

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2013

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SENATE DRS35248-MK-98 (03/15)

Short Title: Public School Regulatory Reform. (Public)

Sponsors: Senator Tillman (Primary Sponsor).

Referred to:

1 A BILL TO BE ENTITLED  
2 AN ACT TO STREAMLINE REPORTING REQUIREMENTS FOR PUBLIC SCHOOLS.  
3 The General Assembly of North Carolina enacts:

4  
5 **PART I. CLASS-SIZE FLEXIBILITY**

6 **SECTION 1.(a)** G.S. 115C-301 reads as rewritten:

7 **"§ 115C-301. Allocation of teachers; class size.**

8 (a) Request for Funds. – The State Board of Education, based upon the reports of local  
9 boards of education and such other information as the State Board may require from local  
10 boards, shall determine for each local school administrative unit the number of teachers and  
11 other instructional personnel to be included in the State budget request.

12 (b) Allocation of Positions. – The State Board of Education is authorized to adopt rules  
13 to allot instructional personnel and teachers, within funds appropriated.

14 (c) ~~Maximum Class Size. – Local school administrative units shall have the maximum~~  
15 ~~flexibility to use allotted teacher positions to maximize student achievement. The average class~~  
16 ~~size for each grade span in a local school administrative unit shall at no time exceed the funded~~  
17 ~~allotment ratio of teachers to students. At the end of the second school month and for the~~  
18 ~~remainder of the school year, the size of an individual class shall not exceed the allotment ratio~~  
19 ~~by more than three students. At no time may the General Assembly appropriate funds for~~  
20 ~~higher unit wide class averages than those for which State funds were provided during the~~  
21 ~~1984-85 school year.~~

22 (d) ~~Maximum Teaching Load. – Students shall be assigned to classes so that from the~~  
23 ~~15th day of the school year through the end of the school year the number of students for whom~~  
24 ~~teachers in grades 7 through 12 are assigned teaching responsibilities during the course of the~~  
25 ~~day is no more than 150 students, except as provided in subsection (g) of this section.~~

26 (e) ~~Alternative Maximum Class Sizes. – The State Board of Education, in its discretion,~~  
27 ~~may set higher maximum class sizes and daily teaching loads for classes in music, physical~~  
28 ~~education, and other similar subjects, so long as the effectiveness of the instructional programs~~  
29 ~~in those areas is not thereby impaired.~~

30 (f) Second Month Reports. – At the end of the second month of each school year, each  
31 local board of education, through the superintendent, shall file a report for each school within  
32 the school unit with the State Board of Education. The report shall be filed in a format  
33 prescribed by the State Board of Education and shall include the organization for each school,  
34 the duties of each teacher, the size of each class, the teaching load of each teacher, and such  
35 other information as the State Board may require. As of February 1 each year, local boards of



1 education, through the superintendent, shall report all ~~exceptions to individual class size and~~  
 2 ~~daily teaching load maximums significant increases in class size~~ that occur at that time.

3 ~~(g) Waivers and Allotment Adjustments. – Local boards of education shall report~~  
 4 ~~exceptions to the State Board of Education as provided in G.S. 115C 47(10), and shall request~~  
 5 ~~may request allotment adjustments or waivers from the standards set out above. for significant~~  
 6 ~~increases in class size. Within 45 days of receipt of reports, requests, the State Board of~~  
 7 ~~Education, within funds available, may allot additional positions or grant waivers for the excess~~  
 8 ~~class size or daily load if a significant increase in class size resulted from exceptional~~  
 9 ~~circumstances, emergencies, acts of God, large changes in student population, organizational~~  
 10 ~~problems caused by remote geographic location, or classes organized for a solitary curricular~~  
 11 ~~area, and the local board cannot organizationally correct the exception.~~

12 (1) ~~If the exception resulted from (i) exceptional circumstances, emergencies, or~~  
 13 ~~acts of God, (ii) large changes in student population, (iii) organizational~~  
 14 ~~problems caused by remote geographic location, or (iv) classes organized for~~  
 15 ~~a solitary curricular area, and~~

16 (2) ~~If the local board cannot organizationally correct the exception.~~

17 (h) State Board Rules. – The State Board of Education shall adopt rules necessary for  
 18 the implementation of class size and teaching load provisions. ~~this section.~~

19 (i) Penalty for Noncompliance. – ~~If the State Board of Education determines that a~~  
 20 ~~local superintendent has willfully failed to comply with the requirements of this section, no~~  
 21 ~~State funds shall be allocated to pay the superintendent's salary for the period of time the~~  
 22 ~~superintendent is in noncompliance."~~

23 **SECTION 1.(b)** G.S. 115C-47(10) reads as rewritten:

24 "**§ 115C-47. Powers and duties generally.**

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

27 ...

28 (10) To Assure Appropriate Class Size. – It shall be the responsibility of local  
 29 boards of education to assure that the teacher positions allotted by the State  
 30 are used to maximize student achievement. ~~class size and teaching load~~  
 31 ~~requirements set forth in G.S. 115C 301 are met. Any teacher who believes~~  
 32 ~~that the requirements of G.S. 115C 301 have not been met shall make a~~  
 33 ~~report to the principal and superintendent, and the superintendent shall~~  
 34 ~~immediately determine whether the requirements have in fact not been met.~~  
 35 ~~If the superintendent determines the requirements have not been met, he~~  
 36 ~~shall make a report to the next local board of education meeting. The local~~  
 37 ~~board of education shall take action to meet the requirements of the statute.~~  
 38 ~~If the local board cannot organizationally correct the exception and if any of~~  
 39 ~~the conditions set out in G.S. 115C 301(g)(1) exist, it shall immediately~~  
 40 ~~apply to the State Board of Education for additional personnel or a waiver of~~  
 41 ~~the class size requirements, as provided in G.S. 115C 301(g).~~

42 Upon notification from the State Board of Education that the reported  
 43 exception does not qualify for an allotment adjustment or a waiver under  
 44 provisions of G.S. 115C 301, the local board, within 30 days, shall take  
 45 action necessary to correct the exception.

46 At the end of the second month of each school year, the local board of  
 47 education, through the superintendent, shall file a report with the State Board  
 48 of Education, in a format prescribed by the State Board of Education,  
 49 describing the organization of each school, the duties of each teacher, the  
 50 size of each class, and the teaching load of each teacher. As of February 1  
 51 each year, local boards of education, through the superintendent, shall report

1 all exceptions to individual class size and daily teaching load maximums that  
2 exist at that time.

3 In addition to assuring that the requirements of G.S. 115C-301 are met,  
4 addition, each local board of education shall also have the duty to provide an  
5 adequate number of classrooms to meet the requirements of that  
6 statute classrooms."

7 **SECTION 1.(c)** G.S. 115C-276(k) reads as rewritten:

8 "(k) To Submit Organization Reports and Other Information to the State Board. – Each  
9 year the superintendent of each local school administrative unit shall submit to the State Board  
10 of Education statistical reports, certified by the chairman of the board of education, showing the  
11 organization of the schools in his unit and any additional information the State Board may  
12 require. At the end of the second month of school each year, local boards of education, through  
13 the superintendent, shall report school organization, employees' duties, class sizes, and teaching  
14 loads to the State Board of Education as provided in G.S. 115C-47(10). Education. As of  
15 February 1 each year, local boards of education, through the superintendent, shall report all  
16 exceptions to individual class size and daily teaching load maximums significant increases in  
17 class size that occur at that time."  
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## 19 **PART II. ELIMINATE ESC REPORTING**

20 **SECTION 2.** G.S. 96-33 is amended by adding a new subsection to read:

21 "(a1) Subsection (a) of this section shall not apply to local school administrative units."  
22

## 23 **PART III. CHARTER TRANSPORTATION FLEXIBILITY**

24 **SECTION 3.** The State Board of Education shall revise its policy on the rules and  
25 regulations for local school administrative units related to charter transportation for  
26 school-related events and activities to remove the requirements that (i) each local school  
27 administrative unit maintain a list of companies or individuals that provide transportation  
28 services for school-related activities that are approved by the State Board of Education and (ii)  
29 the local school administrative unit must limit its ability to contract for those services to an  
30 approved list of companies or individuals.  
31

## 32 **PART IV. DISADVANTAGED STUDENT REPORT**

33 **SECTION 4.** To the extent allowed by federal law, the State Board of Education  
34 shall consolidate and limit reports to the State Board by local school administrative units on  
35 data related to economically disadvantaged students, including household size and income  
36 information, to one report each school year.  
37

## 38 **PART V. IIS REPORTING**

39 **SECTION 5.** G.S. 115C-12(18) reads as rewritten:

40 "(18) Duty to Develop and Implement a Uniform Education Reporting System,  
41 Which Shall Include Standards and Procedures for Collecting Fiscal and  
42 Personnel Information. –

43 a. The State Board of Education shall adopt standards and procedures  
44 for local school administrative units to provide timely, accurate, and  
45 complete fiscal and personnel information, including payroll  
46 information, on all school personnel. ~~All local school administrative~~  
47 ~~units shall comply with these standards and procedures by the~~  
48 ~~beginning of the 1987-88 school year.~~

49 b. The State Board of Education shall develop and implement a  
50 Uniform Education Reporting System that shall include requirements  
51 for collecting, processing, and reporting fiscal, personnel, and student

1 data, by means of electronic transfer of data files from local  
2 computers to the State Computer Center through the State  
3 Communications Network. ~~All local school administrative units shall  
4 comply with the requirements of the Uniform Education Reporting  
5 System by the beginning of the 1989-90 school year.~~

6 c. The State Board of Education shall comply with the provisions of  
7 G.S. 116-11(10a) to plan and implement an exchange of information  
8 between the public schools and the institutions of higher education in  
9 the State. The State Board of Education shall require local boards of  
10 education to provide to the parents of children at a school all  
11 information except for confidential information received about that  
12 school from institutions of higher education pursuant to  
13 G.S. 116-11(10a) and to make that information available to the  
14 general public.

15 d. The State Board of Education shall modify the Uniform Education  
16 Reporting System to provide clear, accurate, and standard  
17 information on the use of funds at the unit and school level. The plan  
18 shall provide information that will enable the General Assembly to  
19 determine State, local, and federal expenditures for personnel at the  
20 unit and school level. The plan also shall allow the tracking of  
21 expenditures for textbooks, educational supplies and equipment,  
22 capital outlay, at-risk students, and other purposes. ~~The revised  
23 Uniform Education Reporting System shall be implemented  
24 beginning with the 1999-2000 school year.~~

25 e. When practicable, reporting requirements developed by the State  
26 Board of Education as part of the Uniform Education Reporting  
27 System under this subdivision shall be incorporated into the  
28 Instructional Improvement System to minimize duplicative reporting  
29 by local school administrative units."  
30

## 31 PART VI. COMMISSION TO STUDY EXCEPTIONAL CHILDREN'S SERVICES

32 **SECTION 6.(a)** Establishment. – There is established a Commission to Study the  
33 Provision of Exceptional Children's Services in the North Carolina Public Schools  
34 (Commission).

35 **SECTION 6.(b)** Membership. – The Commission shall be composed of 12  
36 members, as follows:

- 37 (1) Eight members appointed by the Speaker of the House of Representatives as  
38 follows:
- 39 a. Four persons who are members of the House of Representatives at  
40 the time of appointment.
  - 41 b. A representative of the Department of Public Instruction.
  - 42 c. A school principal, as recommended by the North Carolina  
43 Association of School Administrators.
- 44 (2) Eight members appointed by the President Pro Tempore of the Senate as  
45 follows:
- 46 a. Four persons who are members of the Senate at the time of  
47 appointment.
  - 48 b. A school system superintendent, as recommended by the North  
49 Carolina Association of School Administrators.
  - 50 c. A local school board member, as recommended by the North  
51 Carolina School Boards Association.

1 The Commission shall have two cochairs, one designated by the President Pro  
2 Tempore of the Senate and one designated by the Speaker of the House of Representatives  
3 from among their appointees. The Commission shall meet upon the call of the cochairs.  
4 Vacancies shall be filled by the appointing authority. A quorum of the Commission shall be a  
5 majority of the members.

6 **SECTION 6.(c) Duties.** – The Commission shall review all aspects of the  
7 exceptional children's services delivered by local school administrative units in North Carolina  
8 and oversight of those services by the Department of Public Instruction. The Commission shall  
9 recommend ways to limit reporting requirements and compliance measures for local school  
10 administrative units and individual schools by identifying areas in which State requirements  
11 exceed federal law requirements. In developing these recommendations, the Commission shall  
12 examine at least all of the following:

- 13 (1) Forms and paperwork required by the Department of Public Instruction,  
14 Division of Exceptional Children (Division), to be submitted by  
15 Individualized Education Program (IEP) teams.
- 16 (2) The alignment of requirements imposed on the local school administrative  
17 units by the Division's Continuous Improvement Performance Plan (CIPP)  
18 with the federal requirements of the State Performance Plan and the Annual  
19 Performance Report.
- 20 (3) Student performance assessments and alternative assessments required by  
21 the State Board of Education.
- 22 (4) Class size and caseload requirements for children with disabilities.
- 23 (5) Unfunded fiscal impacts of reporting and compliance measures imposed on  
24 local school administrative units.

25 **SECTION 6.(d) Compensation; Administration.** – Members of the Commission  
26 shall receive subsistence and travel allowances at the rates set forth in G.S. 120-3.1, 138-5, or  
27 138-6, as appropriate. With the prior approval of the Legislative Services Task Force, the  
28 Legislative Services Officer shall assign professional and clerical staff to assist in the work of  
29 the Commission. With the prior approval of the Legislative Services Commission, the  
30 Commission may hold its meetings in the State Legislative Building or the Legislative Office  
31 Building. The Commission may also meet at various locations around the State in order to  
32 promote greater public participation in its deliberations. The Commission, while in the  
33 discharge of its official duties, may exercise all the powers provided under the provisions of  
34 G.S. 120-19 and G.S. 120-19.1 through G.S. 120-19.4, including the power to request all  
35 officers, agents, agencies, and departments of the State to provide any information, data, or  
36 documents within their possession, ascertainable from their records, or otherwise available to  
37 them and the power to subpoena witnesses.

38 **SECTION 6.(e) Report.** – The Commission shall report its findings and  
39 recommendations to the Joint Legislative Education Oversight Committee no later than March  
40 15, 2014. The Commission shall terminate upon the filing of its final report.

## 41 **PART VII. ELIMINATE PERSONAL EDUCATION PLANS**

42 **SECTION 7.(a)** G.S. 115C-105.41 is repealed.

43 **SECTION 7.(b)** G.S. 115C-83.9(a) reads as rewritten:

44 "(a) Parents or guardians shall be notified in writing, and in a timely manner, that the  
45 student shall be retained, unless he or she is exempt from mandatory retention for good cause,  
46 if the student is not demonstrating reading proficiency by the end of third grade. Parents or  
47 guardians shall receive this notice when a kindergarten, first, second, or third grade student (i)  
48 is demonstrating difficulty with reading development; or (ii) is not reading at grade level; ~~or~~  
49 ~~(iii) has a personal education plan under G.S. 115C-105.41 level.~~"  
50

1 **PART VIII. EFFECTIVE DATE**

2           **SECTION 8.** This act is effective when it becomes law and applies beginning with  
3 the 2013-2014 school year.