. In no case, however, shall approval be granted by the Board for the establishment of an institution until it has been demonstrated to the satisfaction of the Board that a genuine educational need exists within a proposed administrative area, that existing public and private post-high-school institutions in the area will not meet the need, that adequate local financial support for the institution will be provided, that public schools in the area will not be affected adversely by the local financial support required for the institution, and that funds sufficient to provide State financial support of the institution are available.

In approving the request of the board of trustees of an industrial education center for the establishment of an educational program, it shall be a matter of general policy of the State Board of Education to require that it be demonstrated to the satisfaction of the State Board of Education that the educational and occupational needs the proposed program is designed to meet are not already met by similar educational programs maintaining standards acceptable to the State Board of Education in other public or private schools in the administrative area of the industrial education center.

In approving the request of the board of trustees of an industrial education center for the establishment of an educational program, it shall be a matter of general policy of the State Board of Education to require that it be demonstrated to the satisfaction of the State Board of Education that the industrial education center is not assuming the continuing responsibility for providing for individual manufacturing firms or corporations the routine training required for regular operator training in the factories of the firm or corporation made necessary because of turnover of personnel.

The State Board of Education and the North Carolina Board of Higher Education shall cooperate in providing for the orderly transfer of the administration and operation of College of the Albemarle, Mecklenburg College, and all other public community colleges designated by the General Assembly, from the provisions of article 3, chapter 116, of the General Statutes of North Carolina to the provisions of this chapter. Such transfer shall be accomplished as provided by this chapter and regulations and procedures adopted jointly by the two boards. The two boards shall also provide by regulation for the transfer, without consideration, of title to all property, funds, and unexpended appropriations of the colleges held heretofore by the boards of trustees of the colleges from such Boards to the respective boards of trustees established pursuant to this chapter.

Provision shall be made for the orderly transfer of the administration and operation of all industrial education centers from local boards of education of the State public school system to boards of trustees established pursuant to this chapter for the purpose of administering and operating such centers as provided in this chapter. Such transfer shall be accomplished as provided by this chapter and regulations and procedures adopted by the State Board of Education. Upon transfer of each industrial education center the local board of education previously operating the center shall transfer, without consideration, title to the property, funds, and unexpended appropriations heretofore held by such board for the center to the board of trustees established for the center pursuant to this chapter. Provided, if an industrial education center ceases to operate as an institution, as defined in this chapter, title to real property transferred to a board of trustees from the local board of education, previously operating the center, shall revert to such board of education, and said board of trustees shall thereupon, by proper instrument, convey the same to such board of education. Where plans are being made to relocate an existing industrial education center by moving it from buildings on or adjacent to a senior high school campus, the State Board of Education may designate the local board of education now operating the industrial education center as the board of trustees for the continued operation of the industrial education center until such time as the industrial education center is so relocated;

and the board of trustees provided for in this chapter may be appointed to develop the new or reorganized institution but shall not have control of the existing industrial education center until it is transferred to the new site.

The approval of any new institution, or the conversion of any existing institution into a new type of institution, or the expenditures of any State funds for any capital improvements at existing institutions shall be subject to the prior approval of the Governor and the Advisory Budget Commission. The expenditure of State funds at any institution herein authorized to be approved by the Board shall be subject to the terms of the Executive Budget Act unless specifically otherwise provided in this chapter. |

§ 115A-5. Administration of institutions by State Board of Education; extension courses; personnel exempt from State Personnel Act; contracting, etc., for establishment and operation of extension units of community college system; use of existing public school facilities.—The State Board of Education may adopt and execute such policies, regulations and standards concerning the establishment and operation of institutions as the Board may deem necessary to insure the quality of educational programs, to promote the systematic meeting of educational needs of the State, and to provide for the equitable distribution of State and federal funds to the several institutions.

In order to make instruction as accessible as possible to all citizens, the teaching of curricular courses and of noncurricular extension courses at convenient locations away from institution campuses as well as on campuses is authorized and shall be encouraged. A pro rata portion of the established regular tuition rate charged a full-time student shall be charged a part-time student taking any curriculum course. In lieu of any tuition charge, the State Board of Education shall establish a uniform registration fee, or a schedule of uniform registration fees, to be charged students enrolling in extension courses for which instruction is financed primarily from State funds; provided, however, that the State Board of Education may provide by general and uniform regulations for waiver of tuition and registration fees for training courses for volunteer firemen, local law-enforcement officers, and prison inmates.

The State Board of Education shall establish standards and scales for salaries and allotments paid from funds administered by the Board, and all employees of the institutions shall be exempt from the provisions of the State Personnel Act. The Board shall have authority with respect to individual institutions: to approve sites, buildings, building plans, budgets; to approve the selection of the chief administrative officer; to establish and administer standards for professional personnel, curricula, admissions, and graduation; to regulate the awarding of degrees, diplomas, and certificates; to establish and regulate student tuition and fees and financial accounting procedures.

The State Board of Education is authorized to enter into agreements with county and city boards of education, upon approval by the Governor and the Advisory Budget Commission, for the establishment and operation of extension units

of the community college system. The State Board is further authorized to provide the financial support for matching capital outlay and for operating and equipping extension units as provided in this Chapter for other institutions, subject to available funds.

On petition of the board of education of the school administrative unit in which an institution is proposed to be established, the State Board of Education may approve the utilization by such proposed institution of existing public school facilities, if the Board finds:

- (1) That an adequate portion of such facilities can be devoted to the exclusive use of the institution, and
- (2) That such utilization will be consistent with sound educational considerations. |

Memorandum to
Senator Bob L. Barker
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§ 115A-6. Withdrawal of State support.—The State Board of Education may withdraw or withhold State financial and administrative support of any institutions subject to the provisions of this chapter in the event that:

- (1) The required local financial support of an institution is not provided;
- (2) Sufficient State funds are not available;
- (3) The officials of an institution refuse or are unable to maintain prescribed standards of administration or instruction; or
- (4) Local educational needs for such an institution cease to exist.

II. THE STATE SUPERINTENDENT OF PUBLIC INSTRUCTION

(a) The North Carolina Constitution, Article IX, Section 4(2) makes reference to the State Superintendent of Public Instruction as follows:

"The Superintendent of Public Instruction shall be the secretary and chief administrative officer of the State Board of Education."

(b) The statutory duties of the State Superintendent of Public Instruction are set forth in Article 3 of Chapter 115 of the General Statutes. These statutes are quoted below and particular attention is called to G. S. 115-14, which sets forth the administrative duties of the State Superintendent, and G. S. 115-15, which sets forth the duties of the State Superintendent as secretary to the State Board of Education.

§ 115-12. Chief administrative officer of the State Board of Education.—As provided in Article IX, § 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.

§ 115-13. Office and salary.—The Superintendent shall keep his office in the Education Building in Raleigh, and his salary shall be ten thousand dollars (\$10,000) a year, payable monthly.

From and after the time the State Superintendent of Public Instruction shall take the oath of office and begin serving the term for which he is to be elected in 1956, he shall receive an annual salary of thirty-three thousand five hundred dollars (\$33,500): Provided, that said salary shall be paid out of the Contingency and Emergency Fund if funds for same are not available in the general fund for the biennium ending June 30, 1957.

§ 115-14. Administrative duties.—It shall be the duty of the State Superintendent of Public Instruction:

- (1) To organize and establish a Department of Public Instruction which shall include such divisions and departments as are necessary for supervision and administration of the public school system.
- (2) To keep the public informed as to the problems and needs of the public schools by constant contact with all school administrators and teachers, by his personal appearance at public gatherings, and by information furnished to the press of the State.
- (3) To report biennially to the Governor thirty days prior to each regular session of the General Assembly, such report to include information and statistics of the public schools, with recommendations for their improvement and for such changes in the school law as shall occur to him.
- (4) To have printed and distributed such educational bulletins as he shall deem necessary for the professional improvement of teachers and for the cultivation of public sentiment for public education, and to have printed all forms necessary and proper for the administration of the Department of Public Instruction. |

§ 115-15. Duties as secretary to State Board of Education. — As secretary, under the direction of the Board, it shall be the duty of the State Superintendent of Public Instruction:

- (1) To administer through the Department of Public Instruction the instructional policies established by the Board.
- (2) To keep the Board informed regarding developments in the field of public education.
- (3) To make recommendations to the Board with regard to the problems and needs of education in North Carolina.
- (4) To make available to the public schools a continuous program of comprehensive supervisory services.
- (5) To collect and organize information regarding the public schools, on the basis of which he shall furnish the Board such tabulations and reports as may be required by the Board.
- (6) To communicate to the public school administrators all information and instructions regarding instructional policies and procedures adopted by the Board.
- (7) To have custody of the official seal of the Board and to attest all deeds, leases, or written contracts executed in the name of the Board. All deeds of conveyance, leases, and contracts affecting real estate, title to which is held by the Board, and all contracts of the Board required to be in writing and under seal, shall be executed in the name of the Board by the chairman and attested by the secretary; and proof of the execution if required or desired, may be had as provided by law for the proof of corporate instruments.
- (8) To attend all meetings of the Board and to keep the minutes of the proceedings of the Board in a well-bound and suitable book, which minutes shall be approved by the Board prior to its adjournment; and, as soon thereafter as possible, to furnish to each member of the Board and the controller a copy of said minutes.
- (9) To perform such other duties as the Board may assign to him from time to time. |

III. THE CONTROLLER TO THE STATE BOARD OF EDUCATION

There is no constitutional reference to the Controller. The statutory functions of the Controller are set forth in Article 4 of Chapter 115 of the General Statutes, G. S. 115-16 and 115-17, quoted below.

§ 115-16. Controller to be administrator of fiscal affairs.—(a) Executive Administrator.—The controller is constituted the executive administrator of the Board in the supervision and management of the fiscal affairs of the Board. In this capacity it shall be his duty, under the direction of the Board, to administer the funds provided for the operation of the schools of the State for one hundred eighty days on such standards as may be determined by the Board and always within the total funds appropriated therefor.

(b) Fiscal Affairs of Board Defined.—All matters pertaining to the budgeting, allocation, accounting, auditing, certification, and disbursing of public school funds, now or hereafter committed to the administration of the State Board of Education, are included within the meaning of the term "fiscal affairs of the Board" and, under the direction of the Board, shall be supervised and managed by the controller. The fiscal affairs of the Board shall also include:

- (1) The preparation and administration of the State school budget, including all funds appropriated for the maintenance of the nine months' public school term.
- (2) The allotment of teachers.
- (3) The protection of State funds by appropriate bonds.
- (4) Workmen's compensation as applicable to school employees.
- (5) Sick leave.
- (6) And all fiscal matters embraced in the objects of expenditure referred to in section IX, "Public Schools," in the act entitled "An Act to Make Appropriations for the Maintenance of the State's Departments, Bureaus, Institutions, and Agencies, and for Other Purposes," including therein:
 - a. Support of nine months' term.
 - b. State Board of Education.
 - c. Vocational education.
 - d. Purchase of free textbooks.
 - e. Vocational textile training school.
 - f. Administration of the State School Plant Construction Improvement and Repair Fund.
- (7) The administration of such federal funds as may be made available by acts of Congress for the use of public schools.
- (8) Administration of all State funds derived from the sale and rental of textbooks in the public schools.
- (9) The operation of plant, and other auxiliary agencies under the administration of the Board.
- (10) Administration of the Public School Insurance Fund.

§ 115-17. Duties of controller defined.—The controller, under the direction of the Board, shall perform the following duties:

- (1) He shall maintain a record or system of bookkeeping which shall reflect at all times the status of all educational funds committed to the administration of the Board and particularly the following:
 - a. State appropriation for maintenance of the nine months' public school term, which shall include all the objects of expenditure enumerated in G.S. 115-79.
 - b. State appropriation and any other funds provided for the purchase and rental of public school textbooks.
 - c. State literary and building funds and such other building funds as may be hereafter provided by the General Assembly for loans, or grants, to county boards of education for school building purposes.
 - d. State and federal funds for vocational education and other funds as may be provided by act of Congress for assistance to the educational program.
 - e. Vocational rehabilitation funds.
 - f. State appropriation for the maintenance of the Board and its office personnel and including all employees serving under the Board.
 - g. Any miscellaneous funds within the jurisdiction of the Board not included in the above.
- (2) He shall prepare all forms and questionnaires necessary to furnish information and data for the consideration of the Board in preparing the State budget estimates required to be determined by the Board as to each administrative unit.
- (3) He shall certify to each administrative unit the teacher allotment as determined by the Board under G.S. 115-59. The superintendents of the administrative units shall then certify to the State Superintendent the names of the persons employed as teachers and principals by districts. The State Superintendent shall then determine the certificate ratings of the teachers and principals, shall certify such ratings to the controller, who shall then determine in accordance with the State standard salary schedule for teachers and principals, the salary rating of each person so certified. The controller shall then determine, in accordance with the schedule of salaries established, the total cost of salaries in each county and city administrative unit for teachers and principals to be included in the State budget for the current fiscal year.
- (4) He shall satisfy himself before issuing any requisition upon the Budget Bureau for payment out of the State treasury of any funds placed to the credit of any administrative unit, under the provisions of G.S. 115-84:
 - a. That funds are lawfully available for the payment of such requisition; and
 - b. Where the order covers salary payment to any employee or employees, that the amount thereof is within the salary schedule or salary rating of the particular employee.
- (5) He shall procure, through the Division of Purchase and Contract, a contract or contracts for the purchase of the estimated needs and requirements of the several administrative units, covering the items of janitor's supplies, instructional supplies, supplies used by the State Board of Education, and all other supplies, the payment for which is made from funds committed to the administration of the Board.

- (6) He shall purchase from the various publishers the textbooks needed and required in the public schools in accordance with contracts made by the State Board of Education.
- (7) He shall, in cooperation with the State Auditor, have jurisdiction in the auditing of all school funds, under the provisions of G.S. 115-97, and also in the auditing of all other funds which by law are committed to the administration of the Board.
- (8) He shall attend all meetings of the Board and shall furnish all such information and data concerning the fiscal affairs of the Board as the Board may require.
- (9) He shall employ all necessary employees who work under his direction in the administration of the fiscal affairs of the Board.
- (10) He shall report directly to the Board upon all matters coming within his supervision and management.
- (11) He shall furnish to the State Superintendent such information relating to fiscal affairs as may be necessary in the administration of his official duties.
- (12) He shall perform such other duties as may be assigned to him by the Board from time to time. |

IV. THE STATE PRESIDENT, DEPARTMENT OF COMMUNITY COLLEGES

There is no reference made in the North Carolina Constitution to the State President, Department of Community Colleges. The only statutory reference made to the State President is contained in G. S. 115A-3 which provides, in part, that "the position of the director or chief administrative officer of the Department (of Community Colleges) shall be exempted from the provisions of the State Personnel Act, and the compensation of this position shall be fixed by the Governor, upon the recommendation of the State Board of Education, subject to the approval of the Advisory Budget Commission."

I am attaching memograph copies of information provided by the Department of Community Colleges relative to the general duties of the State President. These materials include administrative memoranda and extracts from the Policy Manual of the State Board of Education.

NAME: Dr. Ben E. Fountain, Jr.
POSITION TITLE: State President, Department of Community
Colleges

The role and purpose of the Community College System is specified in G. S. 115.1. In summary, the purpose of the System is to fill the gap in educational opportunity existing between high school and the senior college and university which is necessary for the common welfare of the citizens of the State. The broad educational objectives are carried out by the 57 institutions within the system which receive state-level administration and supervision from the STATE BOARD OF EDUCATION and the STATE PRESIDENT, DEPARTMENT OF COMMUNITY COLLEGES. These in turn receive advice as well as staff assistance from the Community College Advisory Council, the Controller's Office, and from various education associations such as the N. C. Trustees Association of Community Education Institutions and the N. C. Association of Public Community College Presidents. Briefly, the basic authority and responsibilities of the Board and the State President are:

STATE BOARD OF EDUCATION

The Board has the authority and responsibility for the adoption and administration of policies, regulations, and standards governing the organization and operation of the Community College System.

STATE PRESIDENT, DEPARTMENT OF COMMUNITY COLLEGES

The State President is the chief executive officer of the Department of Community Colleges and reports to the State Board of Education. The President's salary is set by the Governor upon the recommendation of the State Board of Education, subject to approval by the Advisory Budget Commission. The State President is responsible for organizing and managing the Department of Community Colleges and carrying out the philosophy, policies, actions and instructions of the State Board of Education that pertain to technical institutes and community colleges. He works cooperatively with the State Superintendent of Public Instruction and the Controller, who also report to the Board. The State President also coordinates the work of the department with other State agencies and with federal agencies. The State President is assisted by a professional and clerical staff.

I.

A. Nature and Variety of Programs

The State President directs a state-level staff

of 183 professional education consultants, media specialists, curriculum specialists and other education, administrative, business, and supportive personnel in providing leadership and direction to the total operation of the 57 institutions. State level budget amounts to over \$123,000,000 annually of which over \$116,000,000 is allocated directly to the various institutions to support their salaries, their operating budget, equipment needs, and construction programs. The state-level leadership, direction, and program administration is considered to be broad in scope since it affects all aspects of the operation of a community college or institution: from a total business and administrative standpoint to all aspects of the day to day educational, instructional, and student services operations. It is also broad in scope because of the variety and wide range of educational programs offered by the system and would be considered large in size based on the number of students served (400,000), number of institutions within the system (57), and the state-level budgetary requirements (\$123,000,000). The Controller is charged with the responsibility for auditing and accounting for all State and federal funds of the Community College System; whereas, the State President and his staff coordinate, control, and manage the day to day budget operations of the Department and the System. While the day to day accounting of the Department and systems budget rests with the Controller, the State President plays a significant role as the system's chief representative and advocate in getting the necessary Board, legislature, and public support for funds to continue and to expand the institutions' education programs.

B. Resource Management

Supervises a small to moderate state-level staff of 183 educational and related professional and supportive personnel; however, indirectly his department provides leadership and direction to thousands of educational-instructional and administrative personnel throughout the 57 institutions. Size of budget (for which the accounting function rests with the Controller) is considered to be fairly large in size (\$123,000,000) and somewhat stable since the make-up of the budget is similar from year to year, but rather varied in types of programs and services budgeted. Management of facilities and equipment resources at the state-level is incidental; however, the President's department does provide financial aid for equipment and advice and consultative services for facilities construction to the individual institutions.

C. Planning

Specialized, periodic, and recurring planning is required for departmental programs and services which is

consistent with the budget cycle. Sophisticated techniques or special full-time planning staff are not required. However, the day to day planning and development of new or modified educational policy, programs, and services for the 57 institutions are vital parts of the staffs regular responsibilities. These policy and programs require the approval of the Board and the acceptance on the part of the various colleges and institutions.

D. Policy Development

As this factor is defined, the State President's responsibility for actually establishing and approving policy is restricted since by statutes this authority rests with the State Board. However, the Board has delegated the administration and execution of its philosophies, policies, actions, and instructions to the State President. Therefore, the President and his staff's prime responsibility is on policy execution rather than policy approval authority. Considerable emphasis should also be recognized in the active role which the President and his staff assumes in all aspects of developing and recommending educational and administrative philosophies, policies, and actions as reflected in the new or modified programs and services that are recommended to and approved by the Board. In essence, the responsibility for all aspects of "policy work" - the planning, development, promotion, recommendation, administration, and execution - can be recognized in the State President's job, except the authority to approve and set policy.

E. Program Supervision and Direction Demands

The demands of this factor may partially relate to factors C and D preceding. The State President delegates the day to day administration and execution of the Board and the Department's established policy and programs to his Vice Presidents and their staffs. Therefore, the President is asked to make decisions occasionally on only the major problems involving day to day program supervision and execution. The nature, frequency, and numbers of decision demands would be greater and more far-reaching for the President and most of his staff on problems involving the future of the Community Colleges System. Daily decision demands would occur in the planning, developing, and promotion of improved and expanded programs and services as requested and urged by the various colleges, its students, and its interested clientele. The State President would resolve problems involved in the coordination and negotiation required with Higher Education officials, the State Board, State Government officials, and various institutional officials, trustees, and local citizenry.

II.

A. Extent of Authority and Decision Making Freedom

The President has considerable authority and freedom in supervising his professional staff in developing, promoting, and recommending new programs, policies, and philosophies; in administering the State Board's policies; and in directing the day to day operations of the Department. However, as indicated in D and E preceding, the President's freedom to set policy and to make major changes in his organization structure, or to make major changes in the commitment of resources such as personnel, monies, and facilities, is quite restricted in that this authority rests with the State Board.

B. Impact on the Public, Economy, Other Governmental Units, and Private Business

The impact of the programs and services offered by the Department and the system is extensive, infinite, and far-reaching, both directly and indirectly, to the total state population, its economy, and its businesses. Starting from the adult population who take advantage of the open door policy and education programs offered, the resulting impact is a multiplying or domino effect and is countless as to the total direct and indirect value (\$) on the economy, business, and personal welfare of the State's citizenry. EXAMPLE: Adults participating in the programs improve their academic and vocational well-being; increase their knowledges, skills, and abilities; which widens their range of job opportunities; which in turn increase their income and personal wealth; which provides business and industry with more and better trained employees; which increases the State and local tax base; and increases the services which the State and local government can provide its residents; which reduces welfare payments; etc.

III. Contact

Work requires frequent contact with all 57 Community College Presidents and their educational staff in providing state-level services and in advising and assisting them in improving their day to day educational and administrative programs. High level and regular contact is maintained with the State Board, Higher Education executives, official advisory councils, professional higher education, and community college president associations, with various state-level department heads, with the legislation, and with numerous interested educational clientele groups. The nature of these contacts involves coordinating, negotiating, promoting, encouraging, advocating, justifying, persuading, and instructing. This usually occurs

when the President carries out his responsibilities as previously mentioned in factors C, D, and E.

IV. Know-How

No specific knowledges and skills requirements are stated for the position by statutes; however, a doctoral degree with ten or more years of successful experience in the higher education field, including several years as a community college or institutional president or administrator, would be considered desirable.

*In line with the above, the State Board of Education has appointed the presidents and board chairman of each institution in the system for terms coinciding with their terms of office in these positions. Also, the Board has appointed for specific terms individuals from the North Carolina Board of Higher Education, the faculties or administrative staff of institutions of higher education, and certain individuals from industry and business. (8-1-68)

1.06 Establishing and Converting Institutions

General Statutes 115A, as amended, provides that the State Board of Education, the Advisory Budget Commission, and the Governor must approve any new institution or the conversion of an existing institution into a new type of institution.

The State Board of Education has adopted a general policy that, except in unusual cases justifying a different approach, a new area of the State to be served will initially be approved for a Technical Institute (Contracted). A minimum of two years of operation will be required before a new institution will be considered for conversion to a Technical Institute (Chartered) or a Community College. (See Administrative Memorandum No. 1-5.)

1.07 Department of Community Colleges

The State level organization for the department was adopted by the State Board of Education on June 14, 1963, and since that time revisions have been made as needed to meet the changing situations. The Department of Community Colleges functions through the Director and several divisions. The organization and the functions of the divisions are described in Administrative Memorandum No. 1-4.

1.071 Department Organization

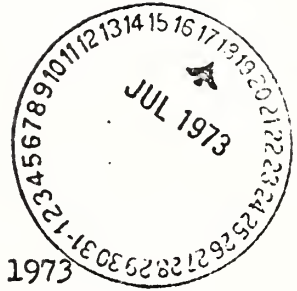
The State Board approved the proposed chart of organization of the Department of Community Colleges of the State Board of Education to become effective January, 1972. The Director was authorized to take whatever steps are necessary to put into effect the proposed chart of organization. The Director was requested to make whatever changes in the organization of the Department are deemed necessary to carry out the work of the Department in an effective manner and to keep the State Board of Education informed on the organization of the Department. (12-10-71)

*Extract from Policy Manual of State Board

1.072 Separate State Department

Pursuant to the recommendations of the State Government Re-organization Study Commission, the Chairman announced that the State Superintendent and the Director of the Department of Community Colleges, and the Chairman were in agreement that, as recommended by the Commission, the Department of Community Colleges should continue as a separate department under the State Board of Education, reporting directly to and through the State Board of Education as under "existing statutes." The Board concurred in this position. (2-4-71)

DEPARTMENT OF COMMUNITY COLLEGES
State Board of Education
Raleigh, North Carolina 27611



*Administrative
Memorandum No. 1-4

June 25, 1973

Organization of the Community College System

1. Purpose. This administrative memorandum describes the organization of the North Carolina Community College System to include the organization of the Department of Community Colleges and a general description of the duties and responsibilities of the functional areas of the Department.

2. Concept. General Statute 115A, as amended, General Statutes of North Carolina provides the legal framework for the establishment, organization, and administration of the Community College System. This statute authorizes the State Board of Education "to establish and organize a department to provide state level administration, under the direction of the State Board of a system of community colleges and technical institutes separate from the free public school system of the State. The Board shall have authority to adopt and administer all policies, regulations, and standards which it may deem necessary for the establishment and operation of the department."

3. Responsibilities. The total Community College System of North Carolina consists of the State Board of Education, the Department of Community Colleges, and the Institutions. Each of these components of the System have areas of responsibility in the total functioning of the Community College System.

a. The State Board of Education is responsible for providing state-level guidance to the Community College System. The Board fulfills its authority through the policies, regulations, and standards it adopts for the organization and administration of the Community College System. The Board is assisted in fulfilling these responsibilities by the Community College Advisory Council (See Annex A) and the Controller of the State Board of Education (See Annex A).

b. The Department of Community Colleges under the direction of the State President is responsible for the implementation and the administration of the policies, regulations, and standards adopted by the State Board of Education. The President receives advice from the North Carolina Trustees Association of Community Education Institutions and the North Carolina Association of Public Community College Presidents.

*This memorandum supersedes Admin Memo No. 1-4, January 9, 1969, which should be removed from all files and destroyed.

c. The Community Colleges and Technical Institutes are responsible for providing to the citizens of North Carolina a broad range of educational programs including technical and vocational education and training, liberal arts and general education, extension programs, adult and continuing education programs, training for new and expanding industries, and community services.

4. General. The Community College Advisory Council and the Controller of the State Board of Education assist the State Board of Education in fulfilling its responsibilities and are described in Annex A.

5. The Department of Community Colleges is organized according to the Organization Chart attached as Annex B.

6. The functional areas of the Department of Community Colleges and the responsibilities assigned to each of these areas are indicated in the following annexes to this administrative memorandum:

Annex C - The State President and the State Vice President for Department Services

Annex D - The Vice President for Administrative Services

Annex D, Enclosure 1 - The Dean of Planning and Coordination

Annex D, Enclosure 2 - The Dean of Information and Publications

Annex D, Enclosure 3 - The Dean of Business Affairs

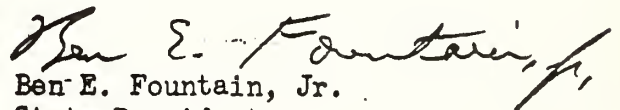
Annex E - The Vice President for Educational Services

Annex E, Enclosure 1 - The Dean of Degree and Diploma Programs

Annex E, Enclosure 2 - The Dean of Student Personnel and Program Resources

Annex E, Enclosure 3 - The Dean of Continuing Education Programs

7. Types of institutions in the Community College System are indicated in Annex F.


Ben E. Fountain, Jr.
State President

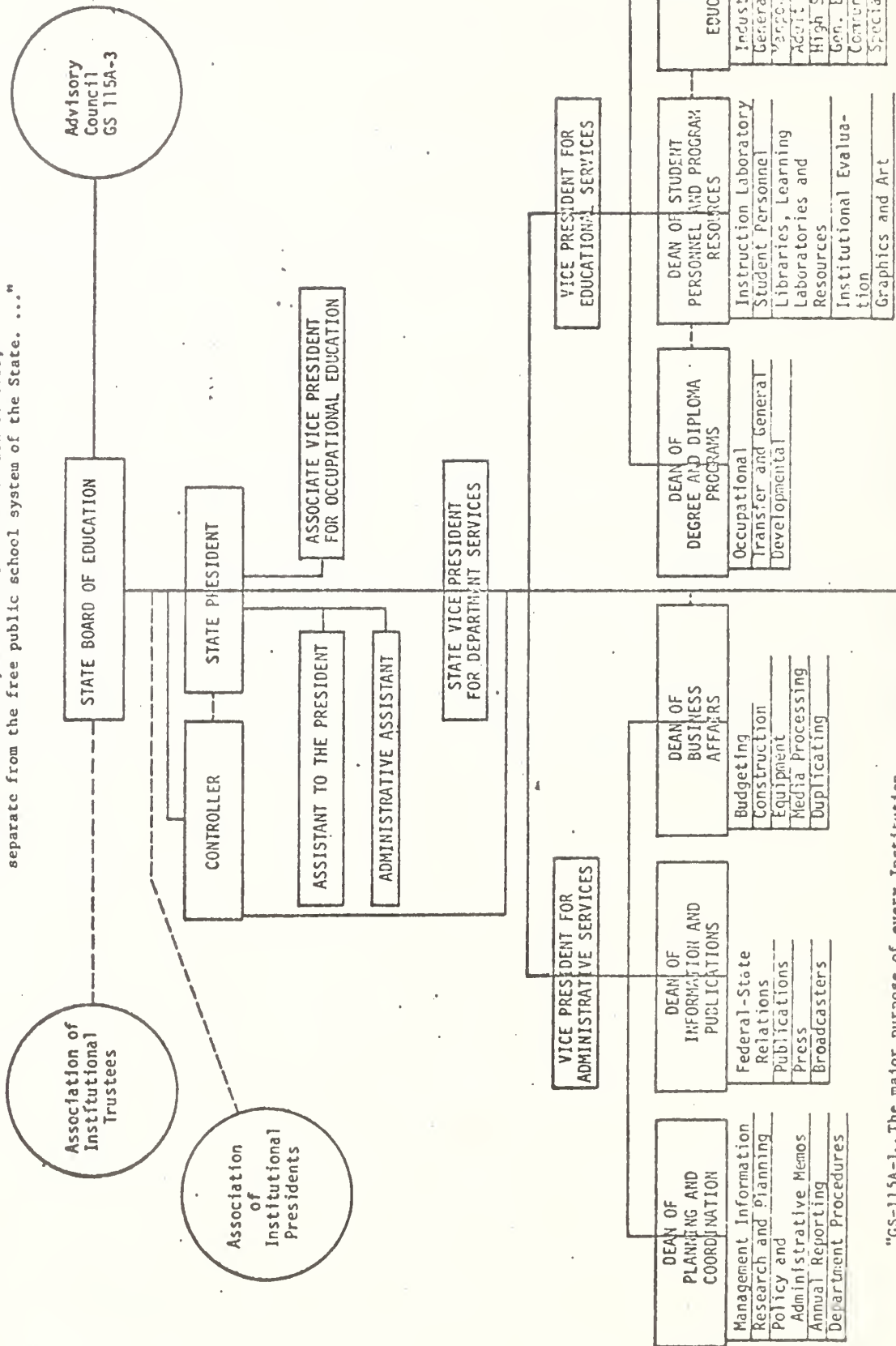
The Advisory Council and the Controller

1. The Community College Advisory Council. Chapter 115A, General Statutes provides that "the State Board of Education shall appoint an Advisory Council consisting of at least seven members to advise the Board on matters relating to personnel, curricula, finance, articulation, and other matters concerning Institutional programs and coordination with other educational institutions of the State. Two members of the Advisory Council shall be members of the North Carolina Board of Governors or its professional staff and two members of the Advisory Council shall be members of the faculties or administrative staffs of institutions of higher education in this state." In line with this provision of Chapter 115A, the State Board of Education has appointed to the Council the presidents and board chairmen of each institution in the Community College System for terms coinciding with their terms of office in these positions. Also, the Board has appointed for specific terms individuals from the North Carolina Board of Governors or professional staff, the faculties or administrative staff of institutions of higher education, and certain individuals from industry and business.

2. The Controller, State Board of Education is the executive administrator of the Board in the supervision and management of the fiscal affairs of the Board. "Fiscal Affairs" is defined as "all matters pertaining to the budgeting, allocation, accounting, auditing, certification, and disbursing of all funds administered by the Board." The Division of Auditing and Accounting of the Controller's office is charged with the auditing and accounting of all funds, State and Federal, under the control of the State Board of Education, including funds allocated to institutions in the Community College System, and other funds expended by the System.

CHART OF ORGANIZATION OF NORTH CAROLINA DEPARTMENT OF COMMUNITY COLLEGES

"Chapter 115A-3, General Statutes of North Carolina: The State Board of Education is authorized to establish and organize a department to provide state-level administration, under the direction of the Board, of a system of community colleges, technical institutes, and industrial education centers, separate from the free public school system of the State. ..."



"CS-115A-1, The major purpose of every Institution shall be offering vocational and technical education and training, and basic, high school level, academic education needed in order to profit from vocational and technical education, for students who are high school graduates or the equivalent."

56 Technical Institutes and Community Colleges, each with a twelve member Board of Trustees

The State President and the State Vice President for Department Services

1. State President. The State President is the chief administrative officer of the Department of Community Colleges and reports to the State Board of Education. He is responsible for organizing and managing the Department of Community Colleges and carrying out the philosophy, policies, actions, and instructions of the State Board of Education that concern technical institutes and community colleges.

2. He works cooperatively with the State Superintendent of Public Instruction and the Controller of the State Board of Education and coordinates the work of the Department with other state and federal agencies.

3. Assistant to the President. The Assistant to the President is in the Office of the State President and is directly responsible to the State President as an assistant and expeditor of the President's day-to-day executive activities, communications, decisions and for handling special assignments and matters of protocol. He coordinates preparation of the State Board agenda, handles informational interviews with visitors, serves as a special representative of the President, administers and supervises department space allocation and provides consultant services to boards of trustees and newly organized institutional administrative staffs.

4. Administrative Assistant. The Administrative Assistant is in the Office of the State President and coordinates the executive communications, appointments and activities for the State President; makes work assignments and schedules for clerical and technical assistants; briefs the State President daily upon pending matters or activities requiring his immediate or early personal attention. She organizes and maintains office files, keeps the work of the office and the conferences and communications of the State President moving on schedule.

5. State Vice President for Department Services. The State Vice President coordinates all the departmental activities, programs and supportive services to the institutions. In addition he has professional executive responsibilities directly related to functional responsibilities of institution presidents and vice presidents for educational and administrative services. He is directly responsible to the State President for the day-to-day operation of the Department of Community Colleges.

The Vice President for Administrative Services

1. The Vice President for Administrative Services is charged with the responsibility for the following areas: (1) Planning and Coordination, (2) Information and Publications, and (3) Business Affairs. He coordinates the activities of the Dean of Planning and Coordination, the Dean of Information and Publications, and the Dean of Business Affairs. He has responsibility for budget planning functions, public relations, reporting and statistical information. He consults, coordinates, advises, and assists presidents, vice presidents, and other institutional officials in matters of an administrative nature.

2. The Dean of Planning and Coordination. The Office of the Dean of Planning and Coordination is responsible for providing consultative and administrative services to the System of community colleges and technical institutes and to the Department in the functional areas listed below and described in detail in Annex D, Enclosure 1.

- a. Management Information
- b. Student Reporting
- c. Research and Planning
- d. Administrative Memos and Department Procedures
- e. Policy, Annual Plan of Work and Annual Report

3. The Dean of Information and Publications. The Office of the Dean of Information and Publications is responsible for providing consultative and administrative services to the System of community colleges and technical institutes and to the Department in the functional areas listed below and described in detail in Annex D, Enclosure 2.

- a. Federal-State Relations
- b. Publications
- c. Press
- d. Broadcasters

Research and Planning. The Director of Research and Planning in the Office of the Dean of Planning and Coordination is responsible for providing the following services to local institutions and to the Department:

- a. Providing leadership and assistance in the planning, conduct and completion of community and institutional research and planning projects at any level where such activities affect the Department of Community Colleges.
- b. Assisting institutions in the development and preparation of short-range plans.
- c. Maintaining close consultative relationships with institutional officers, directors of student personnel services, registrars, and admissions officers.
- d. Coordinating, planning and organizing inter-institutional planning conferences, workshops, and seminars, and other inservice training programs for institutional personnel.
- e. Assistance in the development, implementation, leadership, oversight and coordination of research and planning at the department level.

Administrative Memoranda and Department Procedures. The Coordinator of Administrative Memos and Department Procedures in the Office of the Dean of Planning and Coordination is responsible for providing the following services to local institutions and to the Department.

- a. Collects, assembles, and organizes into the proper format State Department of Education policy and Department of Community Colleges administrative memoranda for distribution to all institutions, staff members, and other persons and agencies that may be affected.
- b. Answers questions concerning the Administrative Memoranda or the Annual Report from personnel in the institutions and in the Department.
- c. Collects, assembles, and organizes into proper format Department Procedures for distribution to staff members in the Department.
- d. Assistance in the development of policy proposals and administrative memoranda relating to Department Procedures.
- e. Answers questions concerning the Department Procedures from all personnel in the Department.

Policy, Annual Plan of Work and Annual Report. The Director of Policy, Planning and Annual Report is in the Office of the Dean of Planning and Coordination and is responsible for providing the following services:

- a. Annual reporting involves the effort to prepare an annual plan of work and an annual report covering programs and activities to the Governor and the State Budget Commission at the beginning and end of each fiscal year.
- b. Coordinates the preparation and distribution of the annual plan of work.

4. The Dean of Business Affairs. The Office of the Dean of Business Affairs is responsible for providing consultative and administrative services to the System of community colleges and technical institutes and to the Department in the functional areas listed below and described in detail in Annex D, Enclosure 3.

- a. Budgeting
- b. Construction
- c. Equipment
- d. Media Processing
- e. Duplicating

The Dean of Information and Publications

1. The Dean of Information and Publications advises and assists institutional officials in preparing and processing applications for fund grants from Federal and private agencies. He develops and conducts in-service training programs for institutional personnel having responsibilities in Federal-State relations, publications, press and broadcast media. He encourages and assists institutions to develop, publish and maintain a student-faculty handbook. He coordinates, supervises and assists in preparing and simulating information broadcast, news releases, speeches and other communications. He reviews and edits publications, news releases, tapes, film releases and researches drafts and edits speeches.

2. The Dean is assisted by a professional staff in his office. This staff is organized according to the functional areas listed in Annex D, paragraph 3. The services performed by staff members in the Office of the Dean of Information and Publications are described in the paragraphs below.

3. Federal-State Relations. The Coordinator of Federal-State Relations in the Office of the Dean of Information and Publications is responsible for providing the following services to the institutions and to the Department.

a. Advice and assistance to appropriate institutional officials in the preparation and processing of applications for fund grants from Federal and private philanthropic agencies.

b. Advice and assistance to institution presidents and their representatives in any matter relating to federal relations, grants, procurement, publications, public relations, ceremonial occasions, and similar programs and activities.

4. Publications. The Coordinator of Publications in the Office of the Dean of Information and Publications is responsible for providing the following services to the institutions and to the Department.

a. Preparation, publication, and distribution of the Open Door and the monthly Community College Bulletin.

b. Coordination of the periodicals prepared by the respective divisions of the Department while they are in draft form to insure against information conflicts.

c. Assistance to institutions with their public information programs. Preparation and distribution of summaries of information to institutions to assist them with such programs.

d. Preparation of a public information plan as a guide for the institutions and the Department.

e. Preparation of a progress report publication on a biennial basis.

f. Service as a point of contact to provide information to other State agencies.

5. Press. The Coordinator of Press in the Office of the Dean of Information and Publications is responsible for providing the following services to the institutions and to the Department:

a. Maintenance of contact with the news media-press.

b. Preparation of news releases for use by the various news media.

c. Assistance in providing answers to queries by representatives of the news media.

d. Maintenance of contact with institutions and Departmental divisions to identify information that should be released to the public through the various news media.

6. Broadcasters. The Coordinator of Broadcasters in the Office of the Dean of Information and Publications is responsible for providing the following services to the institutions and to the Department:

a. Maintenance of contact with the news media-radio and television.

b. Preparation of releases for presentation on radio and television public service time, such as the radio program "Progress Report".

c. Assistance in providing answers to queries by representatives of the news media.

The Vice President for Educational Services

1. The Vice President for Educational Services is primarily concerned with the administration of all educational programs throughout the Community College System. His departmental responsibilities include leadership and coordination of the activities and services of: (1) The Dean of Degree and Diploma Programs, (2) The Dean of Student Personnel and Program Resources, and (3) The Dean of Continuing Education Programs. He provides consultant and advisory service to presidents and deans of instruction in institutions of the North Carolina Community College System.

2. The Dean of Degree and Diploma Programs. The Office of the Dean of Degree and Diploma Programs is responsible for providing consultative and administrative services to the system of community colleges and technical institutes and to the Department in the functional areas listed below and described in detail in Annex E, Enclosure 1.

- a. Occupational
- b. College Transfer and General
- c. Developmental

3. The Dean of Student Personnel and Program Resources. The Office of the Dean of Student Personnel and Program Resources is responsible for providing consultative and administrative services to the system of community colleges and technical institutes and to the Department in the functional areas listed below and described in detail in Annex E, Enclosure 2.

- a. Instructional Laboratory
- b. Student Personnel
- c. Educational Resources
- d. Institutional Evaluation

4. The Dean of Continuing Education Programs. The Office of the Dean of Continuing Education Programs is responsible for providing consultative and administrative services to the system of community colleges and technical institutes and to the Department in the functional areas listed below and described in detail in Annex E, Enclosure 3.

- a. Industrial Services
- b. General Adult Education

The Dean of Business Affairs

1. The Dean of Business Affairs has responsibility for coordinating budgeting services, construction services, equipment services, and media processing services and duplicating services. He personally handles or supervises the following budgeting activities: the development or revision of budget formula, budget requests, staffing and equipment standards. He exercises day-to-day management and control of the budget; provides coordination, supervision and direction to inservice training of institution business managers and business office personnel; and prepares budgetary requests.

2. The Dean is assisted by a professional staff in his office. This staff is organized according to the functional areas listed in Annex D, paragraph 4. The services performed by staff members in the Office of the Dean of Business Affairs are described in the paragraphs below.

3. Budgeting. The Coordinator of Budgeting in the Office of the Dean of Business Affairs is responsible for providing the following services to the institutions and to the Department:

a. Assist the Dean of Business Affairs in the management and control of the budget for departmental operations consistent with established policies, standards, and regulations.

b. Advising officials of the Department, the institutions and other pertinent State and federal agencies on matters pertaining to fiscal affairs and business management within the confines of established policy decisions and standing rules and regulations.

c. Prepares budget transfers for State Board of Education.

d. Reviews and processes travel requests for Department staff members.

e. Maintains records on State owned cars assigned to Department staff members.

f. Preparing of reports and answering inquiries relating to fiscal affairs in the Department and the institutions.

4. Construction. The Coordinator of Construction in the Office of the Dean of Business Affairs is responsible for providing the following services to the institutions and to the Department.

a. Consultant services to institutions relative to site selection, construction funding and space utilization.

b. Coordination of construction funding.

4. College Transfer and General. The Director of College Transfer and General Education in the Office of the Dean of Degree and Diploma Programs is responsible for providing the following services to the local institutions and to the Department.

a. Working with the Joint Committee on College Transfer Students in the development of guidelines to facilitate transfer.

b. Providing assistance in the planning, developing, and implementation of General Education programs.

c. Providing assistance to institutional personnel on college transfer curriculum instruction, evaluation, equipment, and facilities.

d. Coordinating and conducting in-service workshops and seminars for college transfer instructors and staff on problems which may develop within the college transfer area.

e. Assistance in planning and review of institutional catalogs.

f. Conducting studies on enrollments in liberal arts, pre-professional, and general education programs.

5. Developmental. The Director of Developmental Programs in the Office of the Dean of Degree and Diploma Programs provides the following services to the local institutions and to the Department:

a. Consultations and recommendations concerning organization, instructional methods, techniques, procedures, equipment, and materials to be utilized in the development and implementation of instructional programs for developmental education.

b. Coordination and assistance in conducting in-service workshops and seminars for developmental education instructors and staff.

c. Development and evaluation of operational standards for courses of instruction and personnel performance.

d. Development and implementation of innovative approaches to instruction such as auto-tutorial, open classrooms and laboratories, self-paced learning, and other new teaching techniques.

e. Leadership in the development, organization and supervision of experimental and pilot programs in vocational and occupational education.

The Dean of Degree and Diploma Programs

1. The Dean of Degree and Diploma Programs provides the leadership and oversight for administrative, consultative, advisory and training services to institutions of the Community College System in the areas of occupational training, academic education through the first two years of college work, general education leading to an associate degree, and developmental education allied with or preparatory for the above programs.

2. The Dean is assisted by a professional staff in his office. The staff is organized according to the functional areas listed in Annex E, paragraph 2. The services performed by staff members in the Office of the Dean of Degree and Diploma Programs are described in the paragraphs below.

3. Occupational. The Director of Occupational Education in the Office of the Dean of Degree and Diploma Programs provides the following services to the local institutions and to the Department:

a. Supervision and coordination in the development of material and data required from post-secondary education for the State Plan for Vocational Education.

b. Coordination of the pre-employment occupational education programs for the out-of-school youth, high school graduates and adults in the Community College System.

c. Advice and assistance in the development of occupational curricula, instructional materials and audio-visual materials.

d. Assistance in the development of suggested lists of equipment, textbooks, films and filmstrips.

e. Advice to institutions concerning curriculum instruction evaluations, equipment, and facilities.

f. Assistance in planning and conducting workshops and seminars for institutional instructors and staff.

g. Assistance in the development of programs for disadvantaged and handicapped individuals and cooperative, exemplary and innovative programs.

b. Assistance in organizing inter-institutional conferences, workshops, seminars and in-service programs for institutional personnel working in the area of student personnel services.

c. Administration of the Vocational-Technical Student Loan Program and, in conjunction with the Accountant's Office, administration of the Vocational Work-Study Program.

5. Educational Resources. The Director of Educational Resources in the Office of the Dean of Student Personnel and Program Resources is responsible for providing the following services to local institutions and to the Department.

a. Consultant services to institutions in the total management and operation of libraries, learning resource centers, learning laboratories, and audio-visual resources.

b. Plan and conduct conferences for local library, learning lab and audio-visual personnel.

c. Conduct specialized workshops for teachers in proper utilization of audio-visual techniques.

d. Support the Department staff with layouts, designs and finished art for all publications.

e. Plan the media component for curriculum and non-curriculum programs.

f. Develop plans for media facilities.

g. Develop a valid evaluation program to determine the effectiveness of libraries, learning laboratories and other media programs.

h. Provide pre-service and in-service training for learning laboratory and other media personnel.

i. Compile and analyze placement inventories, curriculum guides and evaluation reports.

j. Select materials and equipment.

k. Evaluate new procedures and techniques and assist institutions to install new learning labs as required.

6. Institutional Evaluation. The Director of Institutional Evaluation in the Office of the Dean of Student Personnel and Program Resources is responsible for providing the following services to local institutions and to the Department.

a. Administer a program of institutional evaluation and accreditation for the State Board of Education.

The Dean of Student Personnel and Program Resources

1. The Dean of Student Personnel and Program Resources has administrative and leadership responsibilities in areas such as: student personnel services; library and learning laboratory management; production, selection, procurement and use of graphic and artistic materials, evaluation of institutions and of particular programs; development of curriculum guidelines and objectives; and in-service education.

2. The Dean is assisted by a professional staff in his office. This staff is organized according to the functional areas listed in Annex E, paragraph 3. The services performed by staff members in the Office of the Dean of Student Personnel and Program Resources are described in the paragraphs below.

3. Instructional Laboratory. The Director of the Instructional Laboratory, assisted by his staff of assistant directors are responsible for providing the following services to the local institutions and to the Department.

a. Development of curriculum guidelines and objectives.

b. Evaluation of curricular needs and assistance to institutions concerning local planning.

c. Assistance to institutions in planning, developing and maintaining comprehensive and quality programs.

d. Consulting service to institutions in matters pertaining to curriculum, equipment, facilities, instructional staff, and instructional materials.

e. Evaluation, coordination and preparation of instructional materials.

f. Advice and assistance to groups of instructors meeting for the purpose of professional development.

g. Organization of conferences and workshops for instructors and local supervisory personnel.

4. Student Personnel. The Director of Student Personnel in the Office of the Dean of Student Personnel and Program Resources is responsible for providing the following services to local institutions and to the Department.

a. Consultative services to institutional personnel in the areas or recruitment, admissions, registration, counseling, student aid, job placement, follow-up of graduates and any other matters related to student welfare.

4. General Adult and Community Service. The Director of General Adult Education and Community Service in the Office of the Dean of Continuing Education Programs is responsible for providing the following services to local institutions and to the Department.

- a. Interprets State and Federal legislation concerning adult education to member of the Department and staff in local institutions.
- b. Keeps abreast of Adult Education Programs and needs and provides information on standards and criteria necessary for the establishment of quality educational programs.
- c. Develops statistical studies for evaluation purposes using departmental enrollment figures and cost data.
- d. Assists in evaluating various programs of Adult Education at the State and local levels.
- e. Involves all staff members in planning programs for the system as well as for the respective institutions.
- f. Participates in the implementation of programs and provides recommendations regarding the allocation of resources.

5. Adult Basic Education. The Director of Adult Basic Education in the Office of the Dean of Continuing Education Programs is responsible for providing the following services to local institutions and to the Department.

- a. Aids the director of General Adult and Community Services in maintaining a cooperative and coordinated program of activity with the various Federal and State agencies responsible for assisting undereducated, underemployed, and disadvantaged adults.
- b. Assists in planning, directing, and evaluating the statewide Adult Basic Education Program.
- c. Assists the director of General Adult and Community Services in gathering, analyzing, and disseminating research data.
- d. Consults with institutional Adult Basic Education Directors regarding materials selection, staff training, equipment purchasing, student recruiting, classroom instruction, data collection, and evaluation of local ABE programs.
- e. Reviews and evaluates audio-visual materials and tests.

6. High School Equivalency (GED). The Director of General Educational Development and High School Equivalency (GED) in the Office of the Dean of Degree and Diploma Programs provides the following services to local institutions and to the Department.

- a. Plans and administers the General Educational Development program for adults who did not complete their high school educations.
- b. Consults with all community college and technical institute presidents, deans, ABE directors and teachers, learning resource and student personnel staff, and other institutional personnel.
- c. Consults with college and university presidents and admissions directors, industry and civil units, such as police departments.

7. Manpower Development Training. The Director of Manpower Development Training in the Office of the Dean of Continuing Education Programs is responsible for providing the following services to local institutions and to the Department.

- a. Make a determination of training needs in each area of the State.
- b. Communicate and coordinate training activities with appropriate individuals in local institutions.
- c. Make periodic evaluations of each training program and recommend improvements.
- d. Insure that each training proposal complies with the Manpower Act, Federal and State regulations, and the annual training plan, and that it is developed according to sound fiscal management practices.

8. Specialty Education Programs. The Director of Specialty Education Programs and his staff in the Office of the Dean of Continuing Education Programs are responsible for providing the following services to local institutions and to the Department.

- a. Development of procedures, regulations, and practices for the establishment of the following specialty programs: Forensic Science, Fire Service Training, Hospitality and Seafoods Occupations Training, Law Enforcement Training, Traffic Service Training, and Safety Programs for REA and Municipal Linesmen and Telephone Safety.
- b. Coordination and assistance to community colleges and technical institutes offering courses in specialty education areas.
- c. Planning budgets for necessary expenses as to equipment, supplies, materials and travel.

d. Planning for periodic meetings to review reports and programs and plans for new development.

e. Selection and training of field personnel, to perform the work of practical training required in specialty programs.

f. Coordination and supervision of the operational work of area consultants.

g. Planning in-service programs for part-time instructors of specialty programs.

Types of Institutions in the Community College System

1. Technical institutes and community colleges are the two types of institutions in the North Carolina Community College System.

2. A Technical Institute is an institution dedicated primarily to serve the needs in a particular geographic area for which it is established and is authorized to offer the following educational programs:

a. Occupational Education Curriculum and Extension Programs for the training of individuals in technical and vocational skills in the broad areas of agriculture, business, health, trade, industry, and government.

b. Adult Education Extension Programs of all kinds including community services programs.

c. Specialty Education Extension Programs for ambulance attendant, fire service training, hospitality and seafoods occupations training, forensic science, law enforcement training, lineman safety and telephone safety, and traffic service training.

d. Training programs for new and expanding industry.

e. General Education Curriculum Programs which usually consist of one year of general education courses.

3. A Community College is an institution dedicated primarily to serve the needs in a particular geographic area for which it is established and is authorized to offer the following educational programs:

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e. General Education Curriculum Programs which usually consist of one year of general education courses.

f. College Transfer Education Programs consisting of the freshman and sophomore years of a four-year institution.



October 10, 1975

Gerald B. James, President
Rockingham Community
College
Wentworth, North Carolina

A REVIEW OF THE DEVELOPMENT OF NORTH CAROLINA'S
INDUSTRIAL EDUCATION CENTERS AND COMMUNITY COLLEGES

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For many years, the citizens of North Carolina felt that they had a good system of elementary schools, a good system of secondary schools, and, beyond that, a good system of colleges and universities. Soon after World War II, they began to realize, however, that there was a gap in the total educational system in North Carolina. They realized that North Carolina had many citizens who wanted more education than they received up through the high school diploma level and more specialized education than they received up through the high school diploma level; yet, citizens who did not aspire to a four year college degree. What could be done to help these citizens? It was almost as if the public suddenly realized: that people must earn a living; that people must have training for earning a living; and that vocational and technical education is the foundation for earning a living for the

majority of our citizens. In fact, as late as 1957, the graduating class in the public schools of North Carolina was comprised of only 40% of those who began some twelve years earlier; 60% dropped out along the way. Approximately 35% of those who graduated from high school in North Carolina went further to school. Only one-third to one-fourth of those who went further to school graduated from a four year college. This meant that for every 100 children who entered the first grade, 40 graduated from high school some twelve years later, about 14 of whom entered college and, perhaps four graduated from a four year institution. The question was, what becomes of the other 96? What do they do?

We provided millions of dollars each year in North Carolina to support public institutions of higher education, not to mention the many private colleges. We felt a keen sense of responsibility to provide opportunities for individuals to develop to the fullest of their potential - yes, for those whose potentials lay within the scope of college work, but what about the other 96 out of every 100? These were the masses of our people and the development of these was our greatest hope for raising per capita income, raising level of living, and for improving citizenship in general.

We say that we live in a democracy where the worth of the individual is held foremost. If we are to really practice democracy, we know that we must increase emphasis on providing educational opportunities for the masses of our people - the other 96%. We realized that no society will remain in a leadership position long based upon the developed geniuses alone. We knew that educational practices must be brought in line with our basic democratic philosophy.

What then could North Carolina do to reach effectively those who wanted more and more specialized education than was being provided in the existing educational systems?

The 1957 Legislature, listening to requests of Governor Hodges, appropriated \$500,000 to make a beginning toward the development of a statewide system of Industrial Education Centers, aimed primarily, at providing programs of one and two years duration beyond the high school diploma level and even picking up some citizens who did not graduate from high school, providing them with skill and technical training so that they might get a job and earn a living.

By 1960, there were seven Industrial Education Centers in operation. There were also in operation within the State at that time five public junior colleges, emphasizing science and liberal arts. It was the aim to blanket the State with Industrial Education Centers and with Public Junior Colleges.

I remember well standing before the State Board of Education in 1961 and indicating that, "We are not a wealthy State and can ill afford two entirely new systems of education. While both of these systems are in their infancy and before either has time to become steeped in its own biases and prejudices, would it not be appropriate to consider merging the two?". Obviously, the intent was to move toward one system comprehensive in nature which would provide broader educational opportunities to enrollees. These views were also communicated to the Governor, Terry Sanford. A short time afterward the Governor appointed a Commission On Education Beyond The High School.

There were two basic reasons for suggesting that a merger of the two systems be considered. First, it would appear to be sound economically. Obviously, each type institution would teach English, Math, Physics, and many other subjects. Each would have certain administrative officers; each would have a library; each would have buildings. Certainly, it would be more economical to build 30 comprehensive institutions than 30 of each. Far more important than the economic advantages, however, were the educational advantages. Students enrolling in a comprehensive institution would have an opportunity to major in a technical area, but to take an elective or two in a liberal arts or science area, which would have a liberalizing effect. Similarly, a student enrolling in a liberal arts area would have an opportunity to take an elective or two in the area of a technology, which would have equally as liberalizing an effect. One can be narrowly educated in the arts as much so as one can be narrowly educated in science or technology. A student who was uncertain regarding the direction to take would have an opportunity to explore by taking a course in one of several areas and even might change direction after enrolling. The inclusion of a sound program of guidance and counseling in the merged institutions would be of tremendous benefit to students in making career decisions. These views along with many others were passed to the Governor's Commission On Education Beyond The High School, which report is published under that title and dated 1962.

Now, let's leave that story where it is for a moment and look back at other data.

In 1960, there were in North Carolina 64 colleges and universities, including three bible colleges and one seminary. Of these 60 institutions, excluding the bible colleges and the seminary, 15 were State

supported and 45 were privately supported. In 1950, the enrollment in the 15 publicly supported institutions was 23,900, while in the 45 privately supported ones the enrollment was 20,900. By 1960, the enrollment in the publicly supported institutions had risen to 35,900, and in the privately supported institutions to 31,700. It was projected that by 1970 the combined enrollment would grow to 117,700. The question then was, how can North Carolina plan to care for an additional 49,000 college students between 1960 and 1970--moving from a combined enrollment of 68,000 to 117,000? With this problem facing the State of North Carolina, the story was related to the privately supported institutions. Together, they indicated that they could care for an additional 11,000 students by 1970--making a total of 43,000 in the privately supported institutions. The State then had no alternative other than to plan to care for the remaining 38,000 projected growth by 1970.

Since in 1960 the tax supported institutions had an enrollment of 36,000 and needed to care for an additional 38,000 within the decade, what could be done? Cost of construction of dormitories was calculated; various approaches were considered. The development of a Community College System was regarded as one good alternative. Construction of the new campuses would be more economical than the construction of additional spaces on the existing campuses. This approach would be more economical for the taxpayers and since students would be commuting to Community Colleges and Technical Institutes, it would be more economical for them also.

The Governor's Commission On Education Beyond The High School made its report to the Governor in 1962. Governor Sanford, without changes, passed the report to the Legislature. The 1963 Legislature passed what

is now known in North Carolina as the Community College Act, General Statute 115-A, which is the enabling legislation for the development of a statewide system of Community Colleges. Thus, education in North Carolina at that time was organized in three major areas:

1. Elementary and Secondary Schools (the Public School System),
2. Community Colleges, Technical Institutes, and Industrial Education Centers (the Community College System),
3. Four Year Colleges and Universities (the University System).

These three systems have continued and today each system has a state level staff. The state level staff for the Public School System is called a Department of Public Instruction; the Community College System has a state level staff entirely separate from the Department of Public Instruction called a Department of Community Colleges; and the University System has a staff called General Administration. The state level policy making body for the Public School System is the State Board of Education, while the University System operates under a Board of Governors. The Community College System operates under the same policy making body as the Public School System.

Prior to the passage of the Community College Act much study went into the relationships among the three systems within other states. There appears to be only three basic relationship patterns: one pattern would be to ally the Community Colleges with the Public Schools so that in essence the Public Schools would be grades 1 through 14, with the University System remaining separate. That was tried in several states, perhaps, the best example being Illinois. A second approach would be to allow the Public Schools to stand alone and ally the Community Colleges with the University. Perhaps, the best example of that pattern

is the State of Kentucky where all Community Colleges are branches of the University of Kentucky. The third pattern would allow each of the three systems, Public Schools, Community Colleges, and Universities, to operate independently. It was this third pattern which was determined to be the best for North Carolina, or rather a modification of it, since in North Carolina a separate Board was not established for the Community Colleges, but, rather had them operate under the existing Board for the Public Schools. After all, it was the State Board of Education that saw a need for the Industrial Education Centers; that provided leadership for the development of the Industrial Education Centers; and that was agreeable to and provided leadership in the passage of the Community College Act. Interest and understanding was assured and strong support was certain.

The new Community College System was organized with 18 Industrial Education Centers and the two remaining Public Junior Colleges as a base, three of the Public Junior Colleges were to become four year colleges. Upon the passage of the Act, then it was known that henceforth an institution with general adult education programs and one year vocational programs would be called an Industrial Education Center. An institution that had general adult education programs, one year vocational programs, and two year technical programs, henceforth, would be known as a Technical Institute. An institution which had general adult education programs, one year vocational programs, two year technical programs, plus two years of liberal arts and science programs, would henceforth be known as a Community College. Existing Industrial Education Centers could add two year technical programs and become Technical Institutes or they could add the college parallel program, freshman and

sophomore levels, and become a Community College. Also, no matter whether an individual attended an Industrial Education Center, a Technical Institute, or a Community College, in the general adult area upon the completion of prescribed work, he would be awarded a certificate and enter or continue in employment. If he completed a one year vocational program, he would be awarded a diploma and enter directly into employment. Completion of a two year technical program would qualify one for an Associate in Applied Science Degree and one would be expected to go directly into employment. One completing the two year liberal arts or science program generally would be expected to transfer to a senior college or university and continue his education, or enter directly into employment.

The establishment of Community Colleges in some localities and Technical Institutes in others was carefully planned so as not to duplicate educational opportunities unnecessarily. In an area of the State where freshman and sophomore level general college work was already available, the determination was to build a Technical Institute. In an area where there was no freshman and sophomore level liberal arts and science work available, a Community College would be erected. This effort not to duplicate freshman and sophomore academic programs unnecessarily had a strong appeal to the public and probably had much to do with the success of the planning.

Each Community College and Technical Institute under the new law would operate under a Board of Trustees comprised of twelve citizens from the county in which the institution was located or counties contiguous thereto. The twelve Trustees would be appointed for eight year terms with four being appointed by the Boards of Education, four by the

County Commissioners, and four by the Governor. The Trustees are the legally constituted body responsible for the institution. Since all twelve cannot operate the institution, they employ a manager, call him a President, and ask him to operate the institution within the policies developed by the Trustees.

Most of the institutions developed with three basic divisions under the President - a division of Business Affairs headed by a Business Manager or Controller; a division of Instruction headed by a Dean of Instruction and possibly various directors for the occupational, the academic, and the adult programs; and a division of Student Affairs headed by a Dean of Student Affairs.

It was felt that the new system of education would bring education within the reach of all citizens - within geographical reach, commuting distance, and within financial reach. Programs offered of a two year duration would be of many types. Programs of a one year duration - vocational programs - would vary according to needs within the locality also.

How were the new institutions to be financed? The early thinking was that one-third of the support would come from the county, one-third from the State, and one-third from the student. It was seen very quickly, however, that there would not be an institution within every county of the State and the citizens of a county with an institution would question why they should pay one-third of the cost of supporting an institution and allow residents of neighboring counties to attend without sharing the cost. They would want to charge out-of-county tuition. The answer was simple. The State's portion was raised and

the county's portion reduced to a point that the county would be willing to pay that amount in order to have the institution located within the county. The final proportions arrived at were the county--15%, the State--65%, the student--20%. In the final analysis, rather than exact percentages, the law was written in such a manner that certain functions would be performed by the county such as the provision of the land, the buildings, the light, heat, water, and janitorial services, while the State would supply the salaries for teachers and equipment. The student's tuition would be deposited directly to the account of the State Treasurer so that the State basically now pays 85% but receives the student tuition money to assist in its 85% while the county pays roughly 15%.

The fees of various kinds charged by Colleges and Universities in my surrounding area, based on 1974 catalogs are: Winston-Salem State University-\$1,274; Salem College-\$3,400; UNC-Greensboro-\$1,414; Greensboro College-\$2,450; High Point College-\$2,225; N. C. State University-\$1,998; Davidson College-\$3,390. Let's assume that these average \$2,400 per year. You know and I know that one-half the cost of going to college is the cost of food and housing. Then the other half is the cost of education. If a student lives at home the food and housing is cared for. The cost of the education then is approximately \$1,200 and we stated earlier that the student's share is 20%; $\$1,200 \times 20\% = \240 , which is the approximate cost per student, per year in the Community College System. That covers tuition, fees, and books. Tuition is \$33 per student, per quarter, which would be \$132 for a twelve month's year. The State Board of Education has adopted a policy which will not allow fees to exceed \$28 per year for a student.

Thus, \$132 for tuition and \$28 for fees, totals \$160 for tuition and fees. If you estimate the cost of books to be \$80 per year - this totals the \$240 per student, per year.

The enrollment in the North Carolina Community College System has grown steadily since the passage of the Community College Act in 1963. The enrollment for the 1973-74 school year total 400,220 head-count (this is the number of different individuals who enrolled in one or more courses during the year.). The breakdown by program areas is college transfer-13,734; general education-22,179; technical-42,503; vocational-21,711--curriculum total 100,127--extension total 300,093--grand total 400,220.

Enrollment is interesting, especially when compared with that of other institutions in the State. The private Junior Colleges in North Carolina reported enrollment (Fall, 1973) as follows: Brevard College-477; Chowan College-1,149; Kittrell College-336; Lees-McRae College-721; Louisburg College-737; Montreat-Anderson College-378; Mt. Olive Junior College-286; Peace College-460; St. Mary's Junior College-315; Wingate College-1,414--total 6,273. Certainly there is no magic in size but it is interesting that many of these institutions which have been in operation for many years and are well established with excellent educational reputations are smaller than many of the Community Colleges and Technical Institutes. Using my own institution as an example--Rockingham Community College is larger than 48 of the 57 Community Colleges and Technical Institutes in North Carolina. Thus, we are not the largest by any means. Yet, our institution is larger than nine of the ten Junior Colleges in the State, larger than the one theological seminary, larger than the three bible colleges, larger

than sixteen of the twenty-nine private Senior Colleges and Universities, larger than two of the seventeen campuses of the University of North Carolina. Thus, Rockingham Community College is larger than 72 of the 117 Colleges and Universities and Technical Institutes in the State. It is the truth that the Community Colleges and Technical Institutes are relatively small, yet, they are large compared to many of the institutions we have known for many years.

Far more important than size is the impact these institutions have in local communities. A statement often heard throughout the State is that our Technical Institute or our College is the greatest thing that has ever happened in our area. That sounds like a big statement but it really may be in that it provides further educational opportunities to thousands of citizens who otherwise would have little or no opportunity to develop their talents to the fullest of their potential. Many of those who heretofore were not being served are now being provided educational opportunities appropriate to their talents and interests, and appropriate for employment opportunities.

Since the Community Colleges and Technical Institutes will this year touch the lives of more than 400,000 citizens of North Carolina 18 years of age or older - more than one of each ten adults - the impact of the system becomes obvious. The deliberations of this study group and its decisions will have immediate and long lasting effect upon our great State and its people.

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Thus, \$132 for tuition and \$28 for fees totals \$160 for tuition and fees. If you estimate the cost of books to be \$80 per year - this totals the \$240 per student, per year.

The enrollment in the North Carolina Community College System has grown steadily since the passage of the Community College Act in 1963. The enrollment for the 1973-74 school year total 400,220 head-count (this is the number of different individuals who enrolled in one or more courses during the year.). The breakdown by program areas is college transfer-13,734; general education-22,179; technical-42,503; vocational-21,711--curriculum total 100,127--extension total 300,093--grand total 400,220.

Enrollment is interesting, especially when compared with that of other institutions in the State. The private Junior Colleges in North Carolina reported enrollment (Fall, 1973) as follows: Brevard College-477; Chowan College-1,149; Kittrell College-336; Lees-McRae College-721; Louisburg College-737; Montreat-Anderson College-378; Mt. Olive Junior College-286; Peace College-460; St. Mary's Junior College-315; Wingate College-1,414--total 6,273. Certainly there is no magic in size but it is interesting that many of these institutions which have been in operation for many years and are well established with excellent educational reputations are smaller than many of the Community Colleges and Technical Institutes. Using my own institution as an example--Rockingham Community College is larger than 48 of the 57 Community Colleges and Technical Institutes in North Carolina. Thus, we are not the largest by any means. Yet, our institution is larger than nine of the ten Junior Colleges in the State, larger than the one theological seminary, larger than the three bible colleges, larger

than sixteen of the twenty-nine private Senior Colleges and Universities, larger than two of the seventeen campuses of the University of North Carolina. Thus, Rockingham Community College is larger than 72 of the 117 Colleges and Universities and Technical Institutes in the State. It is the truth that the Community Colleges and Technical Institutes are relatively small, yet, they are large compared to many of the institutions we have known for many years.

Far more important than size is the impact these institutions have in local communities. A statement often heard throughout the State is that our Technical Institute or our College is the greatest thing that has ever happened in our area. That sounds like a big statement but it really may be in that it provides further educational opportunities to thousands of citizens who otherwise would have little or no opportunity to develop their talents to the fullest of their potential. Many of those who heretofore were not being served are now being provided educational opportunities appropriate to their talents and interests, and appropriate for employment opportunities.

Since the Community Colleges and Technical Institutes will this year touch the lives of more than 400,000 citizens of North Carolina 18 years of age or older - more than one of each ten adults - the impact of the system becomes obvious. The deliberations of this study group and its decisions will have immediate and long lasting effect upon our great State and its people.

Appendix F

The Community College System

and

Vocational Education

There were 470,300 people employed in manufacturing in North Carolina in 1957-58, when the State Board of Education initiated the present community college system with the establishment of seven industrial education centers. By 1973 the number of people so employed had reached 814,900. In the space of fifteen years a net gain of 344,600 manufacturing jobs was realized. This seventy-three percent improvement would not have been possible without the training which has been provided through the community college system and the public schools, as well as the leadership afforded by the State's industrial development agencies.

At the beginning of this same period the State suffered from a net out-migration which seriously hampered its growth. Many of its most capable young people were forced to leave the State to seek employment elsewhere. The number of people then leaving the State, largely for economic reasons, exceeded the number moving into the State by 291,544. This serious loss was equivalent to the removal of the entire population of Charlotte, Winston-Salem and Raleigh from North Carolina in that decade. It represented a net out-migration of -6.1%.

There is no net out-migration from North Carolina today. Largely because of the new opportunities for employment which have been provided, there was a net in-migration for the period 1970-74 of 88,000 people or +1.7%.

The advantage to the economy of the State and all of the services which it supports, including education at all levels, both public and private, should be obvious to everyone. This achievement should be recognized as one of the most important and far-reaching improvements to occur in this century in North Carolina. It has had vast consequences already and it promises a far more stable economic future, if the trend is allowed to continue.

The extent to which a well-conceived and efficiently administered program of training for employment has contributed to these two improvements in the State's economic and social condition can, and doubtlessly will be, debated; but no one can hold that they could have occurred without such training. If the State had failed in 1957 to establish this program of vocational education and if, once established, it had not succeeded with its purpose, the economic situation would have been critical and the vast array of public services which the economy now supports could not be sustained at the present level of support.

We have consistently insisted that training for employment must be, and must continue to be, the major effort of the community college system. Enrollment in the system, which began in 1958-59 with 11,000 students, has now reached more than a half million full-time and part-time students. The current economic recession has brought unemployment to many people in the State, but large numbers of the unemployed are being re-trained for new jobs that do exist. The needed new training is being provided, because the system is organized to respond quickly and efficiently to such needs. Some institutions have doubled their enrollments during this period. They are

obviously an important key to early economic recovery.

The efforts of the Division of Economic Development to bring in more sophisticated industries are meeting with some success. The consequent demand for more sophisticated pre-employment training is being met by the community college system, notwithstanding the reduction in appropriations which the recession made necessary and the unexpected increase in demand for re-training for new jobs which the recession also produced.

It is, and it has been consistently our view, that North Carolina has all of the senior colleges it needs and can support. Not one of the fifty-seven institutions in the community college system has been converted to senior college status since the system came under our jurisdiction. We oppose any such conversion now or at any future time. We oppose any effort which may be designed to make such changes possible, or which inadvertently may facilitate them, because we are convinced a vertical expansion is not needed, in the first place, and, if effected, undoubtedly would put an end to the employment training which has been, and must continue to be, the major emphasis of the community college system.

The instruction offered in the system must be versatile, if it is to meet the needs of those who seek employment or who seek advancement in their work, because their needs have great variety. This versatility has been a primary reason for their success and for the success which efforts to improve the economy have achieved. It has been extremely helpful to those who have had to be retrained for new jobs. Such variety does not mean wastefulness. It exists because of the demonstrated needs of those who seek training for

employment and it includes basic education as well as vocational and technical training. No one can advance vocationally unless he can read, write and compute.

For example, more than 200,000 adult citizens have been taught in these institutions to read and write the English language. More than 57,891 adult citizens have finished high school in the system since it was established. Thousands have studied those subjects, in addition to their job training, which will help them to become more responsible citizens with a higher cultural appreciation and an improved system of values. Nevertheless, the college parallel enrollment represents only 2.9 percent of the total enrollment. Training for employment has been, and will continue to be, the primary goal; but the general education of these students will not be neglected. It is necessary for their success as economic producers and as citizens of the State. Comprehensive high schools and comprehensive post secondary education are essential to the total education of the masses and their total education is essential to the State.

The constructive relationship which has prevailed between the public schools and the community college system is indispensable to the success of both. One system serves adults. The other serves children. Beyond this difference, the similarities are far greater between these two systems than the similarities between the community colleges and the senior colleges and universities. We are convinced that their close relationship and their interdependence will become even more apparent, and essential, as

the effort to articulate their programs intensifies, and we reaffirm our commitment to that end.

For these and other important reasons, we oppose any effort to remove the community college system from the jurisdiction of this Board, which initiated the system in the first place and which has carefully governed its growth alongside the public schools ever since. We commend to the people of North Carolina an accurate and complete understanding of this record and of this commitment to their future well being. We respectfully suggest to them and all of their leaders that this successful mission deserves their understanding and their support. We commend those who have recognized the importance of mutual support and cooperation between the public schools and the community college system. The economic advances the State has experienced would not have been possible without such cooperation and our future progress in education, and in all of the varied services the State provides, demands that it be allowed to continue uninterrupted.

SESSION 197_____

INTRODUCED BY:

Referred to:

1 A BILL TO BE ENTITLED
 2 AN ACT TO AMEND THE CONSTITUTION OF NORTH CAROLINA BY CHANGING
 3 THE OFFICE OF SUPERINTENDENT OF PUBLIC INSTRUCTION FROM AN
 4 ELECTIVE OFFICE TO AN APPOINTIVE OFFICE.

5 The General Assembly of North Carolina enacts:

6 Section 1, Section 7(1) of Article III of the
 7 Constitution of North Carolina is hereby amended by deleting
 8 from the first sentence of that section the words "a
 9 Superintendent of Public Instruction,".

10 Sec. 2. Section 4(2) of Article IX of the
 11 Constitution of North Carolina is hereby rewritten to read as
 12 follows:

13 "Sec. 4(2). Superintendent of Public Instruction.--There
 14 shall be a Superintendent of Public Instruction who shall be
 15 elected by the State Board of Education for a term to be
 16 established by law."

17 Sec. 3. The amendments set out in Sections 1 and 2
 18 of this act shall be submitted to the qualified voters of the
 19 State at the next general election. That election shall be
 20 held and conducted under the laws governing elections in this
 21 State. Voting on the amendments shall be conducted under the
 22 laws then governing general elections in this State.

23 The ballot furnished the voters, including those used on
 24 voting machines, shall be as follows:

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1 " FOR Constitutional Amendment to change the
2 Office of Superintendent of Public Instruction
3 from an elective office to an appointive office.

4 AGAINST Constitutional Amendment to change the
5 Office of Superintendent of Public Instruction
6 from an elective office to an appointive office."

7 Those voters favoring the amendments set out in Sections
8 1 and 2 of this act shall vote by making an X or a check mark
9 in the square beside the statement beginning "FOR", and those
10 voters opposing said amendments shall vote by making an X or a
11 check mark in the square beside the statement beginning
12 "AGAINST".

13 Sec. 4. If a majority of the votes cast are in favor
14 of the amendments set forth in Sections 1 and 2 of this act,
15 then the amendments shall be certified by the State Board of
16 Elections to the Secretary of State, who shall enroll the
17 amendments among the permanent records of his office, and the
18 amendments shall become effective upon the date of their
19 certification by the State Board of Elections.

20 Sec. 5. This act shall become effective upon
21 ratification.

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SESSION 197_____

INTRODUCED BY:

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT TO PROVIDE FOR APPOINTMENT OF THE SUPERINTENDENT OF
3 PUBLIC INSTRUCTION BY THE STATE BOARD OF EDUCATION.

4 The General Assembly of North Carolina enacts:

5 Section 1. G.S. 163-1 is amended as it appears in
6 the 1975 Cumulative Supplement to Volume 3D by deleting all
7 reference to the sixth officer, the Superintendent of Public
8 Instruction.

9 Sec. 2. G.S. 115-11 is amended by adding a new
10 subsection (1.1), after subsection (1), to read as follows:

11 "(1.1) Appointment of Superintendent.--The Board shall
12 appoint the Superintendent of Public Instruction for a term of
13 four years. The initial term under this provision shall begin
14 on January 1, 1981."

15 Sec. 3. G.S. 115-12 is rewritten to read as follows:

16 "§ 115-12. Chief Administrative Officer of the State
17 Board of Education.--The Superintendent of Public Instruction
18 shall be the Chief Administrative Officer of the State Board
19 of Education."

20 Sec. 4. G.S. 115-13 is rewritten to read as follows:

21 "§ 115-13. Office and salary.--The Superintendent of
22 Public Instruction shall keep his office in the Education
23 Building in Raleigh. The salary of the Superintendent of
24 Public Instruction shall be fixed by the Governor subject to

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1 the approval of the Advisory Budget Commission and shall be
2 paid from the Board's appropriations."

3 Sec. 5. G.S. 143A-42 is rewritten to read as
4 follows:

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

7 The Department of Public Instruction is hereby transferred to
8 the Department of Public Education. The Superintendent of
9 Public Instruction shall be the chief administrative officer
10 of the State Board of Education, and shall have such powers
11 and duties as are conferred by the State Board of Education,
12 Chapter 115 of the General Statutes, and other laws of this
13 state."

14 Sec. 6. This act shall become effective at the
15 same time as an amendment to the Constitution of North
16 Carolina to change the Office of the Superintendent of Public
17 Instruction from an elective office to an appointive office.

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