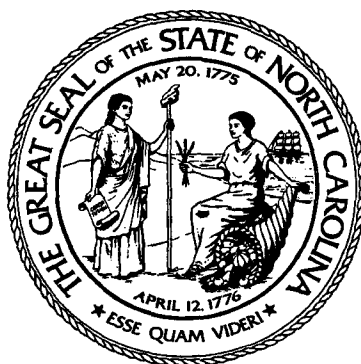


**LEGISLATIVE STUDY COMMISSION ON PUBLIC SCHOOLS**



**REPORT TO THE  
1998 SESSION OF THE  
1997 GENERAL ASSEMBLY  
OF NORTH CAROLINA**

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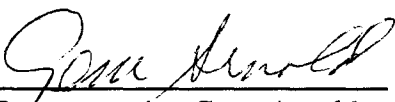
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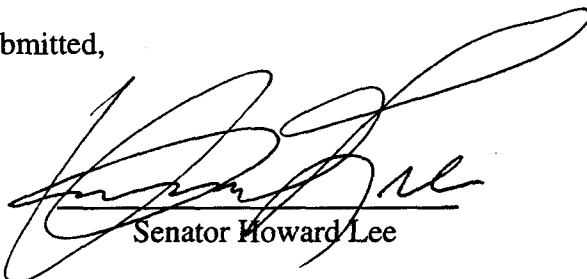
May 11, 1998

TO THE MEMBERS OF THE 1997 GENERAL ASSEMBLY (REGULAR SESSION 1998):

Pursuant to Section 7.6 of Chapter 483 of the 1997 Session Laws, the Legislative Study Commission on Public Schools submits to you for your consideration its interim report and recommendations.

Respectfully submitted,

  
\_\_\_\_\_  
Representative Gene Arnold

  
\_\_\_\_\_  
Senator Howard Lee

Cochairs

LEGISLATIVE STUDY COMMISSION ON PUBLIC SCHOOLS



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## PREFACE

The Legislative Study Commission on Public Schools visited nineteen public schools and three Department of Health and Human Services residential schools across the State to learn what could be done to raise student achievement. In addition to observing classroom activities, the Commission met with superintendents, central office staff, principals, teachers, students, parents, school board members, county commissioners and community leaders. The issues that Commission members were most interested in hearing about included:

1. How the schools that did well on the ABC's plan to maintain that success?  
How schools that did not do well on the ABC's plan to raise academic achievement?
2. What impact have limited English proficient students had on the schools?
3. What are the technology needs in the schools?
4. What changes are needed at the DHHS residential schools to implement the ABC's and raise academic achievement?

The Commission also met with the assistance teams at three of the lowest performing schools in the State to hear how the schools and assistance teams were working together to raise student achievement.

The Legislative Study Commission on Public Schools was authorized by Part VII of Chapter 483 of the 1997 Session Laws. The authorizing legislation is found in Appendix A of this report. A notebook containing the commission minutes and all information presented to the commission is filed in the Legislative Library.

## COMMISSION PROCEEDINGS

November 13, 1997

The Commission adopted its budget. Commission Counsel Robin Johnson reviewed the authorizing legislation.

### English as a Second Language (ESL)

Ms. Johnson then reviewed the federal statutes that provide equal education opportunities for all students, including these students enrolled or eligible for ESL programs. Ms. Frances Hoch, Section Chief, Second Languages, ESL, Information and Computer Skills, DPI, presented definitions, growth statistics, Federal and State laws and regulations and distribution maps, in addition to program components for ESL. Legislators discussed student/teacher ratio, importance in the relation to local school boards, identification of students, and approaches to the ESL program. Additional discussion centered on the qualifications and licensure of ESL teachers, where ESL teachers are trained and increases in salary base for ESL teachers.

A panel discussed rapid increases in eligible LEP students, availability of funds from migrant funding and federal grants, effects on social and cognitive learning, ways to interest and contact parents of eligible students and the extensive number of languages spoken by LEP students. The panel consisted of Linda Higgins, Director Federal Programs, Lee County; Tim Hart, ESL Coordinator, Wake County and L. S. Guy, Superintendent, Duplin County.

### Georgia's HOPE Scholarship Program

Senator Lee reviewed the interest in establishing a similar scholarship in North Carolina. The Executive Director of the Georgia Student Finance Commission, Mr. Glenn Newsome, detailed the history, income data and eligibility requirements for Georgia's HOPE scholarship program. This program provides each eligible student wishing to attend a Georgia private college or university with \$3000 per academic school year. Dr. Steve Brooks, Executive Director of the North Carolina State Education Assistance Authority, and Kory Goldsmith, Commission Counsel, supplied information about the Parental Saving Trust Funds created by the General Assembly in 1996.

**January 13, 1998**

Schools for the Deaf and the Governor Morehead School

Mr. Peter Leousis, Assistant Secretary for Children, Youth and Families, Department of Health and Human Services (DHHS), presented background information including organization of the schools, budgeting, curriculum, accreditation, teacher pay and qualifications, capital facilities needs and educational technology needs.

Discussion centered around topics such as implementing the ABCs program in the residential schools, establishing high academic standards for students in the residential schools, integrating the students into broader society, licensing the residential school teachers, and supplementing residential school teacher salaries. Dr. Craig Greene, Acting Director, Division of Services for the Deaf and Hard of Hearing, supplied information about the three North Carolina Schools for the Deaf.

Governor Morehead School Superintendent, Dr. Charles Bernardo, highlighted the school's organization, mission statement, results of student performance, ABC plan implementation and fiscal needs for the Commission.

Testimony from some parents of students at the DHHS schools was presented. The parents were asked to express their interests and concerns as to "what the DHHS schools can do better? Or differently?" The parents' concerns included a lack of books at the Western School for the Deaf; excessive use of movies instead of instruction; testing inadequacies and tardiness; lack of services, including elevators; a lack of response from administrators when approached with concerns; and lack of accountability.

**January 14 - 15, 1998**

January 14

8:30 - 9:30 a.m. Travel to Wilson

9:30 - 11:00 a.m. *Eastern North Carolina School for the Deaf*  
Mr. Steven C. Witchey, Superintendent

11:30 - 1:30 p.m. *Coopers Elementary School* Nash-Rocky Mount Schools  
Ms. Sylvia Matthews, Principal

*Nash Central Junior High*  
Mr. LeRoy Hartsfield, Principal  
Lunch with Superintendent Twiford

2:00 p.m. *Charter Public School in Rocky Mount*  
Mr. Doug Haynes, member of Board of Directors

January 15

8:30 a.m.

*Governor Morehead School*  
Dr. Charles Bernardo, Superintendent

9:30 - 10:30 a.m.

Drive to Chatham County Schools' Central Office in Pittsboro

11:00 am - 2:30 pm

*Siler City Elementary School*                      Chatham County Schools  
Mr. Lawrence Price, Principal

*Chatham County Middle School*  
Ms. Brenda Griffin, Principal

**February 9 - 11, 1998**

February 9

2 pm.

Travel to Asheville

February 10

8:15 am.

Travel to Henderson County

9 - 10:15 a.m.

*Fletcher Elementary School*                      Henderson County Schools  
Ms. Shirley McGee, Principal

10:15 am.

Travel to Asheville

11 am - 2:30 pm

*Isaac Dickson Elementary School*      Asheville City Schools  
Ms. Vicki Dineen, Principal  
*Asheville High School*  
Mr. Michael Matthews, Principal

6:00 pm.

Dinner with Chancellor Patsy Reed, UNC-A.

February 11

9am - 1:30 pm

*Emma Elementary School*                      Buncombe County Schools  
Ms. Margaret Edwards, Principal  
*Haw Creek Elementary School*  
Ms. Kathy Noyes, Principal  
*Buncombe Community School*  
Mr. George Drake

1:45 - 2:45 pm

*Juvenile Evaluation Center* in Black Mountain

5 - 9:00 pm.

*Asheville-Buncombe Technical Community College*  
Dinner and public forum

February 12

9 - 10:15 am Travel to Morganton  
10:15- noon *North Carolina School of the Deaf*  
Dr. Gary Mowl, Superintendent  
Noon Return home

**March 10 -11, 1998**

March 10

8:00 Bus leaves Raleigh  
8:00-10:00 Travel to Weldon  
10:00-11:30 *Weldon Middle School* Weldon City Schools  
6-8; Low-performing; Assistance team assigned  
11:30-12:00 Travel to Enfield  
12:00-1:30 *Enfield Middle School* Halifax County Schools  
6-8; Low-performing; Assistance team assigned  
1:30-2:30 Travel to Princeville  
2:30-3:40 *Princeville Montessori School* Edgecombe County Schools  
PK-3; Low-performing; Assistance team assigned  
3:40-4:30 Travel to Greenville  
4:30-5:30 *Pactolus Elementary School* Pitt County Schools  
K-5; Low-performing  
5:30-7:00 Travel to Jacksonville & check-in hotel  
7:30 Dinner

March 11, 1998

8:00-8:15	Travel to Jacksonville school	
8:15-9:15	<i>Morton Elementary School</i> PK-4; Exemplary	Onslow County Schools
9:15-9:50	Travel to Swansboro	
9:50-11:15	<i>White Oak Elementary School</i> K-5; Failed to meet expected growth; A+ School	Carteret County Schools
11:15-12:00	Travel to Morehead City	
12:00-1:00	<i>Cape Lookout Alternative High School</i> 8-12	Carteret County Schools
1:00-3:00	Travel to Snow Hill	
3:00-4:00	<i>Snow Hill Primary School</i> PK-2; Exemplary	Greene County Schools
4:00-6:00	Return to Raleigh	

**April 23, 1998**

Implementing ABC's Plan in DHHS Residential Schools

Ms. Robin Johnson, Commission Counsel, explained that a joint report from the State Board of Education (SBE) and Department of Health and Human Services (DHHS) on the ABC's Plan recommendations for the DHHS residential schools was in the notebooks. The authorizing legislation for the report directed DHHS to plan to implement the ABC's Plan for all of its residential schools where children are in attendance for more than 120 days a year. The goal is to implement the ABC's in the residential schools by the next school year.

Mr. Peter Leousis, Assistant Secretary for Children, Youth and Families, DHHS summarized the recommendations from the report. For the 1998-99 school year, the Department will implement the ABC's plan for grades 3 through 8 at The Governor Morehead School and at the three residential schools for the deaf. The Department proposed to implement the ABC's plan in the training schools during the 1999-00 school year. During the 1998-99 school year, faculty and staff at the training schools would prepare for implementation. The Department does not recommend implementing the ABC's plan for high schools at this time. The Department also recommends that the two mental health schools be excluded.

Mr. Leousis stated that the DHHS staff are identifying the statutory and policy changes that are needed to fully implement the ABC's plan.

Dr. Henry Johnson, Associate Superintendent of Instructional & Accountability Services, DPI, stated that two Assistance Teams had been formed to visit the Governor Morehead School and the three schools for the deaf to do some initial data collection and data analysis. The Assistance Teams are composed of DPI and DHHS staff. Dr. Johnson said that the model for Assistance Teams used in the regular public schools would be employed in the future.

#### Review of Proposed Legislation

The Commission reviewed the proposed legislation to be recommended to the 1998 Short Session.

## RECOMMENDATIONS

The Commission recommends the enactment of the following proposed bills:

1. AN ACT TO IMPLEMENT THE RECOMMENDATION OF THE LEGISLATIVE STUDY COMMISSION ON PUBLIC SCHOOLS TO APPROPRIATE FUNDS TO PROVIDE A BONUS TO ASSISTANCE TEAM MEMBERS AND TO REIMBURSE THE ACTUAL COST OF ALL REASONABLE EXPENSES INCURRED BY MEMBERS OF ASSISTANCE TEAMS. (APPENDIX B)
2. AN ACT TO IMPLEMENT THE RECOMMENDATION OF THE LEGISLATIVE STUDY COMMISSION ON PUBLIC SCHOOLS TO APPROPRIATE FUNDS FOR PROGRAMS TO SERVE LIMITED ENGLISH PROFICIENCY STUDENTS. (APPENDIX C)
3. AN ACT TO IMPLEMENT THE RECOMMENDATIONS OF THE LEGISLATIVE COMMISSION ON PUBLIC SCHOOLS TO MAKE CHANGES IN LAWS, POLICIES, AND ADMINISTRATION TO IMPROVE THE QUALITY OF EDUCATION AND SAFETY IN THE STATE RESIDENTIAL SCHOOLS, TO IMPLEMENT THE ABC'S PROGRAM IN THE RESIDENTIAL SCHOOLS, TO AUTHORIZE STUDIES OF ISSUES OF CONCERN TO BLIND AND DEAF STUDENTS, TO REQUIRE AN AUDIT OF THE DIVISION OF SERVICES FOR THE DEAF AND HARD OF HEARING, TO REQUIRE THE DEVELOPMENT OF A THREE-YEAR PLAN TO ADDRESS THE CAPITAL NEEDS OF THE GOVERNOR MOREHEAD SCHOOL AND THE THREE STATE SCHOOLS FOR THE DEAF, AND TO MAKE APPROPRIATIONS TO IMPLEMENT THIS ACT. (APPENDIX D)
4. AN ACT TO IMPLEMENT THE RECOMMENDATION OF THE LEGISLATIVE STUDY COMMISSION ON PUBLIC SCHOOLS TO ESTABLISH A PILOT PROGRAM TO ADD INSTRUCTIONAL DAYS TO THE SCHOOL CALENDAR. (APPENDIX E)
5. AN ACT TO IMPLEMENT THE RECOMMENDATION OF THE LEGISLATIVE STUDY COMMISSION ON PUBLIC SCHOOLS TO ENCOURAGE LOCAL BOARDS OF EDUCATION TO PROVIDE YEAR-ROUND SCHOOLS. (APPENDIX F)
6. AN ACT TO IMPLEMENT THE RECOMMENDATION OF THE LEGISLATIVE STUDY COMMISSION ON PUBLIC SCHOOLS TO DIRECT THE STATE BOARD OF EDUCATION TO ADOPT RULES PRESCRIBING THE EXTRACURRICULAR DUTIES ASSIGNED TO FIRST YEAR TEACHERS. (APPENDIX G)



## APPENDIX A

### AUTHORIZING LEGISLATION

#### PART VII.-----LEGISLATIVE STUDY COMMISSION ON PUBLIC SCHOOLS (Lee and Arnold)

Section 7.1. The Legislative Study Commission on Public Schools is established. The Commission shall consist of 16 members: eight Senators appointed by the President Pro Tempore of the Senate and eight Representatives appointed by the Speaker of the House of Representatives.

Vacancies shall be filled by the person who made the initial appointment.

Section 7.2. The Commission shall study issues relating to equity for public school systems, including, but not limited to, small school and low-wealth schools funding, equity funding systems of the UNC and community colleges and results of ABC and safe schools programs, personnel distribution, distribution of Teaching Fellows Scholarship recipients, uneven distribution of the children with special needs population, the need of further resources for English as a second language, university scholarship resources and needs for public school students, and funding and programs for the schools for the deaf.

Section 7.3. The Speaker of the House of Representatives and the President Pro Tempore of the Senate shall each designate a cochair of the Commission. The Commission shall meet upon the call of the cochairs. A quorum of the Commission is nine members. While in the discharge of its official duties, the Commission may exercise all the powers provided under G.S. 120-19 and G.S. 120-19.1 through G.S. 120-19.4.

Section 7.4. Members of the Commission shall receive subsistence and travel allowances in accordance with G.S. 120-3.1.

Section 7.5. Upon approval of the Legislative Services Commission, the Legislative Services Officer shall assign appropriate professional staff from the Legislative Services Office of the General Assembly to assist with the study. The House of Representatives' and the Senate's Supervisors of Clerks shall assign clerical staff to the Commission, upon the direction of the Legislative Services Commission. The Commission may meet in the Legislative Building or the Legislative Office Building upon the approval of the Legislative Services Commission.

Section 7.6. The Commission shall submit an interim report to the 1997 General Assembly, 1998 Regular Session, upon its convening. The Commission shall submit a final report to the General Assembly upon the convening of the 1999 General Assembly. The Commission shall terminate upon filing its final report.

Section 7.7. From appropriations to the General Assembly, the Legislative Services Commission may allocate funds for the expenses of the Legislative Study Commission on Public Schools Equity.

DRAFT

APPENDIX B

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

D

D98-SFZ-001 (4/30/98)

(THIS IS A DRAFT AND IS NOT READY FOR INTRODUCTION)

Short Title: Assistance Teams/Add'l. Funds.

(Public)

Sponsors: .

Referred to:

1                                   A BILL TO BE ENTITLED  
2 AN ACT TO IMPLEMENT THE RECOMMENDATION OF THE LEGISLATIVE STUDY  
3 COMMISSION ON PUBLIC SCHOOLS TO APPROPRIATE FUNDS TO PROVIDE A  
4 BONUS TO ASSISTANCE TEAM MEMBERS AND TO REIMBURSE THE ACTUAL  
5 COST OF ALL REASONABLE EXPENSES INCURRED BY MEMBERS OF  
6 ASSISTANCE TEAMS.  
7 The General Assembly of North Carolina enacts:  
8           Section 1. There is appropriated from the General Fund  
9 to the State Board of Education the sum of two hundred and six  
10 thousand dollars (\$206,000) for the 1998-99 fiscal year to  
11 provide a bonus of one thousand five hundred dollars (\$1500) to  
12 each member of an assistance team assigned to a low-performing  
13 school. The State Board of Education shall provide the bonus  
14 retroactively for the 1997-98 school year, and shall provide the  
15 bonus for the 1998-99 school year prior to the end of the 1998-99  
16 fiscal year. The bonus shall be prorated at one hundred and  
17 twenty-five dollars (\$125) per month for months actually served.  
18           Section 2. G.S. 115C-105.38 is amended by adding a new  
19 subsection to read:

1 "(e) Notwithstanding any other law, assistance team members  
2 will be reimbursed the actual cost of all reasonable expenses  
3 incurred."

4 Section 3. This act becomes effective July 1, 1998.

DRAFT

APPENDIX C

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

D

D98-RCZ-007.3(4/23/98)

(THIS IS A DRAFT AND IS NOT READY FOR INTRODUCTION)

Short Title: LEP Students/Appropriations.

(Public)

---

Sponsors: .

---

Referred to:

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1                                   A BILL TO BE ENTITLED  
2 AN ACT TO IMPLEMENT THE RECOMMENDATION OF THE LEGISLATIVE STUDY  
3 COMMISSION ON PUBLIC SCHOOLS TO APPROPRIATE FUNDS FOR PROGRAMS  
4 TO SERVE LIMITED ENGLISH PROFICIENCY STUDENTS.  
5 The General Assembly of North Carolina enacts:  
6           Section 1. There is appropriated from the General Fund  
7 to the State Board of Education the sum of fifteen million  
8 dollars (\$15,000,000) for the 1998-99 fiscal year to provide  
9 funds to assist students with limited proficiency in the English  
10 language. The State Board shall allocate funds to local school  
11 administrative units to assist students with limited English  
12 proficiency (LEP). The State Board also may allocate funds to  
13 institutions of higher education to provide training to  
14 instructional personnel who serve LEP students. The State Board  
15 shall determine the allocation of the funds and shall develop  
16 standards for identifying and providing services to LEP students.  
17 Local school administrative units shall use funds appropriated  
18 under this act to pay for classroom teachers, textbooks,  
19 classroom materials/instructional supplies/equipment, and staff  
20 development. A county in which a local school administrative

1 unit receives funds under this section shall use the funds to  
2 supplement local current expense funds and shall not supplant  
3 local current expense funds.

4 Section 2. G.S. 115C-105.25(b)(4) reads as rewritten:

5 "(4) Funds allocated for children with special needs,  
6 for students with limited English proficiency, and  
7 ~~funds allocated~~ for driver's education shall not be  
8 transferred."

9 Section 3. The State Board of Education shall review  
10 its certification requirements for English as a Second Language  
11 (ESL) and determine whether the requirements should be revised in  
12 order to assist local school administrative units to quickly  
13 obtain adequate numbers of qualified teachers. The State Board  
14 and the Board of Governors of The University of North Carolina  
15 shall coordinate efforts to provide ESL certification programs  
16 that are geographically disbursed throughout the State. The  
17 Board of Governors shall examine providing ESL certification  
18 programs through distance learning methods and off-campus  
19 programs.

20 Section 4. The State Board of Education shall identify  
21 existing or develop new programs that provide instructional  
22 personnel with in-service, non-certificate, training for  
23 assisting LEP students in the regular classroom. The Board of  
24 Governors of The University of North Carolina and the State Board  
25 of Community Colleges shall collaborate with the State Board in  
26 order to deliver these programs to geographically diverse  
27 locations.

28 Section 5. The State Board of Education shall survey  
29 local school administrative units to determine whether schools  
30 are able to recruit and retain ESL certified teachers. The State  
31 Board shall provide the results of this survey to the Joint  
32 Legislative Education Oversight Committee prior to December 15,  
33 1999.

34 Section 6. This act becomes effective July 1, 1998.



**North Carolina General Assembly  
Legislative Services Office**

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To: Representative Arnold and Senator Lee, cochairs, Legislative Study Commission on Public Schools

From: Kory Goldsmith, Committee Counsel *KSG*

Date: May 12, 1998

Re: LEP Students/Appropriations; D98-RCZ-007.3

**Section 1** appropriates fifteen million dollars (\$15,000,000) to the State Board of Education to assist students with limited English proficiency (LEP). The State Board may allocate funds to local school administrative units and institutions of higher education. The State Board shall also determine the allocation of the funds. Funds allocated to a local school administrative unit may be used to pay for classroom teacher, textbooks, instructional materials, and staff development. The funds shall supplement, not supplant local current expense funds.

**Section 2** amends G.S. 115C-105.25(b)(4) by prohibiting a local board of education from transferring LEP funds.

**Section 3** directs the State Board to review the English as a Second Language (ESL) certification requirements to determine whether they should be revised to assist local boards in obtaining adequate numbers of qualified ESL teachers. The Board of Governors is directed to provide ESL programs that in geographically diverse locations.

**Section 4** directs the State Board to identify or create in-service, non-certificate programs to assist regular classroom teachers with teaching LEP students.

**Section 5** directs the State Board to survey local school administrative units to determine whether they are able to recruit and retain adequate numbers of ESL certified teachers. The State Board shall provide the results of that survey to the Joint Legislative Education Oversight Committee prior to December 15, 1999.

**This act is effective July 1, 1998.**

*D98-RCZ-007.3(summary)*

**DRAFT**

APPENDIX D

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

D

D

D98-RHZ-002.7 (4/22/98)  
(THIS IS A DRAFT AND NOT READY FOR INTRODUCTION)

Short Title: ABC'S Plan for DHHS Schools.

(Public)

Sponsors:

Referred to:

1 A BILL TO BE ENTITLED  
2 AN ACT TO IMPLEMENT THE RECOMMENDATIONS OF THE LEGISLATIVE  
3 COMMISSION ON PUBLIC SCHOOLS TO MAKE CHANGES IN LAWS, POLICIES,  
4 AND ADMINISTRATION TO IMPROVE THE QUALITY OF EDUCATION AND  
5 SAFETY IN THE STATE RESIDENTIAL SCHOOLS, TO IMPLEMENT THE ABC'S  
6 PROGRAM IN THE RESIDENTIAL SCHOOLS, TO AUTHORIZE STUDIES OF  
7 ISSUES OF CONCERN TO BLIND AND DEAF STUDENTS, TO REQUIRE AN  
8 AUDIT OF THE DIVISION OF SERVICES FOR THE DEAF AND HARD OF  
9 HEARING, TO REQUIRE THE DEVELOPMENT OF A THREE-YEAR PLAN TO  
10 ADDRESS THE CAPITAL NEEDS OF THE GOVERNOR MOREHEAD SCHOOL AND  
11 THE THREE STATE SCHOOLS FOR THE DEAF, AND TO MAKE  
12 APPROPRIATIONS TO IMPLEMENT THIS ACT.

13 The General Assembly of North Carolina enacts:

14 Section 1. The Secretary of Health and Human Services  
15 shall make changes in the structure and functions of the State  
16 residential schools with a view to improving student performance,  
17 increasing flexibility and control, and promoting economy and  
18 efficiency. The Secretary shall begin with the Governor Morehead  
19 School and the three schools for the deaf. The Secretary may, in  
20 his discretion, make changes in the structure and functions of  
21 the other residential schools. In carrying out the changes, the  
22 Secretary shall consider ways to reorder priorities and place

1 greater emphasis on the basics - reading, communication skills,  
2 and mathematics - in the areas of staff development, the State  
3 testing program, program accreditation, the use of instructional  
4 funds, the instructional program, and other components of the  
5 education program offered at the residential schools. The  
6 Secretary also shall consider the impact the changes will have on  
7 the mission of the State's residential schools and the mission of  
8 the Department of Health and Human Services as it pertains to the  
9 residential schools.

10 The Secretary shall make a preliminary report to the  
11 Legislative Commission on Public Schools and to the cochairs of  
12 the Appropriation Subcommittee on Health and Human Services of  
13 the Senate and House of Representatives by November 1, 1998, and  
14 a final report by November 1, 1999, on the results of these  
15 changes. The reports shall include any proposed legislation  
16 necessary to implement the additional changes.

17 Section 2. The Secretary of Health and Human Services  
18 also shall make changes in the administrative organization of the  
19 Department of Health and Human Services and of the Governor  
20 Morehead School and the three schools for the deaf with a view to  
21 (i) improving student academic performance in the residential  
22 schools, (ii) promoting economy and efficiency in government in  
23 the interest of producing cost savings that can be used to  
24 redirect funds to the residential schools for teaching,  
25 textbooks, school supplies, technology, equipment, and staff  
26 development, and (iii) increasing school-based decisionmaking and  
27 parental involvement. The Secretary may, in his discretion,  
28 extend this section to additional residential programs. The  
29 Secretary shall make necessary changes in the mission of the  
30 residential schools and of the Department of Health and Human  
31 Services as it pertains to the residential schools. The  
32 Secretary shall develop a plan for reducing, eliminating, and/or  
33 reorganizing the Department of Health and Human Services and each  
34 residential school. A reorganization may include the assignment  
35 or reassignment of the Department's duties and functions among  
36 divisions and other units, division heads, officers, and  
37 employees.

38 The proposed reduction, elimination, and/or  
39 reorganization of the Department shall have a goal of resulting  
40 in a decrease of at least fifty percent (50%) in the number of  
41 employee positions currently assigned to the Department and its  
42 divisions for the purpose of providing assistance to, management,  
43 of, or education programs in the residential schools, and a  
44 redirection to the instructional programs in the residential  
45 schools by January 1, 1999, of at least fifty percent (50%) in  
46 the Department's budget that currently is maintained by the  
47 Department to administer the residential schools and their  
48 programs. The proposed reduction, elimination, and/or  
49 reorganization of the residential schools shall have a goal of



1 resulting in a decrease of at least fifty percent (50%) in the  
2 number of employee positions currently filled by administrators  
3 or supervisors.

4 The Secretary shall report to the Legislative Commission  
5 on Public Schools and to the cochairs of the Appropriation  
6 Subcommittee on Health and Human Services of the Senate and House  
7 of Representatives by December 15, 1998, on the reduction,  
8 elimination, and/or reorganization plan it develops.

9 Section 3. The Secretary of Health and Human Services  
10 shall consult with the State Board of Education in its  
11 implementation of this act as it pertains to improving the  
12 educational programs at the residential schools. The Secretary  
13 also shall fully inform and consult with the chairs of the  
14 Appropriation Subcommittees on Education and Health and Human  
15 Services of the Senate and the House of Representatives on a  
16 regular basis as the Secretary carries out his duties under this  
17 act.

18 Section 4. There is appropriated to the Department of  
19 Health and Human Services from the General Fund the sum of three  
20 hundred thousand dollars (\$300,000) for the 1998-99 fiscal year  
21 to contract for outside consultants and assistance to assist the  
22 Secretary in carrying out his duties under this act. The Office  
23 of State Budget and Management, the State Auditor, and other  
24 appropriate State agencies also shall provide consultation as  
25 requested by the Secretary as needed to develop the plans set out  
26 in this act.

27 Section 5. Article 3 of Chapter 143B of the General  
28 Statutes is amended by adding the following new Part to read:

29 "Part 3A. Education Programs in Residential Schools.

30 "§ 143B-146.1. Mission of schools; definitions.

31 (a) It is the intent of the General Assembly that the mission  
32 of the residential school community is to challenge with high  
33 expectations each child to learn, to achieve, and to fulfill his  
34 or her potential.

35 (b) The following definitions apply in this Part:

36 (1) ABC's Program or Program. -- The School-Based  
37 Management and Accountability developed by the  
38 State Board.

39 (2) Department. -- The Department of Health and Human  
40 Services.

41 (3) Instructional Personnel. -- Principals, assistant  
42 principals, teachers, instructional personnel,  
43 instructional support personnel, and teacher  
44 assistants employed in a residential school.

45 (4) Participating School. -- A residential school that  
46 is required to participate in the ABC's Program.

47 (5) Residential School Personnel. -- The individuals  
48 included in G.S. 143B-146.13(a)(2).

1           (6) Schools. -- The residential schools under the  
2 control of the Secretary.

3           (7) Secretary. -- The Secretary of Health and Human  
4 Services.

5           (8) State Board. -- The State Board of Education.

6           (9) Superintendent. -- The individual designated by the  
7 Secretary to administer a residential school.

8       "§ 143B-146.2. ABC's program in residential schools.

9       (a) The Governor Morehead School and the three schools for the  
10 deaf shall participate in the ABC's Program. The Secretary, in  
11 consultation with the General Assembly and the State Board, may  
12 designate other residential schools that must participate in the  
13 ABC's Program. The primary goal of the ABC's Program is to  
14 improve student performance. The Program is based upon an  
15 accountability, recognition, assistance, and intervention process  
16 in order to hold each participating school, its superintendent,  
17 and the instructional personnel accountable for improved student  
18 performance in that school.

19       (b) In order to support the participating schools in the  
20 implementation of this Program, the State Board, in consultation  
21 with the Secretary, shall adopt guidelines, including guidelines  
22 to:

23           (1) Assist the Secretary and the participating schools  
24 in the development and implementation of the ABC's  
25 Program.

26           (2) Recognize the participating schools that meet or  
27 exceed their goals.

28           (3) Identify participating schools that are low-  
29 performing and assign assistance teams to those  
30 schools. The assistance teams should include  
31 individuals with expertise in residential schools,  
32 individuals with experience in the education of  
33 children with disabilities, and others the State  
34 Board, in consultation with the Secretary,  
35 considers appropriate.

36           (4) Enable assistance teams to make appropriate  
37 recommendations.

38       (c) The ABC's Program shall provide increased decisionmaking  
39 and parental involvement at the school level with the goal of  
40 improving student performance.

41       (d) Consistent with improving student performance, the  
42 Secretary shall provide maximum flexibility to participating  
43 schools in the use of funds to enable those schools to accomplish  
44 their goals.

45       "§ 143B-146.3. Annual performance goals.

46       The ABC's Program shall (i) focus on student performance in the  
47 basics of reading, mathematics, and communications skills in  
48 elementary and middle schools, (ii) focus on student performance  
49 in courses required for graduation and on other measures required

1 by the State Board in the high schools, and (iii) hold  
2 participating schools accountable for the educational growth of  
3 their students. To those ends, the State Board shall design and  
4 implement an accountability system that sets annual performance  
5 standards for each participating school in order to measure the  
6 growth in performance of the students in each individual school.

7 " § 143B-146.4. Performance recognition.

8 (a) The superintendent and instructional personnel assigned to  
9 participating schools that achieve or exceed a level of expected  
10 growth to be determined by the State Board are eligible for  
11 financial awards in amounts set by the State Board.  
12 Participating schools and personnel shall not be required to  
13 apply for these awards.

14 (b) The State Board shall establish a procedure to allocate  
15 the funds for these awards. Funds shall become available for  
16 expenditure July 1 of each fiscal year. Funds shall remain  
17 available until November 30 of the subsequent fiscal year for  
18 expenditure for:

- 19 (1) Awards to the personnel; or  
20 (2) The purposes authorized in a plan that has been:  
21 a. Developed and voted on by the superintendent  
22 and instructional personnel in the same manner  
23 that a school improvement plan is approved  
24 under G.S. 143B-146.9.  
25 b. Approved by a majority of the personnel who  
26 vote on the plan; and  
27 c. Submitted to and approved by the Secretary.

28 The Secretary shall approve this plan unless the plan involves  
29 expenditures of funds that are not for a public purpose or that  
30 are otherwise unlawful.

31 "§ 143B-146.5. Identification of low-performing schools.

32 (a) The State Board shall design and implement a procedure to  
33 identify low-performing schools on an annual basis. Low-  
34 performing schools are those participating schools in which there  
35 is a failure to meet the minimum growth standards, as defined by  
36 the State Board, and a majority of students are performing below  
37 grade level.

38 (b) Each identified low-performing school shall provide  
39 written notification to the parents of students attending that  
40 school. The written notification shall include a statement that  
41 the State Board of Education has found that the school has  
42 'failed to meet the minimum growth standards, as defined by the  
43 State Board, and a majority of students in the school are  
44 performing below grade level.' This notification also shall  
45 include a description of the steps the school is taking to  
46 improve student performance.

47 "§ 143B-146.6. Assistance teams; review by State Board.

48 (a) The State Board may assign an assistance team to any  
49 school identified as low-performing under this Part or to any

1 other school that the State Board determines would benefit from  
2 an assistance team. The State Board shall give priority to low-  
3 performing schools in which the educational performance of the  
4 students is declining. The Department shall, with the approval of  
5 the Secretary, provide staff as needed and requested by an  
6 assistance team.

7 (b) When assigned to an identified low-performing school, an  
8 assistance team shall:

9 (1) Review and investigate all facets of school  
10 operations, including instructional and  
11 residential, and assist in developing  
12 recommendations for improving student performance  
13 at that school.

14 (2) Evaluate at least semiannually the superintendent  
15 and instructional personnel assigned to the school  
16 and make findings and recommendations concerning  
17 their performance.

18 (3) Collaborate with school staff, the Department, and  
19 the Secretary in the design, implementation, and  
20 monitoring of a plan that, if fully implemented,  
21 can reasonably be expected to alleviate problems  
22 and improve student performance at that school.

23 (4) Make recommendations as the school develops and  
24 implements this plan.

25 (5) Review the school's progress.

26 (6) Report, as appropriate, to the Secretary and to the  
27 parents on the school's progress. If an assistance  
28 team determines that an accepted school improvement  
29 plan developed under G.S. 143B-146.9 is impeding  
30 student performance at a school, the team may  
31 recommend to the Secretary that he vacate the  
32 relevant portions of that plan and direct the  
33 school to revise those portions.

34 (c) If a participating school fails to improve student  
35 performance after assistance is provided under this section, the  
36 assistance team may recommend that the assistance continues or  
37 that the Secretary take further action under G.S. 143B-146.7.

38 (d) The Secretary, in consultation with the State Board, shall  
39 annually review the progress made in identified low-performing  
40 schools.

41 "§ 143B-146.7. Consequences for personnel at low-performing  
42 schools.

43 (a) Upon the identification of a participating school as low-  
44 performing under this Part, the Secretary shall proceed under the  
45 State Personnel Act for the dismissal of the superintendent  
46 assigned to that school unless the Secretary finds that the  
47 superintendent has established that the factors that led to the  
48 identification of the school as low-performing were not due to  
49 the inadequate performance of the superintendent.

1 (b) At any time after a participating school is identified as  
2 low-performing under this Part, the Secretary shall proceed under  
3 G.S. 115C-325(pl) for the dismissal of certificated instructional  
4 personnel assigned to that school.

5 (c) At any time after a participating school is identified as  
6 low-performing under this Part, the Secretary shall proceed under  
7 the State Personnel Act for the dismissal of instructional  
8 personnel who are not certificated when the Secretary receives  
9 two consecutive evaluations that include written findings and  
10 recommendations regarding that person's inadequate performance  
11 from the assistance team. These findings and recommendations  
12 shall be substantial evidence of the inadequate performance of  
13 the instructional personnel. The Secretary may proceed under the  
14 State Personnel Act for the dismissal of instructional personnel  
15 who are not certificated when: (i) the Secretary determines that  
16 the school has failed to make satisfactory improvement after the  
17 State Board assigned an assistance team to that school; and (ii)  
18 that assistance team makes the recommendation to dismiss that  
19 person for a reason that constitutes just cause for dismissal  
20 under the State Personnel Act.

21 (d) The certificated instructional personnel working in a  
22 participating school at the time the school is identified as low-  
23 performing are subject to G.S. 115C-105.38A.

24 (e) The Secretary may terminate the contract of a school  
25 administrator dismissed under this subsection. Nothing in this  
26 section shall prevent the Secretary from refusing to renew the  
27 contract of any person employed in a school identified as low-  
28 performing under this Part.

29 "§ 143B-146.8. School calendar.

30 Each school shall adopt a school calendar that includes a  
31 minimum of 180 days and 1,000 hours of instruction covering at  
32 least nine calendar months. In the development of its school  
33 calendar, each school shall consult with parents, the residential  
34 school personnel, and the local school administrative unit in  
35 which that school is located.

36 "§ 143B-146.9. Development and approval of school improvement  
37 plans.

38 (a) In order to improve student performance, each  
39 participating school shall develop a school improvement plan that  
40 takes into consideration the annual performance goal for that  
41 school that is set by the State Board under 143B-146.3. The  
42 superintendent, instructional personnel, and residential life  
43 personnel assigned to that school, and a minimum of five parents  
44 of children enrolled in the school shall constitute a school  
45 improvement team to develop a school improvement plan to improve  
46 student performance.

47 (b) Parents shall be elected by parents of children enrolled  
48 in the school in an election conducted by the parent and teacher  
49 organization of the school or, if none exists, by the largest

1 organization of parents formed for this purpose. To the extent  
2 possible, parents serving on school improvement teams shall  
3 reflect the composition of the students enrolled in that school.  
4 No more than two parents may be employees of the school. Parental  
5 involvement is a critical component of school success and  
6 positive student achievement; therefore, it is the intent of the  
7 General Assembly that parents, along with teachers, have a  
8 substantial role in developing school improvement plans. To this  
9 end, school improvement team meetings shall be held at a  
10 convenient time to assure substantial parent participation.  
11 Parents who are elected to serve on school improvement teams and  
12 who are not employees of the school shall receive travel and  
13 subsistence expenses in accordance with G.S. 138-5 and, if  
14 appropriate, may receive a stipend.

15 (c) The strategies for improving student performance shall  
16 include the following:

- 17 (1) A plan for the use of funds that may be made  
18 available to the school by the Secretary to meet  
19 the goals for that school under the ABC's Program  
20 and to implement the school improvement plan.
- 21 (2) A comprehensive plan to encourage parent  
22 involvement.
- 23 (3) A safe school plan designed to provide that the  
24 school is safe, secure, and orderly, that there is  
25 a climate of respect in the school, and that  
26 appropriate personal conduct is a priority for all  
27 students and all residential school personnel. This  
28 plan shall include components similar to those  
29 listed in G.S. 115C-105.45(d).

30 (d) Support among affected staff members is essential to  
31 successful implementation of a school improvement plan to address  
32 improved student performance at that school. The superintendent  
33 of the school shall present the proposed school improvement plan  
34 to all of the instructional personnel assigned to the school for  
35 their review and vote. The vote shall be by secret ballot. The  
36 superintendent shall submit the school improvement plan to the  
37 Secretary only if the proposed school improvement plan has the  
38 approval of a majority of the instructional personnel who voted  
39 on the plan.

40 (e) The Secretary shall accept or reject the school improvement  
41 plan. The Secretary shall not make any substantive changes in any  
42 school improvement plan that the Secretary accepts. If the  
43 Secretary rejects a school improvement plan, the Secretary shall  
44 state with specificity the reasons for rejecting the plan; the  
45 school improvement team may then prepare another plan, present it  
46 to the instructional personnel assigned to the school building  
47 for a vote, and submit it to the Secretary to accept or reject.  
48 Within 60 days after the initial submission of the school  
49 improvement plan to the Secretary, the Secretary shall accept the

1 plan or shall designate a person to work with the school  
2 improvement team to resolve the disagreements. If there is no  
3 resolution within 30 days, then the Secretary may develop a  
4 school improvement plan for the school; however, the General  
5 Assembly urges the Secretary to utilize the school's proposed  
6 school improvement plan to the maximum extent possible when  
7 developing this plan.

8 (f) A school improvement plan shall remain in effect for no  
9 more than three years; however, the school improvement team may  
10 amend the plan as often as is necessary or appropriate. If, at  
11 any time, any part of a school improvement plan becomes unlawful  
12 or the Secretary finds that a school improvement plan is impeding  
13 student performance at a school, the Secretary may vacate the  
14 relevant portion of the plan and may direct the school to revise  
15 that portion. The procedures set out in this section shall apply  
16 to amendments and revisions to school improvement plans.

17 (g) Any funds the Secretary makes available to a school to meet  
18 the goals for that school under the ABC's Program and to  
19 implement the school improvement plan at that school shall be  
20 used in accordance with those goals and the school improvement  
21 plan.

22 (h) The Secretary, in consultation with the State Board, shall  
23 develop a list of recommended strategies that it determines to be  
24 effective, which building level committees may use to establish  
25 parent involvement programs designed to meet the specific needs  
26 of their schools.

27 (i) Once developed, the Secretary shall ensure the plan is  
28 available and accessible to parents and the school community.

29 "§ 143B-146.10. School technology plan.

30 (a) No later than December 15, 1998, the Secretary shall  
31 develop a school technology plan for the residential schools that  
32 meets the requirements of the State school technology plan. In  
33 developing a school technology plan, the Secretary is encouraged  
34 to coordinate its planning with other agencies of State and local  
35 government, including local school administrative units.

36 The Information Resources Management Commission shall assist  
37 the Secretary in developing the parts of the plan related to its  
38 technological aspects, to the extent that resources are available  
39 to do so. The Department of Public Instruction shall assist the  
40 Secretary in developing the instructional and technological  
41 aspects of the plan.

42 The Secretary shall submit the plan that is developed to the  
43 Information Resources Management Commission for its evaluation of  
44 the parts of the plan related to its technological aspects and to  
45 the Department of Public Instruction for its evaluation of the  
46 instructional aspects of the plan. The State Board of Education,  
47 after consideration of the evaluations of the Information  
48 Resources Management Commission and the Department of Public

1 Instruction, shall approve all plans that comply with the  
2 requirements of the State school technology plan.

3 (b) After a plan is approved by the State Board of Education,  
4 all funds spent for technology in the residential schools shall  
5 be used to implement the school technology plan.

6 "143B-146.11. Dispute resolution; appeals to Secretary.

7 The Secretary shall establish a procedure for the resolution of  
8 disputes between the residential schools and the parents or  
9 guardians of students who attend the schools.

10 An appeal shall lie from the decision of all residential school  
11 personnel to the Secretary or the Secretary's designee. In all  
12 of these appeals it is the duty of the Secretary to see that a  
13 proper notice is given to all parties concerned and that a record  
14 of the hearing is properly entered in the records.

15 "§ 143B-146.12. Duty to report certain acts to law  
16 enforcement.

17 When the superintendent has personal knowledge or actual notice  
18 from residential school personnel that an act has occurred on  
19 school property involving assault resulting in serious personal  
20 injury, sexual assault, sexual offense, rape, kidnapping,  
21 indecent liberties with a minor, assault involving the use of a  
22 weapon, possession of a firearm in violation of the law,  
23 possession of a weapon in violation of the law, or possession of  
24 a controlled substance in violation of the law, the  
25 superintendent shall immediately report the act to the  
26 appropriate local law enforcement agency. Failure to report under  
27 this subsection is a Class 3 misdemeanor. For purposes of this  
28 subsection, 'school property' shall include any building, bus,  
29 campus, grounds, recreational area, or athletic field, in the  
30 charge of the superintendent. It is the intent of the General  
31 Assembly that the superintendent notify the Secretary or the  
32 Secretary's designee of any report made to law enforcement under  
33 this section.

34 "§ 143B-146.13. Residential school personnel criminal history  
35 checks.

36 (a) As used in this section:

37 (1) 'Criminal history' means a county, state, or  
38 federal criminal history of conviction of a crime,  
39 whether a misdemeanor or a felony, that indicates  
40 the employee (i) poses a threat to the physical  
41 safety of students or personnel, or (ii) has  
42 demonstrated that he or she does not have the  
43 integrity or honesty to fulfill his or her duties  
44 as school personnel. Such crimes include the  
45 following North Carolina crimes contained in any of  
46 the following Articles of Chapter 14 of the General  
47 Statutes: Article 5A, Endangering Executive and  
48 Legislative Officers; Article 6, Homicide; Article  
49 7A, Rape and Kindred Offenses; Article 8, Assaults;



1 Article 10, Kidnapping and Abduction; Article 13,  
2 Malicious Injury or Damage by Use of Explosive or  
3 Incendiary Device or Material; Article 14, Burglary  
4 and Other Housebreakings; Article 15, Arson and  
5 Other Burnings; Article 16, Larceny; Article 17,  
6 Robbery; Article 18, Embezzlement; Article 19,  
7 False Pretense and Cheats; Article 19A, Obtaining  
8 Property or Services by False or Fraudulent Use of  
9 Credit Device or Other Means; Article 20, Frauds;  
10 Article 21, Forgery; Article 26, Offenses Against  
11 Public Morality and Decency; Article 26A, Adult  
12 Establishments; Article 27, Prostitution; Article  
13 28, Perjury; Article 29, Bribery; Article 31,  
14 Misconduct in Public Office; Article 35, Offenses  
15 Against the Public Peace; Article 36A, Riots and  
16 Civil Disorders; Article 39, Protection of Minors;  
17 and Article 60, Computer-Related Crime. Such  
18 crimes also include possession or sale of drugs in  
19 violation of the North Carolina Controlled  
20 Substances Act, Article 5 of Chapter 90 of the  
21 General Statutes, and alcohol-related offenses such  
22 as sale to underage persons in violation of G.S.  
23 18B-302 or driving while impaired in violation of  
24 G.S. 20-138.1 through G.S. 20-138.5. In addition  
25 to the North Carolina crimes listed in this  
26 subparagraph, such crimes also include similar  
27 crimes under federal law or under the laws of other  
28 states.

29 (2) 'Residential school personnel' means any:

- 30 a. Employee of a residential school whether full-  
31 time or part-time, or  
32 b. Independent contractor or employee of an  
33 independent contractor of a residential  
34 school, if the independent contractor carries  
35 out duties customarily performed by  
36 residential school personnel,  
37 whether paid with federal, State, local, or other  
38 funds, who has significant access to students in a  
39 residential school. Residential school personnel  
40 includes substitute teachers, driver training  
41 teachers, bus drivers, clerical staff,  
42 houseparents, and custodians.

43 (b) The Secretary shall require an applicant for a residential  
44 school personnel position to be checked for a criminal history  
45 before the applicant is offered an unconditional job. A  
46 residential school may employ an applicant conditionally while  
47 the Secretary is checking the person's criminal history and  
48 making a decision based on the results of the check.

1 The Secretary shall not require an applicant to pay for the  
2 criminal history check authorized under this subsection.

3 (c) The Department of Justice shall provide to the Secretary  
4 the criminal history from the State and National Repositories of  
5 Criminal Histories of any applicant for a residential school  
6 personnel position in a residential school. The Secretary shall  
7 require the person to be checked by the Department of Justice to  
8 (i) be fingerprinted and to provide any additional information  
9 required by the Department of Justice to a person designated by  
10 the Secretary, or to the local sheriff or the municipal police,  
11 whichever is more convenient for the person, and (ii) sign a form  
12 consenting to the check of the criminal record and to the use of  
13 fingerprints and other identifying information required by the  
14 repositories. The Secretary shall consider refusal to consent  
15 when making employment decisions and decisions with regard to  
16 independent contractors.

17 The Secretary shall not require an applicant to pay for being  
18 fingerprinted.

19 (d) The Secretary shall review the criminal history it  
20 receives on a person. The Secretary shall determine whether the  
21 results of the review indicate that the employee (i) poses a  
22 threat to the physical safety of students or personnel, or (ii)  
23 has demonstrated that he or she does not have the integrity or  
24 honesty to fulfill his or her duties as residential school  
25 personnel and shall use the information when making employment  
26 decisions and decisions with regard to independent contractors.  
27 The Secretary shall make written findings with regard to how it  
28 used the information when making employment decisions and  
29 decisions with regard to independent contractors.

30 (e) The Secretary shall provide to the State Board of  
31 Education the criminal history received on a person who is  
32 certificated, certified, or licensed by the State Board. The  
33 State Board shall review the criminal history and determine  
34 whether the person's certificate or license should be revoked in  
35 accordance with State laws and rules regarding revocation.

36 (f) All the information received by the Secretary through the  
37 checking of the criminal history or by the State Board in  
38 accordance with subsection (d) of this section is privileged  
39 information and is not a public record but is for the exclusive  
40 use of the Secretary or the State Board of Education. The  
41 Secretary or the State Board of Education may destroy the  
42 information after it is used for the purposes authorized by this  
43 section after one calendar year.

44 (g) There shall be no liability for negligence on the part of  
45 the Secretary, the Department of Health and Human Services or its  
46 employees, a residential school or its employees, or the State  
47 Board of Education or its employees, arising from any act taken  
48 or omission by any of them in carrying out the provisions of this  
49 section. The immunity established by this subsection shall not

1 extend to gross negligence, wanton conduct, or intentional  
2 wrongdoing that would otherwise be actionable. The immunity  
3 established by this subsection shall be deemed to have been  
4 waived to the extent of indemnification by insurance,  
5 indemnification under Articles 31A and 31B of Chapter 143 of the  
6 General Statutes, and to the extent sovereign immunity is waived  
7 under the Tort Claims Act, as set forth in Chapter 31 of Chapter  
8 143 of the General Statutes."

9 Section 6. G.S. 115C-325 is amended by adding the  
10 following new subsection to read:

11 "(p1) Procedure for Dismissal of School Administrators and  
12 Teachers Employed in Low-Performing Residential Schools.

13 (1) Notwithstanding any other provision of this section  
14 or any other law, this subdivision shall govern the  
15 dismissal by the Secretary of Health and Human  
16 Services of teachers, principals, assistant  
17 principals, directors, supervisors, and other  
18 certificated personnel assigned to a residential  
19 school that the State Board has identified as low-  
20 performing and to which the State Board has  
21 assigned an assistance team under Part 3A of  
22 Article 3 of Chapter 143B of the General Statutes.  
23 The Secretary shall dismiss a teacher, principal,  
24 assistant principal, director, supervisor, or other  
25 certificated personnel when the Secretary receives  
26 two consecutive evaluations that include written  
27 findings and recommendations regarding that  
28 person's inadequate performance from the assistance  
29 team. These findings and recommendations shall be  
30 substantial evidence of the inadequate performance  
31 of the teacher or school administrator.

32 The Secretary may dismiss a teacher, principal,  
33 assistant principal, director, supervisor, or other  
34 certificated personnel when:

- 35 a. The Secretary determines that the school has  
36 failed to make satisfactory improvement after  
37 the State Board assigned an assistance team to  
38 that school under Part 3A of Article 3 of  
39 Chapter 143B of the General Statutes; and  
40 b. That assistance team makes the recommendation  
41 to dismiss the teacher, principal, assistant  
42 principal, director, supervisor, or other  
43 certificated personnel for one or more grounds  
44 established in G.S. 115C-325(e)(1) for  
45 dismissal or demotion of a career employee.

46 Within 30 days of any dismissal under this  
47 subdivision, a teacher, principal, assistant  
48 principal, director, supervisor, or other  
49 certificated personnel may request a hearing before

1 a panel of three members designated by the  
2 Secretary. The Secretary shall adopt procedures to  
3 ensure that due process rights are afforded to  
4 persons recommended for dismissal under this  
5 subdivision. Decisions of the panel may be appealed  
6 on the record to the Secretary, with further right  
7 of judicial review under Chapter 150B of the  
8 General Statutes.

9 (2) Notwithstanding any other provision of this section  
10 or any other law, this subdivision shall govern the  
11 dismissal by the Secretary of Health and Human  
12 Services of certificated staff members who have  
13 engaged in a remediation plan under G.S. 115C-  
14 105.38A(a) but who, after two retests, fail to meet  
15 the general knowledge standard set by the State  
16 Board. The failure to meet the general knowledge  
17 standard after two retests shall be substantial  
18 evidence of the inadequate performance of the  
19 certified staff member.

20 Within 30 days of any dismissal under this  
21 subdivision, a certificated staff member may  
22 request a hearing before a panel of three members  
23 designated by the Secretary of Health and Human  
24 Services. The Secretary shall adopt procedures to  
25 ensure that due process rights are afforded to  
26 certificated staff members recommended for  
27 dismissal under this subdivision. Decisions of the  
28 panel may be appealed on the record to the  
29 Secretary, with further right of judicial review  
30 under Chapter 150B of the General Statutes.

31 (3) The Secretary of Health and Human Services or the  
32 superintendent of a residential school may  
33 terminate the contract of a school administrator  
34 dismissed under this subsection. Nothing in this  
35 subsection shall prevent the Secretary from  
36 refusing to renew the contract of any person  
37 employed in a school identified as low-performing  
38 under Part 3A of Article 3 of Chapter 143B of the  
39 General Statutes.

40 (4) Neither party to a school administrator contract is  
41 entitled to damages under this subsection.

42 (5) The Secretary of Health and Human Services shall  
43 have the right to subpoena witnesses and documents  
44 on behalf of any party to the proceedings under  
45 this subsection."

46 Section 7. G.S. 115C-102.7(b) reads as rewritten:

47 "(b) The Commission shall consist of the following 18 19  
48 members:

- 1 (1) The State Superintendent of Public Instruction or a  
2 designee;
- 3 (2) One representative of The University of North  
4 Carolina, appointed by the President of The  
5 University of North Carolina;
- 6 (3) One representative of the North Carolina Community  
7 College System, appointed by the President of the  
8 North Carolina Community College System;
- 9 (4) A person with management responsibility concerning  
10 information technology related State Government  
11 functions, designated by the Secretary of Commerce;
- 12 (5) Four members appointed by the Governor;
- 13 (6) Six members appointed by the President Pro Tempore  
14 of the Senate two of whom shall be members of the  
15 Senate. One of these six members shall be appointed  
16 by the President of the Senate to serve as cochair;  
17 and
- 18 (7) Six members appointed by the Speaker of the House  
19 of Representatives two of whom shall be members of  
20 the House of Representatives. One of these six  
21 members shall be appointed by the Speaker of the  
22 House of Representatives to serve as cochair.
- 23 (8) The Secretary of Health and Human Services or a  
24 designee.

25 In appointing members pursuant to subdivisions (5), (6), and (7)  
26 of this subsection, the appointing persons shall select  
27 individuals with technical or applied knowledge or experience in  
28 learning and instructional management technologies or individuals  
29 with expertise in curriculum or instruction who have successfully  
30 used learning and instructional management technologies.

31 No producers, vendors, or consultants to producers or vendors  
32 of learning or instructional management technologies shall serve  
33 on the Commission.

34 Members shall serve for two-year terms. Vacancies in terms of  
35 members shall be filled by the appointing officer. Persons  
36 appointed to fill vacancies shall qualify in the same manner as  
37 persons appointed for full terms."

38 Section 8. G.S. 115C-105.31 reads as rewritten:

39 "§ 115C-105.31. Creation of the Task Force on School-Based  
40 Management.

41 (a) There is created the Task Force on School-Based Management  
42 under the State Board of Education.

43 The Task Force shall be composed of ~~20~~ 21 members appointed as  
44 follows:

- 45 (1) The Superintendent of Public Instruction;
- 46 (2) One member of the State Board of Education, one  
47 parent of a public school child, and two at-large  
48 members appointed by the State Board of Education;

- 1 (3) Two members of the Senate appointed by the  
2 President Pro Tempore of the Senate;
- 3 (4) Two members of the House of Representatives  
4 appointed by the Speaker of the House of  
5 Representatives;
- 6 (5) One member of a local board of education appointed  
7 by the President Pro Tempore of the Senate after  
8 receiving recommendations from The North Carolina  
9 State School Boards Association, Inc.;
- 10 (6) One member of a local board of education appointed  
11 by the Speaker of the House of Representatives  
12 after receiving recommendations from The North  
13 Carolina State School Boards Association, Inc.;
- 14 (7) One local school superintendent appointed by the  
15 President Pro Tempore of the Senate after receiving  
16 recommendations from the North Carolina Association  
17 of School Administrators;
- 18 (8) One local school superintendent appointed by the  
19 Speaker of the House of Representatives after  
20 receiving recommendations from the North Carolina  
21 Association of School Administrators;
- 22 (9) One school principal appointed by the President Pro  
23 Tempore of the Senate after receiving  
24 recommendations from the Tar Heel Association of  
25 Principals/Assistant Principals and the Division of  
26 Administrators of the North Carolina Association of  
27 Educators;
- 28 (10) One school principal appointed by the Speaker of  
29 the House of Representatives after receiving  
30 recommendations from the Tar Heel Association of  
31 Principals/Assistant Principals and the Division of  
32 Administrators of the North Carolina Association of  
33 Educators;
- 34 (11) One school teacher appointed by the President Pro  
35 Tempore of the Senate after receiving  
36 recommendations from the North Carolina Association  
37 of Educators, Inc., the North Carolina Federation  
38 of Teachers, and the Professional Educators of  
39 North Carolina, Inc.;
- 40 (12) One school teacher appointed by the Speaker of the  
41 House of Representatives after receiving  
42 recommendations from the North Carolina Association  
43 of Educators, Inc., the North Carolina Federation  
44 of Teachers, and the Professional Educators of  
45 North Carolina, Inc.;
- 46 (13) One representative of business and industry  
47 appointed by the Governor;

- 1 (14) One representative of institutions of higher  
2 education appointed by the Board of Governors of  
3 The University of North Carolina; and  
4 (15) One county commissioner appointed by the State  
5 Board of Education after receiving recommendations  
6 from the North Carolina Association of County  
7 Commissioners.  
8 (16) The Secretary of Health and Human Services or the  
9 Secretary's designee.  
10 Members of the Task Force shall serve for two-year terms.  
11 All members of the Task Force shall be voting members.  
12 Vacancies in the appointed membership shall be filled by the  
13 officer who made the initial appointment. The Task Force on  
14 School-Based Management shall select a member of the Task Force  
15 to serve as chair of the Task Force.  
16 Members of the Task Force shall receive travel and subsistence  
17 expenses in accordance with the provisions of G.S. 120-3.1, G.S.  
18 138-5, and G.S. 138-6.  
19 (b) The Task Force shall:  
20 (1) Advise the State Board of Education and Secretary  
21 of Health and Human Services on the development of  
22 guidelines for local boards of education and  
23 schools to implement school-based management as  
24 part of the School-Based Management and  
25 Accountability Program;  
26 (2) Advise the State Board of Education and the  
27 Secretary of Health and Human Services on how to  
28 assist the public schools and residential schools  
29 so as to facilitate the implementation of school-  
30 based management;  
31 (3) Advise the State Board of Education and Secretary  
32 of Health and Human Services about publications to  
33 be produced by the Department of Public Instruction  
34 on the development and implementation of school  
35 improvement plans;  
36 (4) Report annually to the State Board of Education on  
37 the implementation of school-based management in  
38 the public schools on the first Friday in December.  
39 This report may contain a summary of  
40 recommendations for changes to any law, rule, and  
41 policy that would improve school-based management.  
42 (c) The Department of Public Instruction shall, with the  
43 approval of the State Board of Education, provide staff to the  
44 Task Force at the request of the Task Force.  
45 (d) The State Board of Education shall appoint a Director of  
46 the Task Force on School-Based Management."  
47 Section 9. (a) The Secretary of Health and Human  
48 Services shall adopt policies and offer training opportunities to  
49 ensure that all personnel in the three State schools for the Deaf

1 become proficient in sign language within two years of their  
2 initial date of employment or within two years of the effective  
3 date of this act, whichever occurs later.

4 (b) The Department of Public Instruction, the Board of  
5 Governors of The University of North Carolina, and the State  
6 Board of Community Colleges shall offer and communicate the  
7 availability of professional development opportunities, including  
8 those to improve sign language skills, to the personnel assigned  
9 to the State's residential schools, particularly the Governor  
10 Morehead School and the three schools for the deaf.

11 (c) The Board of Governors of The University of North Carolina  
12 and the State Board of Community Colleges shall study methods to  
13 assure that faculty members teaching American Sign Language are  
14 highly qualified and competent. The Board of Governors and the  
15 State Board of Community Colleges shall report their findings and  
16 recommendations prior to March 1, 1999, to the Appropriations  
17 Subcommittees on Education and on Health and Human Services of  
18 the House of Representatives and Senate.

19 Section 10. The Board of Governors of The University of  
20 North Carolina shall assess the accessibility of the programs of  
21 the constituent institutions for deaf and blind students. The  
22 Board of Governors shall report to the General Assembly by  
23 December 1, 1998, on this assessment.

24 Section 11. The Secretary of Health and Human Services  
25 shall contract for the design of a longitudinal study of deaf and  
26 hard of hearing children to assess communication methods used and  
27 student performance.

28 Section 12. The State Board of Education, in  
29 consultation with the Secretary of Health and Human Services,  
30 shall evaluate the certification requirements for teachers at the  
31 State schools for the deaf and the Governor Morehead School in  
32 light of the specific educational needs of those schools. In  
33 particular, the State Board shall determine whether these  
34 teachers should hold (i) certificates to authorize them to teach  
35 students with specific disabilities, (ii) certificates  
36 authorizing them to teach a specific grade level or subject  
37 matter, or (iii) dual certificates, particularly at the high  
38 school level. The State Board shall revise any policies, rules,  
39 or regulations if considered appropriate, and shall report to the  
40 Legislative Commission on Public Schools by December 15, 1998, on  
41 the results of its evaluation under this section and any changes  
42 it proposes.

43 Section 13. The State Auditor shall conduct a fiscal  
44 audit of the Division of Services for the Deaf and Hard of  
45 Hearing, Department of Health and Human Services, and the use of  
46 current operations funds appropriated to that Division beginning  
47 with the 1996-97 fiscal year and the use of capital funds  
48 appropriated to that Division beginning with the 1995-96 fiscal



1 year. The Auditor shall report to the General Assembly by March 1, 1999, on the results of this audit.

3 Section 14. The Governor Morehead School and the three schools for the deaf shall each prioritize its capital needs in a three-year plan. These schools shall give first priority to bringing their facilities up to code and to supporting instructional programs so as to improve student academic performance. The schools shall submit their three-year plans to the Secretary. The Secretary shall prioritize the needs of these four schools and shall submit to the General Assembly a three-year plan to address those needs.

12 Section 15. The Secretary of Health and Human Services shall adopt policies to ensure that students of the residential schools are given priority to residing in the independent living facilities on each school's campus.

16 Section 16. There is appropriated from the General Fund to the Department of Health and Human Services the sum of one million two hundred thousand dollars (\$1,200,000) for the 1998-99 fiscal year to provide funds for statewide teacher supplements for the teachers in the residential schools based on five percent (5%) of their State salaries in order to recognize the teachers' levels of education and years of experience.

23 Section 17. There is appropriated from the General Fund to the State Board of Education the sum of nine hundred thousand dollars (\$900,000) for the 1998-99 fiscal year to provide funds for two assistance teams to be assigned to the Governor Morehead School and to the three schools for the deaf.

28 Section 18. There is appropriated from the General Fund to the Department of Health and Human Services the sum of one million two hundred fifty thousand dollars (\$1,250,000) for the 1998-99 fiscal year to provide funds to provide computers and related technology in each of the three State schools for the deaf and in the Governor Morehead School. The intent of the General Assembly is that these funds be used first to provide an up-to-date computer laboratory at each of these schools or to begin the implementation of the school technology plan developed under G.S. 143B-146.10 created in Section 5 of this act.

38 Section 19. This act becomes effective July 1, 1998. Part 3A of Article 3 of Chapter 143B of the General Statutes, as established in Section 5 of this act, applies to kindergarten through eighth grade in the three schools for the deaf and in the Governor Morehead School beginning with the 1999-00 school year. The Secretary of Health and Human Services, in consultation with the General Assembly and the State Board of Education, shall recommend beginning dates of applicability for the remaining grades in those four schools and for the other residential schools, particularly those operated by the Division of Youth Services. School improvement plans required under Section 5 of

1 this act shall be developed during the 1998-99 school year and  
2 shall be implemented by the beginning of the 1999-00 school year.



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**TO:** Senator Lee and Representative Arnold, Cochairs  
**FROM:** Robin S. Johnson, Committee Counsel  
**DATE:** May 11, 1998  
**RE:** **SUMMARY: D98-RHZ-002.7**  
**ABC'S PLAN FOR DHHS SCHOOLS**

**Section 1:** Directs Secretary to make changes in the structure and functions of residential schools, beginning with Governor Morehead and the three State schools for the deaf. Changes must emphasize the basics in connection with the education program offered at the four schools. Secretary must report to Public School Study Commission and cochairs of Senate and House Appropriations subcommittees on Health and Human Services by November 1, 1998, and November 1, 1999. Reports must include proposed legislation necessary to implement changes.

**Section 2:** Directs Secretary to change the administrative organization and mission of these four residential schools and of DHHS as they pertain to those four schools. Secretary may extend this administrative reorganization to other residential schools. Sets the following goals: (i) 50% decrease in employee positions currently assigned to DHHS for the purpose of providing assistance to, management of, or education programs in the residential schools; (ii) 50% decrease in residential school employee positions currently filled by administrators or supervisors; and (iii) 50% redirection, by January 1, 1999, to the instructional programs in the four residential schools of DHHS budget related to those schools. Secretary must report to Public School Study Commission and cochairs of Senate and House Appropriations subcommittees on Health and Human Services by December 15, 1998, on the reorganization and redirection of funds.

**Section 3:** Directs Secretary to consult with State Board in implementation of this act and to fully inform and consult with cochairs of Senate and House Appropriations Subcommittees on Education and Health and Human Services.

**Section 4:** Appropriates \$300,000 for 1998-99 fiscal year to DHHS to contract for outside consultants and assistance to help the Secretary carry out his duties under this act. The State Auditor and OSBM are directed to provide consultation as requested by the Secretary.

**Section 5:** This section establishes "Part 3A. Education Programs in Residential Schools".

**G.S. 143B-146.1:** States mission of General Assembly concerning the residential school and defines terms.

**G.S. 143B-146.2:** Requires Governor Morehead and three State schools for the Deaf to participate in ABC's Program. Authorizes Secretary, in consultation with State Board and General Assembly, to designate other residential schools that must participate. Directs State Board to adopt guidelines to implement ABC's Program. Directs Secretary to provide maximum flexibility to participating schools in their use of funds.

**G.S. 143B-146.3:** Directs State Board to set annual performance standards for each participating school.

**G.S. 143B-146.4:** Provides that superintendent and instructional personnel are eligible for ABC's bonus when their school meets or exceeds goal set by State Board. Same option as in public schools that allows these individuals to vote to spend the money in accordance with a plan.

**G.S. 143B-146.5:** Requires State Board to design and implement a plan to identify low-performing schools on an annual basis. Low-performing schools are those in which there is a failure to meet the minimum growth standards, as set by the Board, and a majority of students are performing below grade level. (This is the same definition that is used in the public schools.) Requires low-performing schools to notify parents when so identified.

**G.S. 143B-146.6:** Authorizes State Board to assign assistance teams to low-performing schools. Teams have same duties as when assigned to a public school, except they will report to the Secretary.

**G.S. 143B-146.7:** Requires Secretary to dismiss superintendent when school is identified as low-performing, unless he finds that the superintendent has established that the factors leading to this identification were not due to the superintendent's inadequate performance. Dismissal will be done in accordance with State Personnel Act, which requires just cause and provides for a 15-day advance notice and the opportunity to appeal if superintendent claims there was no just cause for the dismissal. Consequences for certificated instructional personnel are the same as for those in public schools. This includes the requirements of dismissal after two negative evaluations by the assistance team and the competency test and subsequent remediation. This section also requires the Secretary to dismiss any non-certificated instructional personnel when he receives two negative evaluations from the assistance team. The Secretary may dismiss these individuals when he determines the school has failed to make satisfactory improvement after an assistance team was assigned to it and the assistance team recommends dismissal based on a reason that constitutes just cause for dismissal under the State Personnel Act. Dismissal of non-certificated personnel also will be done in accordance with the State Personnel Act.

**G.S. 143B-146.8:** Requires all residential schools, including those that are not participating in the ABC's Program, to adopt a school calendar with a minimum of 180 instructional days and 1000 instructional hours covering at least nine calendar months. A school must consult with parents, personnel, and the local school administrative unit in which it is located when it develops its calendar.

**G.S. 143B-146.9:** Requires the residential schools that are participating in the ABC's Program to develop and implement a school improvement plan. The plan is to developed by a team consisting of the superintendent, at least 5 parents (two of whom may be school employees), and instructional personnel, and residential life personnel assigned to the school. Parents must be elected by parents, and those who are not employees must receive travel and subsistence expenses and may, if appropriate, receive a stipend. The plan must include strategies to improve student performance. These strategies include a plan for the use of funds made available by the Secretary to meet the school's ABC's goals, a comprehensive plan to encourage parental involvement, and a safe school plan that includes components similar to those required for public schools (these would allow for rewards to superintendents, if money is made available for that purpose). Development and approval of school improvement plans are the same as for public school plans. Schools must develop their plans during the 1998-99 school year and must implement them the following school year.

**G.S. 143B-146.10:** Directs Secretary to develop, by December 15, 1998, a school technology plan for all the residential schools. The plan must meet the requirements of the State school technology plan and will be developed and approved in the same manner that local school plans are.

**G.S. 143B-146.11:** Requires Secretary to establish a procedure to resolve disputes between the schools and parents or guardians. An appeal must be available to the Secretary or his designee.

**G.S. 143B-146.12:** Requires the superintendents of the residential schools to report to local law enforcement specific criminal acts when the superintendents have personal knowledge or actual notice from school personnel that an enumerated criminal act occurred on school property.

**G.S. 143B-146.13:** Directs the Secretary to require an applicant for a residential school personnel position to be checked for criminal history before the applicant is offered an unconditional job. Applicants shall not be required to pay for these record checks. Residential school may employ an applicant conditionally while the Secretary is checking the person's criminal history and making a decision based on the results. The Secretary must provide to the State Board any criminal history he receives on a person who is certificated or licensed by the Board. The Board must then review the history and determine whether to revoke the person's certificate or license.

**Section 6:** Amends G.S. 115C-325 to add a new subsection (p1) to provide for the Secretary's dismissal of certificated instructional personnel in low-performing residential schools.

**Section 7:** Amends G.S. 115C-102.6(b) to add the Secretary to the members of the State School Technology Commission.

**Section 8:** Amends G.S. 115C-105.31 to add the Secretary to the members of the Task Force on School-Based Management under the State Board of Education.

**Section 9:** Subsection (a) requires the Secretary to adopt policies and offer training opportunities to ensure that personnel in the three schools for the deaf become proficient in sign language within two years of employment or implementation of this act, whichever occurs last. Subsection (b) directs DPI, the Board of Governors, and the State Board of

Community Colleges to offer and communicate the availability of professional development opportunities to residential school personnel. Subsection (c) directs the Board of Governors and the State Board of Community Colleges to study methods to assure that faculty who teach American Sign Language are highly qualified and competent. These Boards must report to the Appropriations Subcommittees on Education and Health and Human Services by March 1, 1999, on this study.

**Section 10:** Directs the Board of Governors to assess the accessibility of programs for deaf and blind students. Report to General Assembly by December 1, 1998.

**Section 11:** Directs Secretary to contract for the design of a longitudinal study of deaf and hard of hearing children to assess communication methods used and student performance.

**Section 12:** Directs the State Board, in consultation with the Secretary, to evaluate the certification requirements for the DHHS teachers in light of the specific educational needs at the residential schools. The Board must determine what types of certificates these teachers should hold and if dual certificates are appropriate. The Board must revise its policies, rules, and regulations if appropriate and must report to the Commission on Public Schools by December 15, 1998.

**Section 13:** Directs the State Auditor to conduct a fiscal audit of the Division of Services for the Deaf and Hard of Hearing and to report to the General Assembly by March 1, 1999, on the results of this audit.

**Section 14:** Directs the Governor Morehead School and the three schools for the deaf to prioritize their capital needs in a three-year plan. They must submit their plans to the Secretary, who will prioritize the needs of these schools and submit to the General Assembly a three-year plan to address them.

**Section 15:** Directs the Secretary to adopt policies to ensure that students of residential schools are given priority for independent living facilities.

**Section 16:** Appropriates \$1.2 million to DHHS for FY 1998-99 to provide a 5% Statewide teacher supplement for the DHHS schools.

**Section 17:** Appropriates \$900,000 for FY 1998-99 to provide two assistance teams to be assigned to four schools.

**Section 18:** Appropriates \$1.25 million for computers and related technology for the Governor Morehead School and the three State schools for the deaf.

**Section 19:** Act becomes effective July 1, 1998. The ABC's Program would apply to grades K-8 in the Governor Morehead School and the three schools for the deaf, beginning with the 1999-00 school year. This would mean that their baselines would be set at the end of the 1998-99 school year, and their personnel would be subject to rewards and penalties at the end of the following school year.

*D98-RHZ-002.7 Summary*

DRAFT

DRAFT

APPENDIX E

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

D

D98-RCZ-012.2(4/23/98)

(THIS IS A DRAFT AND IS NOT READY FOR INTRODUCTION)

Short Title: Pilot Program/Add'l. School Days.

(Public)

Sponsors: .

Referred to:

1 A BILL TO BE ENTITLED  
2 AN ACT TO IMPLEMENT THE RECOMMENDATION OF THE LEGISLATIVE STUDY  
3 COMMISSION ON PUBLIC SCHOOLS TO ESTABLISH A PILOT PROGRAM TO  
4 ADD INSTRUCTIONAL DAYS AND INCREASE FLEXIBILITY.  
5 The General Assembly of North Carolina enacts:  
6 Section 1. The State Board of Education shall develop a  
7 pilot program to add instructional days and increase flexibility  
8 in selected public schools. The State Board shall receive  
9 applications for participation in the pilot program from local  
10 boards of education and may select up to 10 schools to  
11 participate for terms of up to 5 years. The State Board shall  
12 give preference to applications from local boards for schools  
13 that have been designated as low-performing within 2 years of the  
14 date of application. Schools that are selected to participate in  
15 the pilot program shall provide at least 20 additional  
16 instructional days, 110 additional instructional hours, and shall  
17 employ their instructional staff for a term of twelve months.  
18 Pilot program schools also shall be exempt from most statutes and  
19 rules applicable to a local board of education or a local school  
20 administrative unit except the following: Part 3 of Article 8B

1 of Chapter 115C; G.S. 115C-325; and the teacher salary schedule.  
2 Furthermore, employees at a pilot program school shall receive  
3 the same State-funded employee benefits as other employees of the  
4 local school administrative unit. Local boards of education  
5 shall not assign instructional staff to a pilot program school  
6 unless the staff member consents to the assignment. A local  
7 board of education that sponsors a pilot program school shall  
8 report to the State Board at least twice during the term of the  
9 pilot regarding whether the increased amount of instructional  
10 time, the increased flexibility, or both have contributed to  
11 increased student performance.

12           Section 2. The General Assembly encourages the Governor  
13 to include recurring funds in the 1999-2000 budget to implement  
14 this program.

15           Section 3. This act is effective when it becomes law.





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To: Representative Arnold and Senator Lee, cochairs, Legislative Study Commission on Public Schools

From: Kory Goldsmith, Committee Counsel

Date: May 12, 1998

Re: Pilot Program/Add'l. School Days; D98-RCZ-012.2

**Section 1** directs the State Board of Education to develop a pilot program that adds 20 additional instructional days and 110 additional instructional hours to the school year in selected schools. The State Board would receive applications to participate in the program from local boards of education. Besides additional instructional time, the schools would be free of most school laws and State Board rules. The State Board could select up to 10 schools to participate for up to 5 years. The Board is encouraged to give preference to schools that have been identified as low-performing within two years of the application. Instructional staff would be employed for a term of 12 months, but would only serve at a pilot school if they volunteered. The accountability provisions of the ABCs plan and the law relating to career status would apply to the schools. The teachers would be paid on the salary schedule, and would receive the same State-funded benefits as any other employee of the local school administrative unit. Pilot program schools would report to the State Board at least twice during the term of the pilot regarding whether the increased amount of instructional time, the increase flexibility, or both have contributed to an increase in student performance.

**Section 2** encourages the Governor to include recurring funds in the 1999-2000 budget to implement the pilot program.

**This act would become effective upon becoming law.**

*D98-RCZ-012.1(summary)*

# DRAFT

## APPENDIX F

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

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D98-RJZ-001.2

(THIS IS A DRAFT AND IS NOT READY FOR INTRODUCTION)

12-MAY-98 11:41:15

Short Title: Encourage Year-Round Schools.

(Public)

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Sponsors: .

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Referred to:

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1                                   A BILL TO BE ENTITLED  
2 AN ACT TO IMPLEMENT THE RECOMMENDATION OF THE LEGISLATIVE STUDY  
3 COMMISSION ON PUBLIC SCHOOLS TO ENCOURAGE LOCAL BOARDS OF  
4 EDUCATION TO PROVIDE YEAR-ROUND SCHOOLS.  
5 The General Assembly of North Carolina enacts:  
6       Section 1. G.S. 115C-47(11) reads as rewritten:  
7       "(11)       To Determine the School Calendar. -- Local  
8       boards of education shall determine the school  
9       calendar under G.S. 115C-84.2. Local boards  
10       of education are encouraged to provide at  
11       least one year-round school in each local  
12       school administrative unit for each grade span  
13       according to how the school system is  
14       organized under G.S. 115C-74. Local boards of  
15       education shall report to the State Board of  
16       Education the establishment of any year-round  
17       school under this subdivision."  
18       Section 2. This act becomes effective July 1, 1998.  
19

