

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1993

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HOUSE BILL 573

Short Title: School Textbook Law Changes/Funds.

(Public)

Sponsors: Representatives Jeffus; Bowman, Cummings, and Kuczmariski.

Referred to: Education.

March 25, 1993

A BILL TO BE ENTITLED

AN ACT TO AMEND THE LAWS REGARDING TEXTBOOKS AND OTHER
INSTRUCTIONAL MATERIALS ADOPTED BY THE STATE FOR USE IN THE
PUBLIC SCHOOLS AND TO APPROPRIATE FUNDS FOR THE EVALUATION
OF INSTRUCTIONAL MATERIALS OTHER THAN TEXTBOOKS.

The General Assembly of North Carolina enacts:

Section 1. Part 3 of Article 8 of Chapter 115C of the General Statutes reads
as rewritten:

**"PART 3. ~~TEXTBOOKS.~~ TEXTBOOKS AND OTHER INSTRUCTIONAL
MATERIALS.**

**"§ 115C-85. ~~Textbook needs~~ Needs for textbooks and other instructional materials
are determined by course of study.**

When the State Board of Education has adopted, upon the recommendation of the
Superintendent of Public Instruction, a standard course of study at each instructional
level in the elementary school and the secondary school, setting forth what subjects
shall be taught at each level, it shall proceed to select and adopt ~~textbooks.~~ textbooks and
other instructional materials. Instructional materials adopted in accordance with the
provisions of this Part shall include programs that are comprehensive in nature and
cover the primary objectives of a course or grade level. Instructional materials may
include traditional textbooks, activity-oriented programs, and electronic-based materials
that require the use of electronic equipment in order to be used.

Textbooks and other instructional materials adopted in accordance with the
provisions of this Part shall be used by the public schools of the State.

1 **"§ 115C-86. State Board of Education to select and adopt ~~textbooks.~~ textbooks and**
2 **other instructional materials.**

3 The Board shall select and adopt for a period determined to be most advantageous to
4 the State public school system for the exclusive use in the public schools of North
5 Carolina the basic ~~textbooks or series of books~~ textbooks, series of books, or other
6 instructional materials needed for instructional purposes at each instructional level on
7 all subject matter required by law to be taught in elementary and secondary schools of
8 North Carolina.

9 **"§ 115C-87. Appointment of Textbook Commission.**

10 Shortly after assuming office, the Governor shall appoint a Textbook Commission of
11 14 members who shall hold office for four years, or until their successors are appointed
12 and qualified. The members of the Commission shall be appointed by the Governor
13 upon recommendation of the Superintendent. Six of these members shall be teachers or
14 principals in the elementary grades; five shall be teachers or principals in the high
15 school grades; one shall be a superintendent of a local school administrative unit; one
16 shall be the parent of an elementary student, grades K-6, at the time of appointment; and
17 one shall be the parent of a high school student, grades 7-12, at the time of appointment.
18 The Governor shall fill all vacancies by appointment for the unexpired term. The
19 Commission shall elect a chairman, subject to the approval of the Superintendent. The
20 members shall be entitled to compensation for each day spent on the work of the
21 Commission as approved by the Board and to reimbursement for travel and subsistence
22 expense incurred in the performance of their duties at the rates specified in G.S. 138-
23 5(a). ~~Such~~ This compensation shall be paid from funds available to the State Board of
24 Education.

25 **"§ 115C-88. Commission to evaluate books offered for adoption.**

26 The members of the Commission who are teachers, principals or the parent of
27 students ~~in the elementary grades~~ shall evaluate all textbooks and any other instructional
28 materials the Commission deems appropriate, offered for ~~adoption in the elementary~~
29 ~~grades.~~ The members who are teachers, principals or the parent of students in the high schools
30 shall evaluate all books offered for adoption in the high school grades. adoption.

31 Each member shall examine carefully and file a written evaluation of each book or
32 other instructional materials offered for ~~adoption in the category for which he is responsible.~~
33 adoption.

34 The evaluation report shall give special consideration to the suitability of the book or
35 other instructional materials to the instructional level for which it is offered, the content
36 or subject matter, and other criteria prescribed by the Board.

37 Each evaluation report shall be signed by the member making the report and filed
38 with the Board not later than a day fixed by the Board when the call for adoption is
39 made.

40 **"§ 115C-89. Selection of textbooks and other instructional materials by Board.**

41 At the next meeting of the Board after the reports have been filed, the Textbook
42 Commission and the Board shall jointly examine the reports. From the books ~~evaluated~~
43 and other instructional materials evaluated, the Board shall select those that it thinks
44 will meet the teaching requirements of the State public schools in the instructional

1 levels for which they are offered. ~~The Board shall request sealed bids from the publishers on~~
2 ~~all the books being considered.~~

3 The Board shall make all necessary rules and regulations concerning requests for
4 bids, notification to publishers of calls for adoption, execution and delivery of contracts,
5 requirement of performance bonds, cancellation clauses, and such other material matters
6 as may affect the validity of the contracts.

7 **"§ 115C-90. Adoption of textbooks and other instructional materials and contracts**
8 **with publishers.**

9 The publishers' sealed bids shall be opened in the presence of two persons
10 designated by the State Board of Education and one person designated by the
11 Superintendent of Public Instruction. The Board may then adopt the books or other
12 instructional materials required by the courses of study and enter into contracts with the
13 publisher of adopted ~~books.~~ books or other instructional materials. It may refuse to adopt
14 any of the books or other instructional materials offered at the prices bid and call for
15 new bids. When bids are accepted and a contract entered into, the contract may require,
16 in the Board's discretion, that the total sales of each book or instructional materials in
17 the State of North Carolina be reported annually to the Board.

18 All ~~textbook~~ contracts for textbooks or other instructional materials shall include a
19 clause granting to the State Board of Education the license to produce Braille, large
20 print, and audio-cassette tape copies of the textbooks or other instructional materials for
21 use in the State public schools. ~~Also, the General Assembly urges the State Board of~~
22 ~~Education to request such a license from textbook publishers with whom a contract was entered~~
23 ~~into prior to August 1, 1987.~~

24 **"§ 115C-91. Continuance and discontinuance of contracts with publishers.**

25 When an existing or future contract expires, the Board may, with the publisher's
26 approval, continue the contract for any particular book or ~~books~~ other instructional
27 materials for a period not less than one or more than five years. If a publisher desires to
28 terminate a contract that has been extended beyond the original contract period, he shall
29 give notice to the Board 90 days prior to May 1. The Board may then proceed to a new
30 adoption.

31 **"§ 115C-92. Procedure for change of ~~textbook.~~ textbook or other instructional**
32 **materials.**

33 The Superintendent may at any time communicate to the Board that a particular
34 book ~~is~~ or other instructional materials are unsatisfactory for the schools, whereupon the
35 Board may call for a new selection and adoption. If the Board votes to change a
36 ~~textbook.~~ textbook or other instructional materials, it shall give the publisher 90 days'
37 notice prior to May 1, after which it may adopt a new book or ~~books~~ instructional
38 materials on the subject for which a book ~~is~~ or other instructional materials are sought.

39 **"§ 115C-93. Advice from and suits by Attorney General.**

40 The form and legality of contracts between the Board and publishers of textbooks or
41 other instructional materials shall be subject to the approval of the Attorney General.

42 When requested by the Board, the Attorney General shall bring suit against any
43 publisher who fails to keep ~~his~~ the contract as to prices, distribution, adequate supply of
44 books or other instructional materials in the edition adopted, or in any other way

1 violates the terms of ~~his~~the contract. The suit shall be brought for an amount sufficient
2 to enforce the contract or to compensate the State for any loss sustained by the
3 publisher's failure to keep ~~his~~the contract.

4 **"§ 115C-94. Publishers to register.**

5 Any publisher who submits books or other instructional materials for adoption shall
6 register in the office of the Superintendent of Public Instruction the names of all agents
7 or other employees authorized to represent that company in the State, and this
8 registration list shall be open to the public for inspection.

9 **"§ 115C-95. Sale of books or other instructional materials at lower price reduces
10 price to State.**

11 Every contract made by the Board with the publisher of any school textbook or other
12 instructional materials on the State-adopted list shall be deemed to have written therein
13 a condition providing that if that publisher, during the life of ~~his~~the contract with this
14 State, contracts with any other governmental unit or places that textbook or other
15 instructional materials on sale anywhere in the United States for a price less than that
16 stipulated in ~~his~~the contract with the State of North Carolina, the publisher shall
17 immediately furnish that textbook or other instructional materials to this State at a price
18 not greater than that for which the book ~~is~~or other instructional materials are furnished,
19 sold, or placed on sale anywhere else in the nation.

20 **"§ 115C-96. Powers and duties of the State Board of Education in regard to
21 ~~textbooks.~~ textbooks and other instructional materials.**

22 The children of the public elementary and secondary schools of the State shall be
23 provided with free basic textbooks or other instructional materials adopted by the State
24 Board of Education within the appropriation of the General Assembly for that purpose.
25 To implement this directive, the State Board of Education shall evaluate annually the
26 amount of money necessary to provide textbooks or other instructional materials on the
27 State-adopted list based on the actual cost and availability of textbooks or other
28 instructional materials and shall request sufficient appropriations from the General
29 Assembly.

30 The State Board of Education shall administer a fund and establish rules and
31 regulations necessary to:

- 32 (1) Acquire by contract ~~such~~all basic textbooks and other instructional
33 materials as are or may be on the adopted list of the State of North
34 Carolina ~~which~~that the Board finds necessary to meet the needs of the
35 State public school system and to carry out the provisions of this Part.
- 36 (2) Provide a system of distribution of these textbooks and other
37 instructional materials and distribute the books and other instructional
38 materials that are provided without using any depository or warehouse
39 facilities other than those operated by the State Board of Education.
- 40 (3) Provide for the free use, with proper care and return, of elementary and
41 secondary basic ~~textbooks.~~ textbooks and other instructional materials
42 on the adopted list. The title of ~~said~~the books and other instructional
43 materials shall be vested in the State.

1 **"§ 115C-97. State Board of Education authorized to discontinue handling**
2 **supplementary and library books.**

3 The State Board of Education may discontinue the adoption of supplementary
4 textbooks and, at the expiration of existing contracts, may discontinue the purchase,
5 warehousing, and distribution of supplementary textbooks. The Board may also
6 discontinue the purchase and resale of library books. Funds appropriated to the State
7 Board of Education for supplementary textbooks shall be transferred to the State Public
8 School Fund for allotment to each local school administrative unit, based on its average
9 daily membership, for the purchase of supplementary textbooks, library books,
10 periodicals, and other instructional materials.

11 **"§ 115C-98. Local boards of education to provide for local operation of the State-**
12 **adopted textbook and instructional materials program and the selection**
13 **and procurement of other instructional materials.**

14 (a) Local boards of education shall adopt rules and regulations not inconsistent
15 with the policies of the State Board of Education concerning the local operation of the
16 State-adopted textbook and other instructional materials program.

17 (b) Local boards of education shall adopt written policies concerning the
18 procedures to be followed in their local school administrative units for the selection and
19 procurement of supplementary textbooks, library books, periodicals, audio-visual
20 materials, and other supplementary instructional materials needed for instructional
21 purposes in the public schools of their units.

22 Local boards of education shall have sole authority to select and procure
23 supplementary instructional materials, whether or not the materials contain commercial
24 advertising, to determine if the materials are related to and within the limits of the
25 prescribed curriculum, and to determine when the materials may be presented to
26 students during the school day. Supplementary materials and contracts for
27 supplementary materials are not subject to approval by the State Board of Education.

28 Supplementary books and other instructional materials shall neither displace nor be
29 used to the exclusion of basic ~~textbooks.~~ State-adopted textbooks and other instructional
30 materials.

31 (c) Funds allocated by the State Board of Education or appropriated in the
32 current expense or capital outlay budgets of the local school administrative units, may
33 be used for the above-stated purposes.

34 **"§ 115C-99. Legal custodians of books and other instructional materials furnished**
35 **by State.**

36 Local boards of education are the custodians of all books ~~furnished by the State.~~ and
37 other instructional materials purchased by the local boards of education with State
38 funds. They shall provide adequate and safe storage facilities for the proper care of
39 these books and other instructional materials and emphasize to all students the necessity
40 for proper care of ~~textbooks.~~ textbooks and other instructional materials.

41 **"§ 115C-100. Rental fees for textbooks and other instructional materials on the**
42 **State-adopted list prohibited; damage fees authorized.**

43 No local board of education may charge any pupil a rental fee for the use of
44 ~~textbooks.~~ textbooks or other materials on the State-adopted list. A pupil's parents or

1 legal guardians may be charged damage fees for abuse or loss of textbooks or other
2 instructional materials on the State-adopted list under rules adopted by the State Board
3 of Education. All money collected ~~on State-owned books as damage fees or~~ from the sale
4 of books or other instructional materials purchased with State funds under the
5 provisions of this Part shall be paid annually as collected to the State Board of
6 Education.

7 **"§ 115C-101. Duties and authority of superintendents of local school administrative**
8 **units.**

9 The superintendent of each local school administrative unit, as an official agent of
10 the State Board of Education, shall administer the provisions of this Part and the rules
11 and regulations of the Board insofar as they apply to ~~his~~ the unit. The superintendent of
12 each local school administrative unit shall have authority to require the cooperation of
13 principals and teachers so that the children may receive the best possible service, and so
14 that all the ~~books~~ books, other instructional materials on the State-adopted list, and
15 moneys may be accounted for properly. If any principal or teacher fails to comply with
16 the provisions of this section, ~~his~~ the superintendent shall withhold ~~his~~ the principal's or
17 teacher's salary vouchers until the duties imposed by this section have been performed.

18 If any superintendent fails to comply with the provisions of this section, the State
19 Superintendent, as secretary to the State Board of Education, shall notify the State
20 Board of Education and the State Treasurer. The State Board and the State
21 Superintendent shall withhold the superintendent's salary vouchers, and the State
22 Treasurer shall make no payment until the State Superintendent notifies him that the
23 provisions of this section have been complied with.

24 **"§ 115C-102. Right to purchase; disposal of textbooks and materials.**

25 (a) Any parent, guardian, or person **in loco parentis** may purchase any
26 instructional material needed for any child in the public schools of the State from the
27 board of education of the local school administrative unit in which the child is enrolled
28 or, in the case of basic ~~textbooks,~~ textbooks or other instructional materials on the State-
29 adopted list, from the State Board of Education.

30 (b) Notwithstanding Article 3A of Chapter 143 of the General Statutes, G.S. 143-
31 49(4), or any other provision of law, the State Board of Education may adopt rules
32 authorizing local boards of education to dispose of discontinued instructional material,
33 including State-adopted ~~textbooks,~~ textbooks and other instructional materials.

34 **"§ 115C-125. Free textbooks and other instructional materials on the State-adopted**
35 **list and State purchase and rental system.**

36 The Schools for the Deaf shall have the right and privilege of participating in the
37 distribution of free textbooks and other instructional materials on the State-adopted list
38 and in the purchase and rental system operated by the State of North Carolina in the
39 same manner as any other public school in the State."

40 Sec. 2. G.S. 115C-11 reads as rewritten:

41 **"§ 115C-11. Organization and internal procedures of Board.**

42 (a) Presiding Officer. – The State Board of Education shall elect from its
43 membership a chairman and vice-chairman. A majority of the Board shall constitute a
44 quorum for the transaction of business. Per diem and expenses of the appointive

1 members of the Board shall be provided by the General Assembly. The chairman of the
2 Board shall preside at all meetings of the Board. In the absence of the chairman, the
3 vice-chairman shall preside; in the absence of both the chairman and the vice-chairman,
4 the Board shall name one of its own members as chairman pro tempore.

5 (a1) Student advisors. – The Governor is hereby authorized to appoint two high
6 school students who are enrolled in the public schools of North Carolina as advisors to
7 the State Board of Education. The student advisors shall participate in State Board
8 deliberations in an advisory capacity only. The State Board may, in its discretion,
9 exclude the student advisors from executive sessions.

10 The Governor shall make initial appointments of student advisors to the State Board
11 as follows:

- 12 (1) One high school junior shall be appointed for a two-year term
13 beginning September 1, 1986, and expiring June 14, 1988; and
- 14 (2) One high school senior shall be appointed for a one-year term
15 beginning September 1, 1986, and expiring June 14, 1987. When an
16 initial or subsequent term expires, the Governor shall appoint a high
17 school junior for a two-year term beginning June 15 of that year. If a
18 student advisor is no longer enrolled in the public schools of North
19 Carolina or if a vacancy otherwise occurs, the Governor shall appoint a
20 student advisor for the remainder of the unexpired term.

21 Student advisors shall receive per diem and necessary travel and subsistence
22 expenses in accordance with the provisions of G.S. 138-5.

23 (a2) State Teacher of the Year Advisor. – Each State Teacher of the Year, as
24 designated by the Department of Public Instruction, shall serve ex officio as advisor to
25 the State Board of Education. Each State Teacher of the Year shall begin service as
26 advisory member to the State Board at the commencement of the teacher's term as State
27 Teacher of the Year and shall serve for two years. The State Teachers of the Year shall
28 participate in State Board deliberations and committee meetings in an advisory capacity
29 only. The State Board may, in its discretion, exclude the State Teachers of the Year
30 from executive sessions.

31 In the event a vacancy occurs in the State Teacher of the Year's advisory position,
32 the teacher who was next runner-up to that State Teacher of the Year shall serve as the
33 advisory member to the Board for the remainder of the unexpired term. The State
34 Teacher of the Year advisors to the State Board shall receive per diem and necessary
35 travel and subsistence expenses in accordance with the provisions of G.S. 138-5.

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

40 (b1) Annual meeting with the State Board of Community Colleges and the Board
41 of Governors of The University of North Carolina. The State Board of Education shall
42 meet with the State Board of Community Colleges and the Board of Governors of The
43 University of North Carolina at least once a year to discuss educational matters of
44 mutual interest and to recommend to the General Assembly such policies as are

1 appropriate to encourage the improvement of public education at every level in this
2 State. The meeting in 1987 and every three years thereafter shall be hosted by the
3 University Board of Governors, the meeting in 1988 and every three years thereafter
4 shall be hosted by the State Board of Education, and the meeting in 1989 and every
5 three years thereafter shall be hosted by the State Board of Community Colleges.

6 (c) Special Meetings. – Special meetings of the Board may be set at any regular
7 meeting or may be called by the chairman or by the secretary upon the approval of the
8 chairman: Provided, a special meeting shall be called by the chairman upon the request
9 of any five members of the Board. In case of regular meetings and special meetings, the
10 secretary shall give notice to each member, in writing, of the time and purpose of the
11 meeting, by letter directed to each member at ~~his~~the member's home post-office
12 address. ~~Such~~The notice must be deposited in the Raleigh Post Office at least three days
13 prior to the date of meeting.

14 (d) Voting. – No voting by proxy shall be permitted. Except in voting on ~~textbook~~
15 ~~adoptions,~~the adoption of textbooks and other instructional materials, all voting shall be
16 **viva voce** unless a record vote or secret ballot is demanded by any member, and a
17 majority of those present and voting shall be necessary to carry a motion.

18 (e) Voting on Adoption of ~~Textbooks~~Textbooks and Other Instructional
19 Materials. – A majority vote of the whole membership of the Board shall be required to
20 adopt ~~textbooks,~~textbooks and other instructional materials, and a roll call vote shall be
21 had on each motion for ~~such adoption or adoptions.~~adoption. A record of all such votes
22 shall be kept in the minute book.

23 (f) Committees. – The Board may create from its membership ~~such~~any
24 committees ~~as~~ it deems necessary to facilitate its business. The chairman of the Board
25 shall with approval of the majority of the Board appoint members to the several
26 committees authorized by the Board and to any additional committees which the
27 chairman may deem to be appropriate.

28 (g) Record of Proceedings. – All of the proceedings of the Board shall be
29 recorded in a well-bound and suitable book, which shall be kept in the office of the
30 Superintendent of Public Instruction, and open to public inspection.

31 (h) Rules and Regulations. – The Board shall adopt reasonable rules and
32 regulations not inconsistent herewith, to govern its proceedings which the Board may
33 amend from time to time, which rules and regulations shall become effective when filed
34 as provided by law: Provided, however, a motion to suspend the rules so adopted shall
35 require a consent of two thirds of the members. The rules and regulations shall include,
36 but not be limited to, clearly defined procedures for electing the officers of the State
37 Board referred to in G.S. 115C-11(a), fixing the term of said officers, specifying how
38 the voting shall be carried out, and establishing a date when the first election shall be
39 held."

40 Sec. 3. G.S. 115C-12(9) reads as rewritten:

41 "(9) Miscellaneous Powers and Duties. – All the powers and duties
42 exercised by the State Board of Education shall be in conformity with
43 the Constitution and subject to such laws as may be enacted from time
44 to time by the General Assembly. Among such duties are:

- 1 a. To certify and regulate the grade and salary of teachers and
2 other school employees.
- 3 b. To adopt and supply ~~textbooks~~ textbooks and other instructional
4 materials in accordance with Part 3 of Article 8 of this Chapter.
- 5 c. To adopt rules requiring all local boards of education to
6 implement the Basic Education Program on an incremental
7 basis within funds appropriated for that purpose by the General
8 Assembly and by units of local government. Beginning with the
9 1991-92 school year, the rules shall require each local school
10 administrative unit to implement fully the standard course of
11 study in every school in the State in accordance with the Basic
12 Education Program so that every student in the State shall have
13 equal access to the curriculum as provided in the Basic
14 Education Program and the standard course of study.

15 The Board shall establish benchmarks by which to measure
16 the progress that each local board of education has made in
17 implementing the Basic Education Program. The Board shall
18 report to the Joint Legislative Education Oversight Committee
19 and to the General Assembly by December 31, 1991, and by
20 February 1 of each subsequent year on each local board's
21 progress in implementing the Basic Education Program,
22 including the use of State and local funds for the Basic
23 Education Program.

24 The Board shall develop a State accreditation program that
25 meets or exceeds the standards and requirements of the Basic
26 Education Program. The Board shall require each local school
27 administrative unit to comply with the State accreditation
28 program to the extent that funds have been made available to
29 the local school administrative unit for implementation of the
30 Basic Education Program.

31 The Board shall use the State accreditation program to
32 monitor the implementation of the Basic Education Program.

- 33 c1. To issue an annual 'report card' for the State and for each local
34 school administrative unit, assessing each unit's efforts to
35 improve student performance and taking into account progress
36 over the previous years' level of performance and the State's
37 performance in comparison with other states. This assessment
38 shall take into account demographic, economic, and other
39 factors that have been shown to affect student performance.
- 40 c2. To develop management accountability indicators to measure
41 the efficiency and appropriate use of staff in each school and at
42 the administrative office. Staff development for school
43 administrators shall be a high priority of the Department of
44 Public Instruction.

- 1 c3. To develop a system of school building improvement reports
2 for each school building. The purpose of school building
3 improvement reports is to measure improvement in student
4 performance at each school building from year to year, not to
5 compare school buildings. The Board may consider for
6 inclusion in the building reports the following criteria: test
7 scores, the success of graduating students in postsecondary
8 institutions, attendance, graduation and dropout rates, the
9 numbers of children enrolled in free lunch or Chapter 1
10 programs, the education level of the parents of children enrolled
11 in the school, the teaching experience of the school staff, and
12 whether the building has been successful in meeting the goals
13 of the building and systemwide plans developed in accordance
14 with G.S. 115C-238.1 through G.S. 115C-238.6. Local school
15 administrative units shall produce school building improvement
16 reports by March 15, 1995, and annually thereafter. Each report
17 shall be based on building-level data for the prior school year.
- 18 d. To formulate rules and regulations for the enforcement of the
19 compulsory attendance law.
- 20 e. To manage and operate a system of insurance for public school
21 property, as provided in Article 38 of this Chapter.

22 In making substantial policy changes in administration,
23 curriculum, or programs the Board should conduct hearings
24 throughout the regions of the State, whenever feasible, in order
25 that the public may be heard regarding these matters."

26 Sec. 4. G.S. 115C-47(6) reads as rewritten:

27 "(6) To Regulate Fees, Charges and Solicitations. – Local boards of
28 education shall adopt rules and regulations governing solicitations of,
29 sales to, and fund-raising activities conducted by, the students and
30 faculty members in schools under their jurisdiction, and no fees,
31 charges, or costs shall be collected from students and school personnel
32 without approval of the board of education as recorded in the minutes
33 of said board; provided, this subdivision shall not apply to ~~such~~
34 ~~textbooks fees as~~ fees for State-adopted textbooks and instructional
35 materials that are determined and established by the State Board of
36 Education. All schedules of fees, charges and solicitations approved by
37 local boards of education shall be reported to the Superintendent of
38 Public Instruction."

39 Sec. 5. G.S. 115C-81(b) reads as rewritten:

40 "(b) The Basic Education Program shall include course requirements and
41 descriptions similar in format to materials previously contained in the standard course of
42 study and it shall provide:

- 43 (1) A core curriculum for all students that takes into account the special
44 needs of children and includes appropriate modifications for the

1 learning disabled, the academically gifted, and the students with
2 discipline and emotional problems;

3 (2) A set of competencies, by grade level, for each curriculum area;

4 (3) A list of textbooks and other instructional materials for use in
5 providing the curriculum;

6 (4) Standards for student performance and promotion based on the
7 mastery of competencies, including standards for graduation;

8 (5) A program of remedial education;

9 (6) Required support programs;

10 (7) A definition of the instructional day;

11 (8) Class size recommendations and requirements;

12 (9) Prescribed staffing allotment ratios;

13 (10) Material and equipment allotment ratios;

14 (11) Facilities standards; and

15 (12) Any other information the Board considers appropriate and necessary."

16 Sec. 6. G.S. 115C-238.5 reads as rewritten:

17 **"§ 115C-238.5. Flexible funding.**

18 (a) For fiscal years beginning with the 1990-91 fiscal year, the State Board of
19 Education, only upon the recommendation of the State Superintendent, shall increase
20 flexibility in the use of State funds for schools by combining into a single funding
21 category the existing categories for instructional materials, supplies and equipment,
22 textbooks, testing support, and drivers education except for funds for classroom teachers
23 of drivers education. Only local school administrative units electing to participate in the
24 Performance-based Accountability Program shall be eligible to receive this flexible
25 funding.

26 (b) Notwithstanding subsection (a) of this section, for fiscal years beginning with
27 the 1992-93 fiscal year, State funds for textbooks and instructional materials adopted by
28 the State Board of Education shall be set out in a separate allotment category.

29 (c) Local boards of education shall provide maximum flexibility in the use of
30 funds to individual schools to enable them to accomplish their individual schools'
31 goals."

32 Sec. 7. G.S. 115C-238.6(a) reads as rewritten:

33 "(a) Prior to June 30 each year, the State Superintendent shall review local school
34 improvement plans submitted by the local school administrative units in accordance
35 with policies and performance indicators adopted by the State Board of Education. If the
36 State Superintendent approves the plan for a local school administrative unit, that unit
37 shall participate in the Program for the next fiscal year.

38 If a local plan contains a request for a waiver of State laws, regulations, or policies,
39 in accordance with G.S. 115C-238.3(b1), the State Superintendent shall determine
40 whether and to what extent the identified laws, regulations, or policies should be
41 waived. The State Superintendent shall present that plan and ~~his~~the State
42 Superintendent's determination to the State Board of Education. If the State Board of
43 Education deems it necessary to do so to enable a local unit to reach its local

1 accountability goals, the State Board, only upon the recommendation of the State
2 Superintendent, may grant waivers of:

- 3 (1) State laws pertaining to class size, teacher certification, assignment of
4 teacher assistants, the use of State-adopted ~~textbooks,~~ textbooks and
5 other State-adopted instructional materials, and the purposes for which
6 State funds for the public schools, except for funds for school health
7 coordinators, may be used: Provided, however, the State Board of
8 Education shall not permit the use of funds for teachers for expanded
9 programs under the Basic Education Program for any other purpose;
- 10 (2) All State regulations and policies, except those pertaining to State
11 salary schedules and employee benefits for school employees, the
12 instructional program that must be offered under the Basic Education
13 Program, the system of employment for public school teachers and
14 administrators set out in G.S. 115C-325, health and safety codes,
15 compulsory school attendance, the minimum lengths of the school day
16 and year, and the Uniform Education Reporting System.

17 Waivers shall be granted only for the specific schools for which they are requested
18 in building-level plans and shall be used only under the specific circumstances for
19 which they are requested."

20 Sec. 8. G.S. 115C-242(3) reads as rewritten:

- 21 "(3) The board of education of any local school administrative unit may
22 operate the school buses of ~~such the~~ unit one day prior to the opening
23 of the regular school term for the transportation of pupils and
24 employees to and from the school to which ~~such the~~ pupils are assigned
25 or in which they are enrolled and ~~such the~~ employees are employed, for
26 the purposes of the registration of students, the organization of classes,
27 the distribution of ~~textbooks,~~ textbooks and other instructional
28 materials, and ~~such any~~ other purposes as will, in the opinion of the
29 superintendent of the schools of such unit, promote the efficient
30 organization and operation of ~~such the~~ public schools."

31 Sec. 9. G.S. 115C-384(c) reads as rewritten:

32 "(c) Rental Fees for Textbooks and Certain Instructional Materials Prohibited;
33 Damage Fees Authorized. – No rental fees are permitted for the use of ~~textbooks,~~
34 textbooks or other instructional materials adopted by the State Board of Education in
35 accordance with Part 3 of Article 8 of this Chapter, but damage fees may be collected
36 pursuant to the provisions of G.S. 115C-100."

37 Sec. 10. There is appropriated from the General Fund to the Department of
38 Public Education, Department of Public Instruction, the sum of four hundred twenty-
39 five thousand dollars (\$425,000) for the 1993-94 fiscal year and the sum of four
40 hundred twenty-five thousand dollars (\$425,000) for the 1994-95 fiscal year for
41 expenses associated with the review of technology and activity-based programs and
42 other instructional materials for adoption by the State Board of Education.

43 Sec. 11. This act becomes effective July 1, 1993.