

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1993

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HOUSE BILL 1589*

Short Title: Reporting Changes - Education.

(Public)

Sponsors: Representatives Barnes, Black, Esposito, Fussell, Gray, Oldham, Rogers; McCrary and Sexton.

Referred to: Education.

May 25, 1994

A BILL TO BE ENTITLED

AN ACT TO REORGANIZE EDUCATION REPORTS AND TO MAKE
TECHNICAL CORRECTIONS TO THE EDUCATION LAWS.

The General Assembly of North Carolina enacts:

Section 1. G.S. 110-148(c)(5) reads as rewritten:

"(5) The State Board of Education ~~shall, with the assistance of the Division of Community Schools, report to the General Assembly at the time of its convening on odd-numbered years the use of these funds and shall~~ develop a State plan for the prevention of child abuse and neglect for submission to the Governor, the President of the Senate, and the Speaker of the House no later than January 1, 1987."

Sec. 2. G.S. 115C-21.1 reads as rewritten:

"§ 115C-21.1. ~~Biennial report on civic literacy; other reports.~~ Report on class size waivers.

(a) ~~The State Superintendent of Public Instruction shall submit a biennial report to the General Assembly on the implementation of G.S. 115C-81(g).~~

(b) The Department of Public Instruction shall monitor and provide a report to the General Assembly by May 1, 1991, and annually thereafter showing the school units that have been granted class size waivers pursuant to G.S. 115C-238.6(a), have reported class size exceptions, and have converted State-funded teacher positions to other positions, dollars, or other expenditures."

Sec. 3. G.S. 115C-105.3 reads as rewritten:

"§ 115C-105.3. Purpose.

1 The purpose of the Commission is to develop high and clearly defined education
2 standards for the public schools of North Carolina. These standards shall specify the
3 skills and the knowledge that high school graduates should possess in order to be
4 competitive in the modern economy. The purpose of the Commission is also to develop
5 fair and valid assessments to assure that high school graduates in North Carolina meet
6 these standards. No later than the Spring semester of the year 2000, every graduating
7 high school senior may be required to achieve these standards as a condition for
8 receiving a diploma.

9 These high standards and assessments shall focus on the key skills needed by
10 students as they strive to be successful after high school and shall reflect the high
11 expectations for every student demanded by the State's education mission in G.S. 115C-
12 81(a), 115C-238.1, and 115C-238.13(a). Once these key skills are identified, parents,
13 teachers, and the entire school community should be encouraged to help each student
14 meet the student's fullest potential."

15 Sec. 4. G.S. 115C-105.5 reads as rewritten:

16 "**§ 115C-105.5. Reporting requirements.**

17 (1) No later than July 1, 1994,—1994, and annually thereafter, the
18 Commission shall provide an initial—a progress report on standards and
19 assessments—to the General Assembly, the Governor, and the State
20 Board of Education. This report shall include—include:

21 a. Progress being made on the development of standards,
22 benchmarks, and related assessments. It shall also include
23 assessments;

24 b. Recommendations for the education and training of educators to
25 assist in incorporating standards into existing classrooms.
26 implement the standards and assessments;

27 c. An estimation of (i) the number of students each year who are
28 unlikely to achieve at their potential and the cost of the actions
29 that should be taken to enable these students to achieve at their
30 potential, and (ii) the number of students who are unlikely to
31 meet the performance standards for high school graduation each
32 year and the cost of the actions that should be taken to enable
33 these students to meet the standards; and

34 d. An implementation schedule that includes field testing of the
35 assessments, a public awareness campaign, public release of the
36 assessment data, and the development of designations on
37 graduation diplomas to reflect a student's achievement in the
38 standards.

39 (2) No later than July 1, 1996, The—the Commission shall recommend to
40 the State Board of Education standards and a system of assessments,
41 and if the State Board adopts the standards and system of assessments,
42 the Commission and the State Board shall use the following schedule:

- 1 a. ~~In the Spring semester of the 1994-95 school year, a field or~~
 2 ~~pilot test of the system of assessments shall be given in a~~
 3 ~~limited number of school units.~~
 4 b. ~~During the 1994-95 school year, school personnel shall be~~
 5 ~~educated and trained to implement the system of assessments.~~
 6 e. ~~During the 1994-95 school year, there shall be a public~~
 7 ~~awareness campaign regarding the standards and assessments.~~
 8 d. ~~In the 1995-96 school year, standards shall be implemented in~~
 9 ~~all school systems, and in the Spring semester of the 1995-96~~
 10 ~~school year, the assessments shall be administered to all North~~
 11 ~~Carolina high school seniors and in every local school~~
 12 ~~administrative unit.~~
 13 e. ~~In the Spring semester of the 1995-96 school year, the first set~~
 14 ~~of assessment data shall be released publicly.~~
 15 f. ~~During the 1995-96 and subsequent school years, appropriate~~
 16 ~~designations shall be implemented on the diplomas of~~
 17 ~~graduation to reflect the students' achievement.~~
 18 g. ~~No later than the Spring semester of the year 2000, every~~
 19 ~~graduating high school senior shall be required to achieve these~~
 20 ~~standards as a condition for receiving a diploma.~~
 21 assessments for the Board's consideration so that by the year 2000 every
 22 graduating high school senior may be required to achieve these
 23 standards as a condition for receiving a diploma.
 24 (3) ~~The Commission shall annually advise the General Assembly, the~~
 25 ~~Governor, and the State Board of Education on the standards and~~
 26 ~~assessments. In its report, the Commission shall estimate (i) the~~
 27 ~~number of students each year who are unlikely to achieve at their~~
 28 ~~potential and the cost of the actions that should be taken to enable~~
 29 ~~these students to achieve at their potential, and (ii) the number of~~
 30 ~~students who are unlikely to meet the performance standards for high~~
 31 ~~school graduation each year and the cost of the actions that should be~~
 32 ~~taken to enable these students to meet the standards."~~

33 Sec. 5. G.S. 115C-174.19 is repealed.

34 Sec. 6. G.S. 115C-238.17 reads as rewritten:

35 **"§ 115C-238.17. Annual assessment and reapproval of plans.**

36 (a) ~~Between March 15 and May 15~~ No later than May 31 of each subsequent year
 37 of the project, the projects shall submit to the Department of Public Instruction any data
 38 requested by the Department of Public Instruction or the State Board of Education and
 39 any proposed changes in the projects. ~~No later than May 30 each year, the~~ The
 40 Department shall review the data and the proposed changes in the plans for the projects
 41 and shall work with the project sites to assure that the plans carry out the provisions of
 42 this Part.

43 (b) ~~Between March 15 and June 1~~ of each subsequent year, ~~the~~ The State Board of
 44 Education shall receive the data requested and the proposed changes in plans for

1 projects from the project sites and shall receive the comments of the Department of
2 Public Instruction regarding the data and the proposed changes in the projects. The
3 State Board shall also consider the results of audits and evaluations performed pursuant
4 to G.S. 115C-238.18.

5 (c) No later than ~~June~~ August 15 of each subsequent year, the State Board of
6 Education shall reapprove the plans and any changes for the projects, reapprove the
7 plans and any changes with modifications, or reject the plans.

8 (d) The project sites shall begin implementation immediately of projects
9 reapproved, or reapproved with modifications, by the State Board."

10 Sec. 7. G.S. 115C-238.7(b) reads as rewritten:

11 "(b) The Task Force shall:

12 (1) Monitor the implementation of the School Improvement and
13 Accountability Act of 1989, as amended, especially the development
14 and implementation of building-level plans;

15 (2) Advise the Director of the Task Force on Site-Based Management on
16 how to provide training and assistance to the public schools so as to
17 facilitate the implementation of site-based management;

18 (3) Review ~~by September 1, 1992,~~ publications produced by the
19 Department of Public Instruction on the development and
20 implementation of building-level plans;

21 (4) Report annually to the General Assembly ~~within the first week of the~~
22 ~~convening of the 1993 General Assembly and biennially thereafter and the~~
23 Joint Legislative Education Oversight Committee on the
24 implementation of site-based management in the public ~~schools.~~
25 schools on the first Friday in December. This report may contain a
26 summary of recommendations for changes to any law, rule, and policy
27 that would improve site-based management."

28 Sec. 8. Section 8 of Chapter 778 of the 1989 Session Laws reads as
29 rewritten:

30 "Sec. 8. The ~~Department of Public~~ State Board of Education shall report ~~prior to May~~
31 ~~1, 1990, and~~ annually on the first Friday in February ~~thereafter,~~ on the implementation of
32 the School Improvement and Accountability Act of 1989, to the Joint Legislative
33 Education Oversight Committee, the ~~chairmen~~ chairs of the Senate and House of
34 Representatives committees on education, appropriations, and appropriations on
35 education."

36 Sec. 9. G.S. 115C-238.24 reads as rewritten:

37 "**§ 115C-238.24. Grants of flexibility by the State Board.**

38 In implementing local projects, local boards need broad decision-making authority
39 so that local boards and participating school leadership teams can carry out the activities
40 that meet the needs of students in that particular building. Each participating local
41 school administrative unit may request from the State Board of Education, with
42 specificity, those aspects of its project implementation that would be enhanced by
43 flexibility with regard to statutes, policies, and regulations. Upon the recommendation
44 of the State Superintendent, the State Board of Education may grant each local school

1 administrative unit such flexibility with regard to Chapter 115C of the General Statutes,
2 and its policies, and regulations, including the waivers allowed under G.S. 115C-
3 238.6(a)(1) and (a)(2), as it finds necessary and appropriate to implement a local project
4 so long as (i) the total amount of State funds expended for the project does not exceed
5 the amount of State funds available for a school with that average daily membership; (ii)
6 no health or safety standards relating to schools or school transportation are lowered;
7 (iii) the State Board of Education does not find as a fact that the flexibility is being
8 abused; (iv) the provisions of G.S. 115C-325 shall not be waived for any certificated
9 teacher working in a Genesis school; and (v) the standard course of study is included in
10 the education program offered to every child in the Genesis school.

11 Article 2A of Chapter 150B of the General Statutes shall not apply to actions by the
12 State Board of Education when waiving its rules under this subsection.

13 The State Board of Education shall report annually on the first Friday in May on
14 waivers granted with regard to statutes, policies, and regulations to the Joint Legislative
15 Education Oversight Committee."

16 Sec. 10. G.S. 115C-325(i)(1) reads as rewritten:

17 "(1) The career teacher and superintendent will each have the right to
18 designate not more than ~~30~~33 of the ~~121~~132 members of the
19 Professional Review Committee as not acceptable to the teacher or
20 superintendent respectively. No person so designated shall be
21 appointed to the panel. The career teacher shall specify to the
22 superintendent those Committee members who are not acceptable in
23 his request for a review of the superintendent's proposed
24 recommendations provided for in subdivision (h)(3) above. The
25 superintendent's notice to the Superintendent of Public Instruction
26 provided for in subdivision (h)(4) above shall contain a list of those
27 members of the Committee not acceptable to the superintendent and
28 the teacher respectively. Failure to designate nonacceptable members
29 in accordance with this subsection shall constitute a waiver of that
30 right."

31 Sec. 11. G.S. 115C-290.5(a) reads as rewritten:

32 "(a) The Board shall administer this Article. In fulfilling this duty, the Board
33 shall:

- 34 (1) Develop and implement a North Carolina Public School Administrator
35 Exam, based on the professional standards established by the Board.
- 36 (2) Establish and collect an application fee not to exceed fifty dollars
37 (\$50.00), and an exam fee not to exceed one hundred fifty dollars
38 (\$150.00). Fees collected under this Article shall be credited to the
39 General Fund as nontax revenue.
- 40 (3) Review the educational achievements of an applicant to take the exam
41 to determine whether the achievements meet the requirements set by
42 G.S. 115C-290.7.

- 1 (4) Notify the State Board of Education of the names and addresses of the
2 persons who passed the exam and are thereby qualified to be certified
3 as public school administrators by the State Board of Education.
4 (5) Maintain accounts and records in accordance with the Executive
5 Budget Act, Article 1 of Chapter 143 of the General Statutes.
6 (6) Adopt rules in accordance with Chapter 150B of the General Statutes
7 to implement this Article.
8 (7) Submit an annual report by ~~March 1~~ December 1 of each year to the
9 Joint Legislative Education Oversight Committee of its activities
10 during the preceding year, together with any recommendations and
11 findings regarding improvement of the profession of public school
12 administration."

13 Sec. 12. G.S. 116-74.43(b) reads as rewritten:

14 "(b) The State Education Assistance Authority shall forgive the loan if, within six
15 years after graduation from a school administrator program, the recipient serves for four
16 years as a school administrator at a North Carolina public school or at a school operated
17 by the United States government in North Carolina. The SEAA shall also forgive the
18 loan if it finds that it is impossible for the recipient to work for four years, within ~~to six~~
19 years after completion of the two-year school administrator program supported by the
20 scholarship loan at a North Carolina public school, or at a school operated by the United
21 States government in North Carolina, because of the death or permanent disability of the
22 recipient. If the recipient repays the scholarship loan by cash payments, all
23 indebtedness shall be repaid within 10 years after completion of the two-year school
24 administrator program supported by the scholarship loan."

25 Sec. 13. Section 6 of Chapter 199 of the 1993 Session Laws reads as
26 rewritten:

27 "Sec. 6. The Board of Governors shall report on the design for the programs and the
28 proposal process created in accordance with G.S. 116-74.21 to the Joint Legislative
29 Education Oversight Committee no later than December 1, 1993. Requests for
30 proposals shall be disseminated to the constituent institutions no later than January 15,
31 1994. Proposals shall be submitted to the Board of Governors no later than June 1,
32 1994. The Board of Governors shall then reconvene the panel of experts to screen the
33 submitted proposals. After its screening, the panel shall make recommendations by
34 September 1, 1994, to the Board of Governors. The Board of Governors shall choose
35 the institutions that shall have school administrator programs no later than November 1,
36 1994.

37 The Board of Governors shall report annually on the implementation of the act no
38 later than December 1 of each year."

39 Sec. 14. Section 6 of Chapter 880 of the 1991 Session Laws reads as
40 rewritten:

41 "Sec. 6. The Board of Governors shall coordinate a A-joint report of progress report
42 made to develop a on the implementation of the system to provide an exchange of
43 information-information among the public and independent colleges and universities, the
44 community colleges, and the public schools. The report shall be made to the Joint

1 Legislative Education Oversight Committee no later than February 15, 1993, and
2 annually thereafter."

3 Sec. 15. Subsection (a) of Section 139 of Chapter 321 of the 1993 Session
4 Laws reads as rewritten:

5 "Sec. 139. (a) Of the funds appropriated to Aid to Local School Administrative
6 Units, the sum of two million five hundred thousand dollars (\$2,500,000) for the 1993-
7 94 fiscal year and the sum of two million five hundred thousand dollars (\$2,500,000) for
8 the 1994-95 fiscal year shall be used to provide grants for local school administrative
9 units for locally designed innovative local programs to make schools safe for students
10 and school employees. These funds shall be used for grants of from fifty thousand
11 dollars (\$50,000) to one hundred thousand dollars (\$100,000) per year to local school
12 administrative units. These funds may be used for continuing or noncontinuing
13 expenses.

14 A local school administrative unit may apply for a grant, or two or three adjacent
15 local school administrative units may apply jointly for a grant. Applicants for grants
16 shall submit to the State Board of Education an application that includes the following
17 information:

- 18 (1) An assessment of local problems with regard to violence and
19 harassment, including sexual and other forms of harassment, in the
20 schools prepared by a local task force of educators, parents, students,
21 community leaders, and representatives of social services and law
22 enforcement, appointed by the local board of education.
- 23 (2) A detailed plan for addressing these local problems, including
24 proposed goals and anticipated outcomes, prepared after consultation
25 with the task force.
- 26 (3) A statement of how the grant funds would be used to address these
27 local problems and what other resources would be used to address the
28 problems.
- 29 (4) A process for assessing on an annual basis the success of the local plan
30 for addressing problems with regard to violence and harassment in the
31 schools.

32 The Superintendent of Public Instruction shall appoint a State task force to assist the
33 Superintendent in reviewing grant applications. The State task force shall include
34 representatives of the Department of Public Instruction, local school administrative
35 units, educators, parents, the juvenile justice system, social services, and
36 nongovernmental agencies providing services to children, and other members the
37 Superintendent deems appropriate. In reviewing grant applications, the Superintendent
38 and the State task force shall consider the severity of the local problems with regard to
39 violence in the schools and the likelihood that the locally designed plan will deal with
40 the problems successfully.

41 The State Board of Education shall consider the recommendations of the
42 Superintendent in selecting grant recipients. The State Board shall also attempt to give
43 grants to local school administrative units that are located geographically throughout the

1 State, that have different demographic profiles, and that propose different approaches to
2 their problems. The State Board shall select grant recipients prior to January 1, 1994.

3 The Superintendent of Public Instruction shall administer the grant program and
4 provide technical assistance to grant applicants and recipients.

5 The State Board of Education shall report to the Joint Legislative Education
6 Oversight Committee prior to March 15, 1994, ~~and prior to January 15, 1995-1995, and~~
7 October 1, 1995, and annually thereafter on how the funds are being used."

8 Sec. 16. (a) Section 7 of Chapter 210 of the 1993 Session Laws reads as
9 rewritten:

10 "Sec. 7. This act becomes effective July 1, ~~1993-1993~~, except that Sections 3, 5, and
11 6 become effective July 1, 1995."

12 (b) This section is effective upon ratification. This section does not apply to
13 employment contracts entered into between a local school unit and an assistant principal
14 between July 1, 1993, and the effective date of this act.

15 Sec. 17. Subsections (d) and (e) of Section 96 of Chapter 830 of the 1987
16 Session Laws are repealed.

17 Sec. 18. Subsections (d) and (e) of Section 96 of Chapter 752 of the 1989
18 Session Laws are repealed.

19 Sec. 19. Chapter 43 of the 1993 Session Laws is repealed.

20 Sec. 20. This act is effective upon ratification.