

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

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SENATE BILL 70*
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Short Title: Obsolete School Laws.

(Public)

Sponsors:

Referred to:

February 10, 1997

1 A BILL TO BE ENTITLED
2 AN ACT TO REPEAL OBSOLETE OR REDUNDANT SCHOOL LAWS, TO
3 TRANSFER THE STATUTES THAT ESTABLISH THE STATE SCHOOLS FOR
4 HEARING- AND SIGHT-IMPAIRED STUDENTS FROM CHAPTER 115C TO
5 CHAPTER 143B OF THE GENERAL STATUTES, TO STREAMLINE THE
6 REPORTS OF THE STATE BOARD OF EDUCATION TO THE JOINT
7 LEGISLATIVE EDUCATION OVERSIGHT COMMITTEE, AND TO MAKE
8 CONFORMING CHANGES.
9 The General Assembly of North Carolina enacts:
10 **SCHOOL IMPROVEMENT AND ACCOUNTABILITY REPORT.**
11 Section 1. G.S. 115C-15 is repealed.
12 **REPORT ON CLASS SIZE WAIVERS.**
13 Section 2. G.S. 115C-21.1 is repealed.
14 **ALCOHOL AND DRUG DEFENSE PROGRAM.**
15 Section 3. G.S. 115C-22 is repealed.
16 **OBSERVANCE OF SPECIAL DAYS.**
17 Section 4. G.S. 115C-83 is repealed.
18 **EXPENDITURE OF FUNDS.**

1 Section 5. G.S. 115C-102.8 is repealed.

2 **REGIONAL EDUCATIONAL TRAINING CENTERS.**

3 Section 6. Part 4 of Article 9 of Chapter 115C of the General Statutes is
4 repealed.

5 **DEPARTMENTAL REQUESTS.**

6 Section 7. G.S. 115C-144 is repealed.

7 **PROJECT GENESIS PROGRAM.**

8 Section 8. Part 6 of Article 16 of Chapter 115C of the General Statutes is
9 repealed.

10 **COLLEGES ASSIST TEACHERS IN CERTIFICATION.**

11 Section 9. G.S. 115C-298 is repealed.

12 **PERSONNEL ADMINISTRATION COMMISSION.**

13 Section 10. Part 4 of Article 22 of Chapter 115C of the General Statutes is
14 repealed.

15 **STATE POLICY.**

16 Section 11. G.S. 115C-472 is repealed.

17 **STATE SCHOOLS OF HEARING-IMPAIRED CHILDREN.**

18 Section 12. Part 7 of Article 9 of Chapter 115C of the General Statutes, G.S.
19 115C-123 through G.S. 115C-126.1, is recodified as Part 30 of Article 3 of Chapter 143B
20 of the General Statutes, G.S. 143B-216.40 through G.S. 143B-216.44.

21 **GOVERNOR MOREHEAD SCHOOL.**

22 Section 13. (a) Part 8 of Article 9 of Chapter 115C of the General Statutes,
23 G.S. 115C-127 through G.S. 115C-133, is recodified as Part 9A of Article 3 of Chapter
24 143B of the General Statutes, G.S. 143B-164.10 and G.S. 143B-164.13 through G.S.
25 143B-164.17.

26 (b) G.S. 143B-176.1 is recodified as G.S. 143B-164.11 in Part 9A of Article 3 of
27 Chapter 143B of the General Statutes.

28 (c) G.S. 143B-176.2 is recodified as G.S. 143B-164.12 in Part 9A of Article 3 of
29 Chapter 143B of the General Statutes.

30 (d) The remainder of Part 12A of Article 3 of Chapter 143B of the General
31 Statutes is repealed.

32 **CENTRAL ORPHANAGE.**

33 Section 14. Part 9 of Article 9 of Chapter 115C of the General Statutes is
34 repealed. This repeal shall not impair the continuing existence of any corporation
35 established under Chapter 47, Private Laws of 1887, and continued under Part 9 of
36 Article 9 of Chapter 115C of the General Statutes.

37 **STATE BOARD OF EDUCATION REPORTS.**

38 Section 15. (a) G.S. 115C-12 is amended by adding the following new subdivision
39 to read:

40 "(25) Duty to Report to Joint Legislative Education Oversight Committee. –
41 Upon the request of the Joint Legislative Education Oversight
42 Committee, the State Board shall examine and evaluate issues,
43 programs, policies, and fiscal information, and shall make reports to that

1 Committee. Furthermore, beginning October 15, 1997, and annually
2 thereafter, the State Board shall submit reports to that Committee
3 regarding the continued implementation of Chapter 716 of the 1995
4 Session Laws, 1996 Regular Session. Each report shall include
5 information regarding the composition and activity of assistance teams,
6 schools that received incentive awards, schools identified as low-
7 performing, school improvement plans found to significantly improve
8 student performance, personnel actions taken in low-performing
9 schools, and recommendations for additional legislation to improve
10 student performance and increase local flexibility."

11 (b) Article 12H of Chapter 120 of the General Statutes is amended by adding the
12 following new section:

13 "**§ 120-70.83. Additional powers.**

14 The Joint Legislative Education Oversight Committee, while in discharge of official
15 duties, shall have access to any paper or document, and may compel the attendance of
16 any State official or employee before the Committee or secure any evidence under G.S.
17 120.19. In addition, G.S. 120-19.1 through G.S. 120-19.4 shall apply to the proceedings
18 of the Committee as if it were a joint committee of the General Assembly."

19 (c) G.S. 115C-12(9) reads as rewritten:

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

- 24 a. To certify and regulate the grade and salary of teachers and other
25 school employees.
26 b. To adopt and supply textbooks.
27 c. To adopt rules requiring all local boards of education to
28 implement the Basic Education Program on an incremental basis
29 within funds appropriated for that purpose by the General
30 Assembly and by units of local government. Beginning with the
31 1991-92 school year, the rules shall require each local school
32 administrative unit to implement fully the standard course of
33 study in every school in the State in accordance with the Basic
34 Education Program so that every student in the State shall have
35 equal access to the curriculum as provided in the Basic Education
36 Program and the standard course of study.

37 The Board shall establish benchmarks by which to measure
38 the progress that each local board of education has made in
39 implementing the Basic Education Program. ~~The Board shall~~
40 ~~report to the Joint Legislative Education Oversight Committee and to~~
41 ~~the General Assembly by December 31, 1991, and by February 1 of~~
42 ~~each subsequent year on each local board's progress in implementing~~

1 ~~the Basic Education Program, including the use of State and local~~
2 ~~funds for the Basic Education Program.~~

3 The Board shall develop a State accreditation program that
4 meets or exceeds the standards and requirements of the Basic
5 Education Program. The Board shall require each local school
6 administrative unit to comply with the State accreditation
7 program to the extent that funds have been made available to the
8 local school administrative unit for implementation of the Basic
9 Education Program.

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

12 c1. To issue an annual 'report card' for the State and for each local
13 school administrative unit, assessing each unit's efforts to
14 improve student performance based on the growth in
15 performance of the students in each school and taking into
16 account progress over the previous years' level of performance
17 and the State's performance in comparison with other states. This
18 assessment shall take into account factors that have been shown
19 to affect student performance and that the State Board considers
20 relevant to assess the State's efforts to improve student
21 performance.

22 c2. Repealed by Session Laws 1995 (Regular Session, 1996), c. 716,
23 s. 1.

24 c3. To develop a system of school building improvement reports for
25 each school building. The purpose of school building
26 improvement reports is to measure improvement in the growth in
27 student performance at each school building from year to year,
28 not to compare school buildings. The Board shall include in the
29 building reports any factors shown to affect student performance
30 that the Board considers relevant to assess a school's efforts to
31 improve student performance. Local school administrative units
32 shall produce and make public their school building
33 improvement reports by March 15, 1997, for the 1995-96 school
34 year, by October 15, 1997, for the 1996-97 school year, and
35 annually thereafter. Each report shall be based on building-level
36 data for the prior school year.

37 c4. To develop guidelines, procedures, and rules to establish,
38 implement, and enforce the School-Based Management and
39 Accountability Program under Article 8B of this Chapter in order
40 to improve student performance, increase local flexibility and
41 control, and promote economy and efficiency.

42 d. To formulate rules and regulations for the enforcement of the
43 compulsory attendance law.

1 e. To manage and operate a system of insurance for public school
2 property, as provided in Article 38 of this Chapter.

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

7 (d) G.S. 115C-12(16) reads as rewritten:

8 "(16) Power with Regard to Salary Schedules. – The Board shall provide for
9 sick leave with pay for all public school employees in accordance with
10 the provisions of this Chapter and shall promulgate rules and regulations
11 providing for necessary substitutes on account of sick leave and other
12 teacher absences.

13 a. Support personnel refers to all public school employees who are
14 not required by statute or regulation to be certified in order to be
15 employed. The State Board of Education is authorized and
16 empowered to adopt all necessary rules for full implementation
17 of all schedules to the extent that State funds are made available
18 for support personnel.

19 b. Salary schedules for the following public school support
20 personnel shall be adopted by the State Board of Education:
21 school finance officer, office support personnel, teacher
22 assistants, maintenance supervisors, custodial personnel, and
23 transportation personnel. The Board shall classify these support
24 positions in terms of uniform pay grades included in the salary
25 schedule of the State Personnel Commission.

26 By the end of the third payroll period of the 1995-96 fiscal
27 year, local boards of education shall place State-allotted office
28 support personnel, teacher assistants, and custodial personnel on
29 the salary schedule adopted by the State Board of Education so
30 that the average salary paid is the State-allotted amount for the
31 category. In placing employees on the salary schedule, the local
32 board shall consider the education, training, and experience of
33 each employee. It is the intent of the General Assembly that a
34 local school administrative unit not fail to employ an employee
35 who was employed for the prior school year in order to
36 implement the provisions of this sub-subdivision. A local board
37 of education is in compliance with this sub-subdivision if the
38 average salary paid is at least ninety-five percent (95%) of the
39 State-allotted amount for the category at the end of the third
40 payroll period of the 1995-96 fiscal year, and at least ninety-eight
41 percent (98%) of the State-allotted amount for the category at the
42 end of the third payroll period of each subsequent fiscal year.
43 The Department of Public Instruction shall provide technical

1 assistance to local school administrative units regarding the
2 implementation of this sub-subdivision.

3 ~~The State Board of Education shall report to the General~~
4 ~~Assembly, prior to March 31, 1995, and March 31, 1996, on the~~
5 ~~implementation of this sub-subdivision.~~

- 6 c. Salary schedules for other support personnel, including but not
7 limited to maintenance and school food service personnel, shall
8 be adopted by the State Board of Education. The Board shall
9 classify these support positions in terms of uniform pay grades
10 included in the salary schedule of the State Personnel
11 Commission. These schedules shall apply if the local board of
12 education does not adopt a salary schedule of its own for
13 personnel paid from other than State appropriations."

14 (e) Effective July 1, 1999, G.S. 115C-12(24) reads as rewritten:

15 "(24) Duty to Develop Guidelines for Alternative Learning Programs, Provide
16 Technical Assistance on Implementation of Programs, and Evaluate
17 Programs. – The State Board of Education shall adopt guidelines for
18 assigning students to alternative learning programs. These guidelines
19 shall include (i) a description of the programs and services that are
20 recommended to be provided in alternative learning programs and (ii) a
21 process for ensuring that an assignment is appropriate for the student
22 and that the student's parents are involved in the decision.

23 The State Board of Education shall provide technical support to local
24 school administrative units to assist them in developing and
25 implementing plans for alternative learning programs.

26 The State Board shall evaluate the effectiveness of alternative
27 learning programs and, in its discretion, of any other programs funded
28 from the Alternative Schools/At-Risk Student allotment. Local school
29 administrative units shall report to the State Board of Education on how
30 funds in the Alternative Schools/At-Risk Student allotment are spent
31 and shall otherwise cooperate with the State Board of Education in
32 evaluating the alternative learning programs. ~~The State Board of~~
33 ~~Education shall report annually to the Joint Legislative Education Oversight~~
34 ~~Committee, beginning in December 1996, on the results of this evaluation."~~

35 (f) G.S. 115C-81(a) reads as rewritten:

36 "(a) The General Assembly believes that all children can learn. It is the intent of the
37 General Assembly that the mission of the public school community is to challenge with
38 high expectations each child to learn, to achieve, and to fulfill his or her potential. With
39 that mission as its guide, the State Board of Education shall adopt a Basic Education
40 Program for the public schools of the State. Before it adopts or revises the Basic
41 Education Program, the State Board shall consult with an Advisory Committee, including
42 at least eight members of local boards of education, that the State Board appoints from a
43 list of nominees submitted by the North Carolina School Boards Association. ~~The State~~

1 ~~Board shall report annually to the General Assembly on any changes it has made in the program~~
2 ~~in the preceding 12 months and any changes it is considering for the next 12 months.~~

3 The State Board shall implement the Basic Education Program within funds
4 appropriated for that purpose by the General Assembly and by units of local government.
5 It is the intent of the General Assembly that until the Basic Education Program is fully
6 funded, the implementation of the Basic Education Program shall be the focus of State
7 educational funding. It is the goal of the General Assembly that the Basic Education
8 Program be fully funded and completely operational in each local school administrative
9 unit by July 1, 1995.

10 It is further a goal of the General Assembly to provide supplemental funds to low-
11 wealth counties to allow those counties to enhance the instructional program and student
12 achievement."

13 (g) Effective July 1, 1999, Section 8.5(a) of Chapter 716 of the 1995 Session
14 Laws, 1996 Regular Session, is repealed.

15 (h) Section 29(b) of Chapter 716 of the 1995 Session Laws, 1996 Regular
16 Session, is repealed.

17 (i) Effective July 1, 1999, G.S. 115C-238.29I reads as rewritten:

18 **"§ 115C-238.29I. Notice of the charter school process; review of charter schools;**
19 **Charter School Advisory Committee.**

20 (a) The State Board of Education shall distribute information announcing the
21 availability of the charter school process described in this Part to each local school
22 administrative unit and public postsecondary educational institution and, through press
23 releases, to each major newspaper in the State.

24 (b) ~~The State Board of Education shall report annually to the Joint Legislative~~
25 ~~Education Oversight Committee and the Joint Legislative Commission on Governmental~~
26 ~~Operations the following information:~~

27 (1) ~~The current and projected impact of charter schools on the delivery of~~
28 ~~services by the public schools;~~

29 (2) ~~Student academic progress in the charter schools as measured, where~~
30 ~~available, against the academic year immediately preceding the first~~
31 ~~academic year of the charter schools' operation; and~~

32 (3) ~~Best practices resulting from charter school operations.~~

33 ~~The State Board of Education shall base its report in part upon the annual reports~~
34 ~~submitted by the charter schools under G.S. 115C-238.29F(f)(3). To the extent possible,~~
35 ~~the State Board of Education shall present the information in disaggregated form relative~~
36 ~~to the race, gender, grade level, and economic condition of the students.~~

37 (c) The State Board of Education shall review the educational effectiveness of
38 the charter school approach authorized under this Part and the effect of charter schools on
39 the public schools in the local school administrative unit in which the charter schools are
40 located and, not later than January 1, 1999, shall report to the Joint Legislative Education
41 Oversight Committee with recommendations to modify, expand, or terminate that approach.
42 Analysis of the reports submitted under subsection (b) of this section shall be the predominant
43 factor in determining whether the number of charter schools shall be increased and the conditions

1 under which any increase or continued operation shall be allowed. If the analysis indicates
2 demonstrable, substantial success, the General Assembly shall consider expanding the number of
3 charter schools that may be established. located.

4 (d) The State Board of Education may establish a Charter School Advisory
5 Committee to assist with the implementation of this Part. The Charter School Advisory
6 Committee may (i) provide technical assistance to chartering entities or to potential
7 applicants, (ii) review applications for preliminary approval, (iii) make recommendations
8 as to whether the State Board should approve applications for charter schools, (iv) make
9 recommendations as to whether the State Board should terminate or not renew a contract,
10 (v) make recommendations concerning grievances between a charter school and its
11 chartering entity, (vi) assist with the review under subsection (c) of this section, and (vii)
12 provide any other assistance as may be required by the State Board."

13 (j) G.S. 115C-238.33(b) is repealed.

14 (k) G.S. 115C-102.7 reads as rewritten:

15 **"§ 115C-102.7. Monitoring and evaluation of State and local school system**
16 **technology plans; reports.**

17 (a) The Commission shall monitor and evaluate the development and
18 implementation of the State and local school system technology plans. The evaluation
19 shall consider the effects of technology on student learning, the effects of technology on
20 students' workforce readiness, the effects of technology on teacher productivity, and the
21 cost-effectiveness of the technology. ~~The Commission shall report in October of each year to~~
22 ~~the State Board of Education, the Joint Legislative Commission on Governmental Operations,~~
23 ~~and the Joint Legislative Education Oversight Committee on the development and the~~
24 ~~implementation of State and local school system technology plans.~~

25 ~~(a1) The Joint Legislative Commission on Governmental Operations and the Joint~~
26 ~~Legislative Education Oversight Committee may meet jointly to consider reports from~~
27 ~~the Commission on School Technology and they may appoint subcommittees to jointly~~
28 ~~consider the reports.~~

29 (b) The Commission shall provide notice of meetings, copies of minutes, and
30 periodic briefings to the chair of the Information Resources Management Commission
31 and the chair of the Technical Committee of the Information Resources Management
32 Commission."

33 (l) G.S. 115C-415 is repealed.

34 (m) G.S. 115C-472.5(d) reads as rewritten:

35 "(d) The Department of Public Instruction shall report to the Information Resource
36 Management Commission, ~~the Joint Legislative Commission on Governmental~~
37 ~~Operations, the Fiscal Research Division, and the State Government Performance Audit~~
38 ~~Committee Commission~~ on an annual basis on all loans made from the fund."

39 **EFFECTIVE DATE.**

40 Section 16. This act is effective when it becomes law.