

GENERAL ASSEMBLY OF NORTH CAROLINA
1995 SESSION

CHAPTER 116
HOUSE BILL 235

AN ACT TO MAKE TECHNICAL AND CLARIFYING CHANGES TO LAWS CONCERNING THE SCHOOL ADMINISTRATOR STANDARDS BOARD AND TO EXTEND TO 1998 THE DATE FOR IMPLEMENTATION OF THE STANDARDS BOARD EXAM.

The General Assembly of North Carolina enacts:

Section 1. G.S. 115C-290.2 reads as rewritten:

"§ 115C-290.2. Definitions.

The following definitions apply in this Article:

- (1) Standards Board. – The North Carolina Standards Board for Public School Administration.
- (2) Exam. – The North Carolina Public School Administrator Exam.
- (3) School administrator. – Public school superintendents, deputy superintendents, associate superintendents, assistant superintendents, principals, and assistant principals."

Sec. 2. G.S.115C-290.3 reads as rewritten:

"§ 115C-290.3. False representation of ~~qualifications~~ prohibited.

It is unlawful for a person whom the Standards Board has not ~~qualified~~ recommended for certification as a public school administrator to represent himself or herself as having been ~~qualified~~ recommended by the Standards Board or to hold himself or herself out to the public by any title or description denoting that he or she has been ~~qualified~~ recommended by the Standards Board. ~~Board for certification~~. A person who violates this section is guilty of a Class 2 misdemeanor."

Sec. 2.1. G.S. 115C-290.4 reads as rewritten:

"§ 115C-290.4. North Carolina Standards Board for Public School Administration; appointments; terms; composition.

(a) The North Carolina Standards Board for Public School Administration is created. The Standards Board shall be located for administrative purposes in the Office of the Governor. The Standards Board shall exercise its powers independently of that Office.

(b) The Standards Board shall consist of seven members appointed by the Governor as follows:

- (1) Two local superintendents employed by a local school administrative unit.
- (2) Three principals employed by a local school administrative unit.
- (3) One dean of a school of education or a designee.

(4) One representative of the public at large.

Composition of the Standards Board as to the race and sex of its members shall reflect the composition of the population of the State. Members of the Standards Board shall be residents of the State and shall each reside in a different congressional district.

With the exception of the member representing the public at large, each member must be qualified under this Article, and must be actively engaged in the practice of public school administration or in the education and training of students in public school administration. Before their appointment to the Standards Board, these professional Standards Board members must have been actively engaged in the practice of public school administration or in the education and training of students in public school administration for at least three years, at least two of which occurred primarily in this State.

(c) The Governor may only remove a member of the Standards Board for neglect of duty, malfeasance, or conviction of a felony or other crime of moral turpitude.

(d) Effective July 1, 1993, the Governor shall appoint one superintendent, two principals, and the dean of a school of education for terms of three years, and one superintendent, one principal, and the representative of the public for terms of two years. Thereafter the terms shall be for three years. Each term of service on the Standards Board shall expire on the 30th day of June of the year in which the term expires. No member shall serve more than two consecutive three-year terms. As the term of a member expires, the Governor shall make the appointment for a full term, or, if a vacancy occurs for any other reason, for the remainder of the unexpired term.

(e) Members of the Standards Board shall receive compensation for their services and reimbursement for expenses incurred in the performance of duties required by this Article, at the rates prescribed in G.S. 93B-5.

(f) The Standards Board shall elect from its membership a chairperson, a vice-chairperson, and a secretary-treasurer, and adopt rules to govern its proceedings. All members are voting members, and a majority of the membership constitutes a quorum.

(g) The Standards Board may employ, subject to Chapter 126 of the General Statutes, the necessary personnel for the performance of its functions, and fix their compensation within the limits of funds available to the Standards Board."

Sec. 3. G.S. 115C-290.5(a) reads as rewritten:

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

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

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

Sec. 4. G.S. 115C-290.6 reads as rewritten:

"§ 115C-290.6. Application for ~~qualification~~ by to the Standards Board.

An individual who seeks to be ~~qualified-recommended~~ by the Standards Board as a ~~public school administrator, thereby becoming eligible~~ for certification by the State Board of Education, shall file a written application with the Standards Board. The application must be on a form provided by the Standards Board, must be accompanied by the required application and exam fees established by the Standards Board, and must include any information required by the Standards Board."

Sec. 5. G.S. 115C-290.7 reads as rewritten:

"§ 115C-290.7. ~~Qualification Recommendation~~ by the Standards Board.

(a) The Standards Board shall ~~qualify-recommend~~ for certification by the State Board an individual who submits a complete application to the Standards Board and satisfies all of the following requirements:

- (1) Pays the application fee established by the Standards Board.
- (2) Pays the exam fee established by the Standards Board.
- (3) Has a bachelors degree from an accredited college or university and has a graduate degree from a public school administration program that meets the public school administrator program approval standards set by the State Board of Education.
- (4) Passes the exam.

(b) The State Board of Education may not certify an individual as a public school administrator unless it has received notice from the Standards Board ~~of the individual's qualification~~ that the person is recommended by the Standards Board under this Article. The State Board may designate initial certification as a license; advanced training may be designated as a certified area of practice."

Sec. 6. G.S. 115C-290.8 reads as rewritten:

"§ 115C-290.8. Exemptions from ~~qualification~~-requirements.

The ~~qualification~~-requirements of this Article do not apply to a person who, at any time during the five years preceding January 1, ~~1997, 1998,~~ was engaged in public school administration at either a public school in North Carolina or a school in North Carolina operated by the United States government. A person who is exempt from the

~~qualification~~ requirements of this Article but applies for ~~qualification~~ to the Standards Board under this Article ~~shall be is~~ subject to ~~it~~ the Article."

Sec. 7. G.S. 115C-290.9 reads as rewritten:

"§ 115C-290.9. Grounds for refusal to qualify-recommend a person.

The Standards Board may, in accordance with Chapter 150B of the General Statutes, refuse to qualify-recommend a person for certification by the State Board of Education for any of the following reasons:

- (1) Submitting a false application ~~for qualification~~—or otherwise attempting to obtain ~~qualification~~—a recommendation from the Standards Board by fraud or misrepresentation.
- (2) Failure to meet the requirements set in G.S. 115C-290.7.
- (3) Violating a provision of this Article or a rule adopted by the Standards Board."

Sec. 8. Section 5 of Chapter 392 of the 1993 Session Laws reads as rewritten:

"Sec. 5. G.S. 115C-290.3 and G.S. 115C-290.6 through G.S. ~~115C-290.10, 115C-290.9~~, as established in Section 1 of this act, become effective January 1, ~~1997, 1998~~. The remaining provisions of Article 19A of Chapter 115C, as established in Section 1 of this act, and the remaining sections of this act are effective upon ratification. Notwithstanding G.S. 115C-290.4, members appointed to the North Carolina Standards Board for Public School Administration before January 1, ~~1997, 1998~~, are not required to be qualified under Article 19A of Chapter 115C of the General Statutes, as enacted by this act."

Sec. 9. Sections 2, 4, 5, 6, and 7 of this act become effective January 1, 1998. The remainder of this act is effective upon ratification.

In the General Assembly read three times and ratified this the 29th day of May, 1995.

Dennis A. Wicker
President of the Senate

Harold J. Brubaker
Speaker of the House of Representatives