

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2005

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SENATE BILL 1136

Short Title: Textbooks Selected at the Local Level. (Public)

Sponsors: Senator Brock.

Referred to: Education/Higher Education.

March 24, 2005

1 A BILL TO BE ENTITLED
2 AN ACT TO MAKE TEXTBOOK SELECTION A LOCAL DECISION.

3 The General Assembly of North Carolina enacts:

4 **SECTION 1.** G.S. 115C-85 through G.S. 115C-95 and G.S. 115C-97 are
5 repealed.

6 **SECTION 2.** G.S. 115C-96 reads as rewritten:

7 "**§ 115C-96. ~~Powers and duties of the State Board of Education in regard to~~**
8 **textbooks, State funds for textbooks.**

9 The children of the public elementary and secondary schools of the State shall be
10 provided with free basic textbooks within the appropriation of the General Assembly for
11 that purpose. To implement this directive, the State Board of Education shall evaluate
12 annually the amount of money necessary to provide textbooks based on the actual cost
13 and availability of textbooks and shall request sufficient appropriations from the
14 General Assembly.

15 ~~The State Board of Education shall administer a fund and establish rules and~~
16 ~~regulations necessary to:~~

- 17 (1) ~~Acquire by contract such basic textbooks as are or may be on the~~
18 ~~adopted list of the State of North Carolina which the Board finds~~
19 ~~necessary to meet the needs of the State public school system and to~~
20 ~~carry out the provisions of this Part.~~
21 (2) ~~Provide a system of distribution of these textbooks and distribute the~~
22 ~~books that are provided without using any depository or warehouse~~
23 ~~facilities other than those operated by the State Board of Education.~~
24 (3) ~~Provide for the free use, with proper care and return, of elementary and~~
25 ~~secondary basic textbooks. The title of said books shall be vested in~~
26 ~~the State."~~

27 **SECTION 3.** G.S. 115C-98 reads as rewritten:

28 "**§ 115C-98. Local boards of education to provide for local operation of the**
29 **textbook program, program and for the selection and procurement of**

1 ~~other instructional materials, and the use of nonadopted~~
2 ~~textbooks, materials.~~

3 (a) ~~Local boards of education shall adopt rules not inconsistent with the policies~~
4 ~~of the State Board of Education concerning the local operation of~~ concerning the
5 selection and procurement of textbooks and other aspects of the textbook program.
6 Local boards of education shall have sole authority to select and procure textbooks.

7 (b) Local boards of education shall adopt written policies concerning the
8 procedures to be followed in their local school administrative units for the selection and
9 procurement of supplementary textbooks, library books, periodicals, audiovisual
10 materials, and other supplementary instructional materials needed for instructional
11 purposes in the public schools of their units.

12 Local boards of education shall have sole authority to select and procure
13 supplementary instructional materials, whether or not the materials contain commercial
14 advertising, to determine if the materials are related to and within the limits of the
15 prescribed curriculum, and to determine when the materials may be presented to
16 students during the school day. Supplementary materials and contracts for
17 supplementary materials are not subject to approval by the State Board of Education.
18 Supplementary books and other instructional materials shall neither displace nor be used
19 to the exclusion of basic textbooks.

20 (b1) A local board of education may establish a community media advisory
21 committee to investigate and evaluate challenges from parents, teachers, and members
22 of the public to textbooks and supplementary instructional materials on the grounds that
23 they are educationally unsuitable, pervasively vulgar, or inappropriate to the age,
24 maturity, or grade level of the students. ~~The State Board of Education shall review its~~
25 ~~rules and policies concerning these challenges and shall establish guidelines to be~~
26 ~~followed by community media advisory committees.~~

27 The local board, at all times, has sole authority and discretion to determine whether a
28 challenge has merit and whether challenged material should be retained or removed.

29 (b2) ~~Local boards of education may:~~

- 30 (1) ~~Select, procure, and use textbooks that have not been adopted by the~~
31 ~~State Board of Education for use throughout the local school~~
32 ~~administrative unit for selected grade levels and courses; and~~
33 (2) ~~Approve school improvement plans developed under~~
34 ~~G.S. 115C-105.27 that include provisions for using textbooks that have~~
35 ~~not been adopted by the State Board of Education for selected grade~~
36 ~~levels and courses.~~

37 All textbook contracts made under this ~~subsection~~ section shall include a clause
38 granting to the local board of education the license to produce ~~braille, Braille, large~~
39 ~~print, and audiocassette tape copies of the textbooks for use in the local school~~
40 ~~administrative unit.~~

41 (b3) Local boards of education shall provide for the free use, with proper care and
42 return, of textbooks. The title of textbooks shall be vested in the local board of
43 education.

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

4 **SECTION 4.** G.S. 115C-100 reads as rewritten:

5 **"§ 115C-100. Rental fees for textbooks prohibited; damage fees authorized.**

6 No local board of education may charge any pupil a rental fee for the use of
7 textbooks. A pupil's parents or legal guardians may be charged damage fees for abuse or
8 loss of textbooks under rules adopted by the ~~State Board of Education~~local board of
9 education. ~~All money collected from the sale of textbooks purchased with State funds~~
10 ~~under the provisions of this Part shall be paid annually as collected to the State Board of~~
11 ~~Education.~~"

12 **SECTION 5.** G.S. 115C-101 reads as rewritten:

13 **"§ 115C-101. Duties and authority of superintendents of local school**
14 **administrative units.**

15 The superintendent of each local school administrative unit, ~~as an official agent of~~
16 ~~the State Board of Education,~~unit shall administer the provisions of this Part ~~and the~~
17 ~~rules and regulations of the Board insofar as they apply to his unit.~~Part. The
18 superintendent of each local school administrative unit shall have authority to require
19 the cooperation of principals and teachers so that the children may receive the best
20 possible service, and so that all the books and moneys may be accounted for properly. If
21 any principal or teacher fails to comply with the provisions of this section, his
22 superintendent shall withhold his salary vouchers until the duties imposed by this
23 section have been performed.

24 ~~If any superintendent fails to comply with the provisions of this section, the State~~
25 ~~Superintendent, as secretary to the State Board of Education, shall notify the State~~
26 ~~Board of Education and the State Treasurer. The State Board and the State~~
27 ~~Superintendent shall withhold the superintendent's salary vouchers, and the State~~
28 ~~Treasurer shall make no payment until the State Superintendent notifies him that the~~
29 ~~provisions of this section have been complied with."~~

30 **SECTION 6.** G.S. 115C-102 reads as rewritten:

31 **"§ 115C-102. Right to purchase; disposal of textbooks and materials.**

32 (a) Any parent, guardian, or person in loco parentis may purchase any
33 instructional material needed for any child in the public schools of the State from the
34 board of education of the local school administrative unit in which the child is enrolled
35 ~~or, in the case of basic textbooks, from the State Board of Education.~~enrolled.

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

40 **SECTION 7.** G.S. 115C-11(d) reads as rewritten:

41 "(d) Voting. – No voting by proxy shall be permitted. ~~Except in voting on~~
42 ~~textbook adoptions, all~~All voting shall be viva voce unless a record vote or secret ballot
43 is demanded by any member, and a majority of those present and voting shall be
44 necessary to carry a motion."

1 **SECTION 8.** G.S. 115C-11(e) is repealed.

2 **SECTION 9.** G.S. 115C-12(9) and (9a) read as rewritten:

3 "**§ 115C-12. Powers and duties of the Board generally.**

4 The general supervision and administration of the free public school system shall be
5 vested in the State Board of Education. The State Board of Education shall establish
6 policy for the system of free public schools, subject to laws enacted by the General
7 Assembly. The powers and duties of the State Board of Education are defined as
8 follows:

9 ...

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

14 ...

15 ~~b. To adopt and supply textbooks.~~

16 ...

17 (9a) Power to Develop Content Standards. – The Board shall develop a
18 comprehensive plan to revise content standards and the standard
19 course of study in the core academic areas of reading, writing,
20 mathematics, science, history, geography, and civics. The Board shall
21 involve and survey a representative sample of parents, teachers, and
22 the public to help determine academic content standard priorities and
23 usefulness of the content standards. A full review of available and
24 relevant academic content standards that are rigorous, specific,
25 sequenced, clear, focused, and measurable, whenever possible, shall be
26 a part of the process of the development of content standards. The
27 revised content standards developed in the core academic areas shall
28 (i) reflect high expectations for students and an in-depth mastery of the
29 content; (ii) be clearly grounded in the content of each academic area;
30 (iii) be defined grade-by-grade and course-by-course; (iv) be
31 understandable to parents and teachers; (v) be developed in full
32 recognition of the time available to teach the core academic areas at
33 each grade level; and (vi) be measurable, whenever possible, in a
34 reliable, valid, and efficient manner for accountability purposes.

35 High school course content standards shall include the knowledge
36 and skills necessary to enter the workforce and also shall be aligned
37 with the coursework required for admission to the constituent
38 institutions of The University of North Carolina. The Board shall
39 develop and implement a plan for end-of-course tests for the minimum
40 courses required for admission to the constituent institutions. All
41 end-of-course tests shall be aligned with the content standards.

42 The Board also shall develop and implement an ongoing process to
43 align State programs and support materials with the revised academic
44 content standards for each core academic area on a regular basis.

1 Alignment shall include revising ~~textbook criteria~~, support materials,
 2 State tests, teacher and school administrator preparation, and ongoing
 3 professional development programs to be compatible with content
 4 standards. The Board shall develop and make available to teachers and
 5 parents support materials, including teacher and parent guides, for
 6 academic content standards. The State Board of Education shall work
 7 in collaboration with the Board of Governors of The University of
 8 North Carolina to ensure that teacher and school administrator degree
 9 programs, ongoing professional development and other university
 10 activity in the State's public schools align with the State Board's
 11 priorities.

12"

13 **SECTION 10.** G.S. 115C-47(6) and (33a) read as rewritten:

14 **"§ 115C-47. Powers and duties generally.**

15 In addition to the powers and duties designated in G.S. 115C-36, local boards of
 16 education shall have the power or duty:

17 ...

18 (6) To Regulate Fees, Charges and Solicitations. – Local boards of
 19 education shall adopt rules and regulations governing solicitations of,
 20 sales to, and fund-raising activities conducted by, the students and
 21 faculty members in schools under their jurisdiction, and no fees,
 22 charges, or costs shall be collected from students and school personnel
 23 without approval of the board of education as recorded in the minutes
 24 of said board; ~~provided, this subdivision shall not apply to such~~
 25 ~~textbooks fees as are determined and established by the State Board of~~
 26 ~~Education.~~ board. All schedules of fees, charges and solicitations
 27 approved by local boards of education shall be reported to the
 28 Superintendent of Public Instruction.

29 ...

30 (33a) ~~To Approve and Use Textbooks Not Adopted by State Board of~~
 31 ~~Education.~~ Textbooks. – Local boards of education shall have the
 32 authority to select, procure, and use ~~textbooks not adopted by the State~~
 33 ~~Board of Education as provided in G.S. 115C-98(b1).~~ textbooks.

34"

35 **SECTION 11.** G.S. 115C-81(b) and (e1)(2) read as rewritten:

36 **"§ 115C-81. Basic Education Program.**

37 ...
 38 (b) The Basic Education Program shall include course requirements and
 39 descriptions similar in format to materials previously contained in the standard course of
 40 study and it shall provide:

41 ...

42 (3) ~~A list of textbooks for use in providing the curriculum;~~

43 ...

44 (e1) School Health Education Program to Be Developed and Administered.

1 ...
 2 (2) The State Board of Education shall supervise the development and
 3 operation of a statewide comprehensive school health education
 4 program including curriculum development, in-service training
 5 provision and promotion of collegiate training, learning material
 6 review, and assessment and evaluation of local programs in the same
 7 manner as for other programs. The State Board of Education shall
 8 adopt objectives for the instruction of the subject areas listed in
 9 subdivision (1) of this subsection that are appropriate for each grade
 10 level. ~~In addition, the State Board shall approve textbooks and other~~
 11 ~~materials incorporating these objectives that local school~~
 12 ~~administrative units may purchase with State funds.~~ The State Board of
 13 Education, through the Department of Public Instruction, shall, on a
 14 regular basis, review materials related to these objectives, and
 15 distribute these reviews to local school administrative units for their
 16 information.

17 "

18 **SECTION 12.** G.S. 143A-48 is repealed.

19 **SECTION 13.** G.S. 66-58(c)(11) reads as rewritten:

20 "**§ 66-58. Sale of merchandise or services by governmental units.**

21 ...

22 (c) The provisions of subsection (a) shall not prohibit:

23 ...

24 (11) The sale of ~~textbooks~~, library books, forms, bulletins, and instructional
 25 supplies by the State Board of Education, State Department of Public
 26 Instruction, and local school ~~authorities~~. authorities or the sale of
 27 textbooks by local school authorities.

28 "

29 **SECTION 14.** This act is effective when it becomes law.