



NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
House Bill 200

AMENDMENT NO. 1
(to be filled in by
Principal Clerk)

H200-ALE-28 [v.1]

Page 1 of 1

Comm. Sub. [NO]
Amends Title [NO]
EDUC SP Report

Date 2011

Representative Holloway

1 moves to amend the House Appropriations Subcommittee on Education Special Provision
2 Report on page 65, lines 24-26,
3 by rewriting those lines to read:

4 "SECTION #.(b) In allocating the management flexibility reduction, no reduction
5 shall be made to funding for any of the following:

6 (1) Hickory Metro Higher Education Center.

7 (2) Need-based Financial Aid.

8 (3) Aid to Private Colleges.

9 (4) Joint Graduate School of Nanoscience and Nanoengineering at North
10 Carolina Agricultural and Technical State University and the University of
11 North Carolina at Greensboro.

12 (5) The North Carolina Research Campus."; and
13

14 On page 50, line 12, by adding a new paragraph after the line to read:

15
16 "There shall be no reduction in funds allocated to Rowan-Cabarrus Community
17 College for the Biotechnology Training Center at the North Carolina Research Campus."
18
19
20

SIGNED


Amendment Sponsor

SIGNED

Committee Chair if Senate Committee Amendment

ADOPTED



FAILED

TABLED



* H 2 0 0 - A L E - 2 8 - V - 1 *



NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
House Bill 200

AMENDMENT NO. 2
(to be filled in by
Principal Clerk)

Page 1 of 1

H200-ALE-25 [v.3]

Comm. Sub. [NO]
Amends Title [NO]
2011-DPI-16

Date _____, 2011

Representative Blackwell

moves to amend the House Appropriations Subcommittee on Education, House Budget Recommendations, on page 10, item 61, by adding a new sentence at the end of the item to read:

"Of these funds, up to \$75,000 may be used to support curriculum development, materials, and training for Small Business Centers."

SIGNED


Amendment Sponsor

Amendment Sponsor

SIGNED

Committee Chair if Senate Committee Amendment

ADOPTED

FAILED

TABLED


$$* H^2(D) = A_1 \oplus A_2 \oplus A_3 \oplus A_4$$



NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
House Bill 200

AMENDMENT NO. 3
(to be filled in by
Principal Clerk)

H200-ALE-27 [v.1]

Page 1 of 3

Comm. Sub. [NO]
Amends Title [NO]

Date _____, 2011

Representative Stam

moves to amend the House Appropriations Subcommittee on Education, House Special Provision Recommendations, on page 39, by adding a new provision after the line to read:

TRANSFER TEACHING FELLOWS

SECTION #.(a) The North Carolina Teaching Fellows Commission is transferred from the Department of Public Instruction to the Board of Governors of The University of North Carolina. This transfer shall have all the elements of a Type I transfer as defined in G.S. 143A-6.

SECTION #.(b) Part 2 of Article 24C of Chapter 115C of the General Statutes, G.S. 115C-363.22 through G.S. 115C-363.23A, is recodified as Article 5D of Chapter 116 of the General Statutes.

SECTION #.(c) Part 2 of Article 24C of Chapter 115C of the General Statutes, G.S. 115C-363.22 through G.S. 115C-363.23A, as recodified as Article 5D of Chapter 116 of the General Statutes, G.S. 116-74.48 through G.S. 116-74.50, reads as rewritten:

"Article 5D

"North Carolina Teaching Fellows Commission Program.

§116-74.48. North Carolina Teaching Fellows Commission established.

There is established the North Carolina Teaching Fellows Commission. This Commission shall exercise its powers and functions independently of the State Board of Education and the Department of Public Instruction. The ~~Public School Forum of North Carolina, Inc., Board of Governors of The University of North Carolina~~ shall provide staff and office space to the Commission. ~~Staff to the Commission are not State employees.~~

§116-74.49. Membership.

- (a) The Commission shall consist of 11 nonlegislative members as follows:
- (1) The Chairman of the State Board of Education, or his designee;
 - (2) The Lieutenant Governor, or his designee;
 - (3) Three persons appointed by the Governor;
 - (4) Three persons appointed by the General Assembly on the recommendation of the President Pro Tempore of the Senate, as provided in G.S. 120-121; and
 - (5) Three persons appointed by the General Assembly on the recommendation of the Speaker of the House of Representatives, as provided in G.S. 120-121.



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NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
House Bill 200

AMENDMENT NO. _____
(to be filled in by
Principal Clerk)

H200-ALE-27 [v.1]

Page 2 of 3

1 Terms of commission members appointed under this section expire on June 30 of the year
2 of expiration. In 1990, three members shall be appointed by the General Assembly upon the
3 recommendation of the Speaker of the House of Representatives, one for a term to expire June
4 30, 1992, one for a term to expire June 30, 1993, and one for a term to expire June 30, 1994. In
5 1990, three members shall be appointed by the General Assembly upon the recommendation of
6 the President of the Senate, one for a term to expire June 30, 1991, one for a term to expire
7 June 30, 1992, and one for a term to expire June 30, 1993. In 1990, three members shall be
8 appointed by the Governor, one for a term to expire June 30, 1992, one for a term to expire
9 June 30, 1993, and one for a term to expire June 30, 1994. Subsequent appointments are for a
10 term of four years.

11 (b) Each of the appointing entities shall seek to achieve a balanced membership
12 representing, to the maximum extent possible, the State as a whole. The Commission members
13 shall be chosen from among individuals who have demonstrated a commitment to education.

14 (c) Commission members shall be appointed for four-year terms, with the first
15 appointments to expire July 1, 1990.

16 (d) In the event a vacancy occurs for any reason, the vacancy shall be filled by
17 appointment by the entity that made the appointment, except that vacancies in appointments by
18 the General Assembly shall be filled under G.S. 120-122. The new appointee shall serve for the
19 remainder of the unexpired term.

20 (e) The Lieutenant Governor or his designee shall serve as chairman.

21 (f) Members of the Commission shall receive per diem and necessary travel and
22 subsistence expenses in accordance with Chapter 138 of the General Statutes.

23 (g) The Commission shall meet regularly at times and places the chairman deems
24 necessary.

25 **§116-74.50. Teaching Fellows Program established; administration.**

26 (a) A Teaching Fellows Program shall be administered by the North Carolina Teaching
27 Fellows Commission. The Teaching Fellows Program shall be used to provide a four-year
28 scholarship loan of six thousand five hundred dollars (\$6,500) per year to North Carolina high
29 school seniors interested in preparing to teach in the public schools of the State. The
30 Commission shall adopt very stringent standards, including minimum grade point average and
31 scholastic aptitude test scores, for awarding these scholarship loans to ensure that only the best
32 high school seniors receive them.

33 (b) The Commission shall administer the program in cooperation with teacher training
34 institutions selected by the Commission. Teaching Fellows should be exposed to a range of
35 extra-curricular activities while in college. These activities should be geared to instilling a
36 strong motivation not only to remain in teaching but to provide leadership for tomorrow's
37 schools.

38 (c) The Commission shall form regional review committees to assist it in identifying
39 the best high school seniors for the program. The Commission and the review committees shall
40 make an effort to identify and encourage minority students and students who may not otherwise
41 consider a career in teaching to enter the program.

42 (d) All scholarship loans shall be evidenced by notes made payable to the Commission
43 that shall bear interest at the rate of ten percent (10%) per year beginning September 1 after

NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
House Bill 200

AMENDMENT NO. _____
(to be filled in by
Principal Clerk)

H200-ALE-27 [v.1]

Page 3 of 3

1 completion of the program, or immediately after termination of the scholarship loan, whichever
2 is earlier. The scholarship loan may be terminated by the recipient withdrawing from school or
3 by the recipient not meeting the standards set by the Commission.

4 (e) The Commission shall forgive the loan if, within seven years after graduation, the
5 recipient teaches for four years at a North Carolina public school or at a school operated by the
6 United States government in North Carolina. The Commission shall also forgive the loan if,
7 within seven years after graduation, the recipient teaches for three consecutive years, unless the
8 recipient takes an approved leave of absence, at a North Carolina public school in a local
9 school administrative unit that, at the time the recipient accepts employment with the unit, is a
10 low-performing school system identified in accordance with Article 6A of this Chapter or is on
11 warning status as defined by the State Board of Education. The Commission shall also forgive
12 the loan if it finds that it is impossible for the recipient to teach for four years, within seven
13 years after graduation, at a North Carolina public school or at a school operated by the United
14 States government in North Carolina, because of the death or permanent disability of the
15 recipient.

16 (f) All funds appropriated to or otherwise received by the Teaching Fellows Program
17 for scholarships, all funds received as repayment of scholarship loans, and all interest earned on
18 these funds, shall be placed in a revolving fund. This revolving fund shall be used for
19 scholarship loans granted under the Teaching Fellows Program. With the prior approval of the
20 General Assembly in the Current Operations Appropriations Act, the revolving fund may also
21 be used for campus and summer program support, and costs related to disbursement of awards
22 and collection of loan repayments.

23 ~~The Public School Forum, as administrator for the Teaching Fellows Program, The~~
24 Commission may use up to eight hundred ten thousand dollars (\$810,000) annually from the
25 fund balance for costs associated with administration of the Teaching Fellows Program.

26 (g) The State Education Assistance Authority is responsible for the collection of a loan
27 awarded under this section if the loan repayment is outstanding for more than 30 days."

28 **SECTION #.(d)** For the 2011-2012 fiscal year, funds not needed by the
29 Commission for costs associated with administration of the Teaching Fellows Program shall be
30 transferred to the Department of Public Instruction, School Building Administration Allotment,
31 and used to restore cuts to assistant principal funding."
32

SIGNED _____


Amendment Sponsor

SIGNED _____

Committee Chair if Senate Committee Amendment

ADOPTED _____

FAILED _____

TABLED _____



NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
House Bill 200

AMENDMENT NO. 4
(to be filled in by
Principal Clerk)

Page 1 of 1

H200-AMD-12 [v.1]

Comm. Sub. [NO]
Amends Title [NO]
EDUC SP Report

Date , 2011

Representative

- 1 moves to amend the House Appropriations Subcommittee on Education Special Provisions
- 2 Report on Page 54 (2011-DOCC-H24B), Line 3, by deleting "December 31, 2011," and
- 3 substituting "March 1, 2012,".

SIGNED Stan
Amendment Sponsor

SIGNED
Committee Chair if Senate Committee Amendment

ADOPTED ✓ FAILED TABLED



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NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
House Bill 200

AMENDMENT NO. 5
(to be filled in by
Principal Clerk)

H200-ALH-20 [v.5]

Page 1 of 10

Comm. Sub. [NO]
Amends Title [NO]
EDUC SP Report

Date , 2011

Representative Blackwell

1 moves to amend the House Appropriations Subcommittee on Education, House Special
2 Provision Recommendations, on pages 21-27, by deleting the lines and substituting the
3 following:

4 **" ELIMINATION OF REPORTING REQUIREMENTS**

5 **SECTION #.(a) G.S. 115C-12(25) reads as rewritten:**

6 **"§ 115C-12. Powers and duties of the Board generally.**

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

11 ...
12 (25) Duty to Report to Joint Legislative Education Oversight Committee. – Upon
13 the request of the Joint Legislative Education Oversight Committee, the
14 State Board shall examine and evaluate issues, programs, policies, and fiscal
15 information, and shall make reports to that Committee. Furthermore,
16 beginning October 15, 1997, and annually thereafter, the State Board shall
17 submit reports to that Committee regarding the continued implementation of
18 Chapter 716 of the 1995 Session Laws, 1996 Regular Session. Each report
19 shall include information regarding the composition and activity of
20 assistance teams, schools that received incentive awards, schools identified
21 as low-performing, ~~school improvement plans found to significantly~~
22 ~~improve student performance,~~ personnel actions taken in low-performing
23 schools, and recommendations for additional legislation to improve student
24 performance and increase local flexibility."

25 **SECTION #.(b) G.S. 115C-47(38) is repealed.**

26 **SECTION #.(c) G.S. 115C-84.2(a)(1) reads as rewritten:**

27 "(1) (See notes) A minimum of 180 days and 1,000 hours of instruction covering
28 at least nine calendar months. The local board shall designate when the 180
29 instructional days shall occur. The number of instructional hours in an
30 instructional day may vary according to local board policy and does not have
31 to be uniform among the schools in the administrative unit. ~~Local boards~~
32 ~~may approve school improvement plans that include days with varying~~
33 ~~amounts of instructional time.~~ If school is closed early due to inclement



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NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
House Bill 200

AMENDMENT NO. _____
(to be filled in by
Principal Clerk)

H200-ALH-20 [v.5]

Page 2 of 10

1 weather, the day and the scheduled amount of instructional hours may count
2 towards the required minimum to the extent allowed by State Board policy.
3 The school calendar shall include a plan for making up days and
4 instructional hours missed when schools are not opened due to inclement
5 weather."

6 **SECTION #.(d)** G.S. 115C-84.2(a)(5) reads as rewritten:

7 "(5) The remaining days scheduled by the local board in consultation with each
8 school's principal for use as teacher workdays, additional instructional days,
9 or other lawful purposes. ~~Before consulting with the local board, each~~
10 ~~principal shall work with the school improvement team to determine the~~
11 ~~days to be scheduled and the purposes for which they should be scheduled.~~
12 Days may be scheduled and planned for different purposes for different
13 personnel and there is no requirement to schedule the same dates for all
14 personnel. In order to make up days for school closing because of inclement
15 weather, the local board may designate any of the days in this subdivision as
16 additional make-up days to be scheduled after the last day of student
17 attendance."

18 **SECTION #.(e)** G.S. 115C-98(b2) reads as rewritten:

19 "(b2) Local boards of education ~~may~~:

- 20 (1) ~~Select, may select,~~ procure, and use textbooks that have not been adopted by
21 the State Board of Education for use throughout the local school
22 administrative unit for selected grade levels and ~~courses; and courses.~~
23 (2) ~~Approve school improvement plans developed under G.S. 115C-105.27 that~~
24 ~~include provisions for using textbooks that have not been adopted by the~~
25 ~~State Board of Education for selected grade levels and courses.~~

26 All textbook contracts made under this subsection shall include a clause granting to the
27 local board of education the license to produce braille, large print, and audiocassette tape copies
28 of the textbooks for use in the local school administrative unit."

29 **SECTION #.(f)** G.S. 115C-105.20(b)(5) is repealed.

30 **SECTION #.(g)** G.S. 115C-105.25 reads as rewritten:

31 "**§ 115C-105.25. Budget flexibility.**

32 ...
33 (b) Subject to the following limitations, local boards of education may transfer and may
34 approve transfers of funds between funding allotment categories:

- 35 (1) ~~In accordance with a school improvement plan accepted under~~
36 ~~G.S. 115C-105.27, State funds allocated for teacher assistants may be~~
37 ~~transferred only for personnel (i) to serve students only in kindergarten~~
38 ~~through third grade, or (ii) to serve students primarily in kindergarten~~
39 ~~through third grade when the personnel are assigned to an elementary school~~
40 ~~to serve the whole school. Funds allocated for teacher assistants may~~
41 ~~be transferred to reduce class size or (iii) to reduce the student-teacher ratio~~
42 ~~in kindergarten through third grade so long as the affected teacher assistant~~
43 ~~positions are not filled when the plan is amended or approved by the~~

NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
House Bill 200

AMENDMENT NO. _____
(to be filled in by
Principal Clerk)

H200-ALH-20 [v.5]

Page 3 of 10

1 ~~building-level staff entitled to vote on the plan or the affected teacher~~
2 ~~assistant positions are not expected to be filled on the date the plan is to be~~
3 ~~implemented.~~ filled. Any State funds appropriated for teacher assistants that
4 were converted to certificated teachers before July 1, 1995, in accordance
5 with Section 1 of Chapter 986 of the 1991 Session Laws, as rewritten by
6 Chapter 103 of the 1993 Session Laws, may continue to be used for
7 certificated teachers.

- 8 (2) ~~In accordance with a school improvement plan accepted under~~
9 ~~G.S. 115C-105.27, (i) State funds allocated for classroom~~
10 ~~materials/instructional supplies/equipment may be transferred only for the~~
11 ~~purchase of textbooks; (ii) textbooks.~~ State funds allocated for textbooks
12 may be transferred only for the purchase of instructional supplies,
13 instructional equipment, or other classroom materials; ~~and (iii) materials.~~
14 State funds allocated for noninstructional support personnel may be
15 transferred only for teacher positions.

- 16 ...
17 (8) Funds allocated for academically or intellectually gifted students may be
18 used only (i) for academically or intellectually gifted students; (ii) to
19 implement the plan developed under G.S. 115C-150.7; or (iii) in accordance
20 with an accepted school improvement plan, for any purpose so long as that
21 school demonstrates it is providing appropriate services to academically or
22 intellectually gifted students assigned to that school in accordance with the
23 local plan developed under G.S. 115C-150.7.

24"

25 **SECTION #.(h) G.S. 115C-105.26 reads as rewritten:**

26 **"§ 115C-105.26. Waivers of State laws, rules, or policies.**

27 (a) ~~When included as part of a school improvement plan accepted under~~
28 ~~G.S. 115C-105.27, local~~ Local boards of education shall submit requests for waivers of State
29 laws, rules, or policies to the State Board of Education. A request for a waiver shall (i) identify
30 the school making the request, (ii) identify the State laws, rules, or policies that inhibit the
31 school's ability to improve student performance, (iii) set out with specificity the circumstances
32 under which the waiver may be used, and (iv) explain how the requested waiver will permit the
33 school to improve student performance. Except as provided in subsection (c) of this section, the
34 State Board shall grant waivers only for the specific schools for which they are requested and
35 shall be used only under the specific circumstances for which they are requested.

36 (b) ~~When requested as part of a school improvement plan, the~~ The State Board of
37 Education may grant waivers of:

- 38 (1) State laws pertaining to class size and teacher certification; and
39 (2) State rules and policies, except those pertaining to public school State salary
40 schedules and employee benefits for school employees, the instructional
41 program that must be offered under the Basic Education Program, the system
42 of employment for public school teachers and administrators set out in
43 G.S. 115C-287.1 and G.S. 115C-325, health and safety codes, compulsory

NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
House Bill 200

AMENDMENT NO. _____
(to be filled in by
Principal Clerk)

H200-ALH-20 [v.5]

Page 4 of 10

attendance, the minimum lengths of the school day and year, and the Uniform Education Reporting System.

...."

SECTION #.(i) G.S. 115C-105.27 is repealed.

SECTION #.(j) G.S. 115C-105.30 is repealed.

SECTION #.(k) G.S. 115C-105.31(b)(3) is repealed.

SECTION #.(l) G.S. 115C-105.32 is repealed.

SECTION #.(m) G.S. 115C-105.33 reads as rewritten:

"§ 115C-105.33. Safe and orderly schools.

A ~~school improvement team or a parent organization~~ at a school may ask the local board of education to provide assistance in promoting or restoring safety and an orderly learning environment at a school. The ~~school improvement team or parent organization~~ shall file a copy of this request with the State Board. If the local board fails to provide adequate assistance to the school, then the ~~school improvement team or parent organization~~ may ask the State Board to provide an assistance team to the school.

The State Board may provide an assistance team, established under G.S. 115C-105.38, to a school in order to promote or restore safety and an orderly learning environment at that school if one of the following applies:

(1) The local board of education or superintendent requests that the State Board provide an assistance team to a school and the State Board determines that the school needs assistance.

(2) The State Board determines within 10 days after its receipt of the request for assistance from a ~~school improvement team or parent organization~~ of a school that the school needs assistance and that the local board has failed to provide adequate assistance to that school.

If an assistance team is assigned to a school under this section, the team shall spend a sufficient amount of time at the school to assess the problems at the school, assist school personnel with resolving those problems, and work with school personnel and others to develop a long-term plan for restoring and maintaining safety and an orderly learning environment at the school. The assistance team also shall make recommendations to the local board of education and the superintendent on actions the board and the superintendent should consider taking to resolve problems at the school. These recommendations shall be in writing and are public records. If an assistance team is assigned to a school under this section, the powers given to the State Board and the assistance team under G.S. 115C-105.38 and G.S. 115C-105.39 shall apply as if the school had been identified as low-performing under this Article."

SECTION #.(n) G.S. 115C-105.37A(a) reads as rewritten:

"(a) **Definition of Continually Low-Performing Schools.** – A continually low-performing school is a school that has received State-mandated assistance and has been designated by the State Board as low performing for at least two of three consecutive years. ~~If the State Board identifies a school as continually low performing:~~

(1) ~~The school improvement team at that school shall review its school improvement plan to ensure consistency with the plan adopted pursuant to G.S. 115C-105.38(b)(3), and~~

NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
House Bill 200

AMENDMENT NO. _____
(to be filled in by
Principal Clerk)

H200-ALH-20 [v.5]

Page 5 of 10

~~(2) The plan must be reviewed and approved by the State Board of Education."~~

SECTION #.(o) G.S. 115C-105.38(b)(6) reads as rewritten:

"(6) Report, as appropriate, to the local board of education, the community, and the State Board on the school's progress. ~~If an assistance team determines that an accepted school improvement plan developed under G.S. 115C-105.27 is impeding student performance at a school, the team may recommend to the local board that it vacate the relevant portions of that plan and direct the school to revise those portions."~~

SECTION #.(p) G.S. 115C-105.47(b)(13) is repealed.

SECTION #.(q) G.S. 115C-174.12(a)(3) reads as rewritten:

"(3) No school shall participate in more than two field tests at any one grade level during a school year ~~unless that school volunteers, through a vote of its school improvement team, to participate in an expanded number of field tests without the approval of the principal of the school.~~"

SECTION #.(r) G.S. 115C-238.31(a) reads as rewritten:

"(a) Local school administrative units are encouraged to implement extended services programs that will expand students' opportunities for educational success through high-quality, integrated access to instructional programming during nonschool hours. ~~Extended services programs may be incorporated into school improvement plans developed in accordance with G.S. 115C-105.27.~~ Calendar alternatives include, but are not limited to, after-school hours, before-school hours, evening school, Saturday school, summer school, and year-round school. Instructional programming may include, but is not limited to, tutoring, direct instruction, enrichment activities, study skills, and reinforcement projects."

SECTION #.(s) G.S. 115C-288(h) reads as rewritten:

"(h) ~~To Make Available School Budgets and School Improvement Plans.~~ Budgets. – The principal shall maintain a copy of the school's current ~~budget and school improvement plan, including any amendments to the plan,~~ budget and shall allow parents of children in the school and other interested persons to review and obtain such documents in accordance with Chapter 132 of the General Statutes."

SECTION #.(t) G.S. 115C-288(l) is repealed.

SECTION #.(u) G.S. 143B-146.6(b)(6) reads as rewritten:

"(6) Report, as appropriate, to the Secretary, the State Board, and the parents on the school's progress. ~~If an assistance team determines that an accepted school improvement plan developed under G.S. 143B-146.12 is impeding student performance at a school, the team may recommend to the Secretary that he vacate the relevant portions of that plan and direct the school to revise those portions."~~

SECTION #.(v) G.S. 143B-146.12 is repealed.

SECTION #.(w) G.S. 115C-47(32a) reads as rewritten:

"(32a) To Establish Alternative Learning Programs and Develop Policies and Guidelines. – Each local board of education shall establish at least one alternative learning program and shall adopt guidelines for assigning students to alternative learning programs. These guidelines shall include (i) a

NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
House Bill 200

AMENDMENT NO. _____
(to be filled in by
Principal Clerk)

H200-ALH-20 [v.5]

Page 6 of 10

description of the programs and services to be provided, (ii) a process for ensuring that an assignment is appropriate for the student and that the student's parents are involved in the decision, and (iii) strategies for providing alternative learning programs, when feasible and appropriate, for students who are subject to long term suspension or expulsion. In developing these guidelines, local boards shall consider the State Board's standards developed under G.S. 115C-12(24). ~~Upon adoption of policies and guidelines under this subdivision, local boards are encouraged to incorporate them in their safe school plans developed under G.S. 115C-105.47.~~

The General Assembly urges local boards to adopt policies that prohibit superintendents from assigning to any alternative learning program any professional public school employee who has received within the last three years a rating on a formal evaluation that is less than above standard.

Notwithstanding this subdivision, each local board shall adopt policies based on the State Board's standards developed under G.S. 115C-12(24). These policies shall apply to any new alternative learning program or alternative school that is implemented beginning with the 2006-2007 school year. Local boards of education are encouraged to apply these standards to alternative learning programs and alternative schools implemented before the 2006-2007 school year.

Local boards shall assess on a regular basis whether the unit's alternative schools and alternative learning programs comply with the State Board's standards developed under G.S. 115C-12(24) and whether they incorporate best practices for improving student academic performance and reducing disruptive behavior, are staffed with professional public school employees who are well trained and provided with appropriate staff development, are organized to provide coordinated services, and provide students with high quality and rigorous academic instruction."

SECTION #.(x) G.S. 115C-105.27(b)(2) reads as rewritten:

"(2) Shall include a plan to address school safety and discipline ~~concerns in accordance with the safe school plan developed under Article 8C of this Chapter; concerns.~~"

SECTION #.(y) G.S. 115C-105.46 reads as rewritten:

"§ 115C-105.46. State Board of Education responsibilities.

In order to implement this Article, the State Board of Education:

- (1) ~~Shall adopt guidelines for developing local plans under G.S. 115C-105.47.~~
- (2) ~~Shall provide, in cooperation with the Board of Governors of The University of North Carolina, ongoing technical assistance to the local school administrative units in the development, implementation, and evaluation of their local plans under G.S. 115C-105.47.~~
- (3) ~~May require a local board of education to withhold the salary of any administrator or other employee of a local school administrative unit who~~

NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
House Bill 200

AMENDMENT NO. _____
(to be filled in by
Principal Clerk)

H200-ALH-20 [v.5]

Page 7 of 10

~~delays or refuses to prepare and implement local safe school plans in accordance with G.S. 115C-105.47.~~

(4) ~~May revoke the certificate of the superintendent, pursuant to G.S. 115C-274(e), for failure to fulfill the superintendent's duties under a local safe school plan.~~

(5) Shall adopt policies that define who is an at-risk student."

SECTION #.(z) G.S. 115C-105.47 is repealed.

SECTION #.(aa) G.S. 115C-102.6C is repealed.

SECTION #.(bb) G.S. 115C-102.6D(d) is repealed.

SECTION #.(cc) G.S. 115C-102.7 reads as rewritten:

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

(a) The Department of Public Instruction shall monitor and evaluate the development and implementation of the State and local school system technology plans. technology plan. The evaluation shall consider the effects of technology on student learning, the effects of technology on students' workforce readiness, the effects of technology on teacher productivity, and the cost-effectiveness of the technology.

(a1) Repealed by Session Laws 1997-18, s. 15(k).

(b) Repealed by Session Laws 2009-451, s. 7.31, effective July 1, 2009.

(e) ~~The Department of Public Instruction shall randomly check local school system technology plans to ensure that local school administrative units are implementing their plans as approved. The Department shall report to the State Board of Education on which local school administrative units are not complying with their plans. The report shall include the reasons these local school administrative units are out of compliance and a recommended plan of action to support each of these local school administrative units in carrying out their plans."~~

SECTION #.(dd) Section 7.61(b) of S.L. 2005-76, as rewritten by Section 7.22(d) of S.L. 2010-31, is repealed."; and

moves to amend the House Appropriations Subcommittee on Education Special Provision Report on page 75, line 2,

By adding after that page the following new special provisions:

"TRANSFER NORTH CAROLINA ARBORETUM RESPONSIBILITIES TO WESTERN CAROLINA

SECTION #.(a) G.S. 116-242 reads as rewritten:

'§ 116-242. Administration of Arboretum; acceptance of gifts and grants.

The Arboretum shall be administered by The University of North Carolina and through the Board of Directors established in G.S. 116-243. State funds for the administration of the Arboretum shall be appropriated to The University of North Carolina ~~for the University of North Carolina at Asheville. The for Western Carolina University to administer on behalf of the arboretum. The North Carolina Arboretum and The University of North Carolina may receive~~ gifts and grants to be used for development or operation of the Arboretum."

SECTION #.(b) G.S. 116-243 reads as rewritten:

'§ 116-243. Board of directors established; appointments.

NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
House Bill 200

AMENDMENT NO. _____
(to be filled in by
Principal Clerk)

H200-ALH-20 [v.5]

Page 8 of 10

1 A board of directors to govern the operation of the Arboretum is established, to be
2 appointed as follows:

- 3 (1) Two by the Governor, initially, one for a two-year term, and one for a
4 four-year term. Successors shall be appointed for four-year terms.
- 5 (2) Two by the General Assembly, in accordance with G.S. 120-121, upon the
6 recommendation of the President Pro Tempore of the Senate, initially, one
7 for a two-year term, and one for a four-year term. Successors shall be
8 appointed for four-year terms.
- 9 (3) Two by the General Assembly, in accordance with G.S. 120-121, upon the
10 recommendation of the Speaker of the House of Representatives, initially,
11 one for a two-year term, and one for a four-year term. Successors shall be
12 appointed for four-year terms.
- 13 (4) The President of The University of North Carolina or the President's
14 designee to serve ex officio.
- 15 (4a) Two by the President of The University of North Carolina. Members shall
16 be appointed for four-year terms except that the initial terms shall be as
17 provided otherwise by law.
- 18 ~~(5) The chancellors, chief executive officers, or their designees of the following~~
19 ~~institutions of higher education: North Carolina State University, Western~~
20 ~~Carolina University, The University of North Carolina at Asheville, Mars~~
21 ~~Hill College, and Warren Wilson College, to serve ex officio.~~
- 22 ~~(6) The President of Western North Carolina Arboretum, Inc., to serve ex~~
23 ~~officio.~~
- 24 (7) Six-Eight by the Board of Governors of The University of North Carolina,
25 initially, ~~three for one year terms, and three for three year terms.~~ Successors
26 ~~shall be appointed for four year terms. One shall be an active grower of~~
27 ~~nursery stock, and one other shall represent the State's garden~~
28 ~~clubs.~~ Members shall be appointed for four year terms except that the initial
29 terms shall be as otherwise provided by law.
- 30 (8) The executive director of the Arboretum ~~and the Executive Vice President of~~
31 ~~Western North Carolina Development Association shall serve ex officio as~~
32 ~~nonvoting members of the board of directors.~~ a nonvoting member of the
33 Board of Directors.
- 34 (9) The President of The North Carolina Arboretum Society, Inc., to serve ex
35 officio.

36 All appointed members may serve two full four-year terms following the initial
37 appointment and then may not be reappointed until they have been absent for at least one year.
38 Members serve until their successors have been appointed. Appointees to fill vacancies serve
39 for the remainder of the unexpired term. Vacancies in appointments made by the General
40 Assembly shall be filled in accordance with G.S. 120-122. Initial terms begin July 1, 1986.
41 July 1, 2011.

42 ~~The chairman of the board of directors~~ Chair of the Board of Directors shall be elected
43 biennially by majority vote of the directors.

NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
House Bill 200

AMENDMENT NO. _____
(to be filled in by
Principal Clerk)

H200-ALH-20 [v.5]

Page 9 of 10

1 The ~~executive director~~ Executive Director of the Arboretum shall report to the ~~board of~~
2 ~~directors.~~ President of The University of North Carolina or the President's designee and to the
3 Board of Directors.'

4 **SECTION #.** (c) G.S. 116-244 reads as rewritten:

5 '**§ 116-244. Duties of board of directors.**

6 The ~~board of directors~~ Board of Directors of the Arboretum has the following duties and
7 responsibilities:

- 8 (1) Development of the policies and procedures concerning the use of the land
9 and facilities being developed as part of the Western North Carolina
10 Arboretum, Inc.;
- 11 (2) Approval of plans for any buildings to be constructed on the facility;
- 12 (3) Maintenance and upkeep of buildings and all properties;
- 13 (4) Approval of permanent appointments to the staff of the Arboretum;
- 14 (5) Recommendations to the General Administration of candidates for ~~executive~~
15 ~~director~~ Executive Director of the Arboretum;
- 16 (6) Recommendations to the General Administration for necessary termination
17 of the ~~executive director~~ Executive Director or other personnel of the
18 Arboretum;
- 19 (7) Ensurance of appropriate liaison between the Arboretum and the U. S. Forest
20 Service, the National Park Service, the Western North Carolina Arboretum,
21 Inc., The North Carolina Arboretum Society, Inc., Bent Creek Institute, Inc.,
22 Centers for Environmental and Climatic Interaction, Inc., NOAA
23 Cooperative Institute for Climate and Satellites and other scientific and
24 economic development agencies and organizations of interest to and
25 involved in the work at the Arboretum;
- 26 (8) Development of various policies and directives, including the duties of the
27 ~~executive director,~~ Executive Director to be prepared jointly by the members
28 of the ~~board of directors and the executive director,~~ Board of Directors and
29 the Executive Director;
- 30 (9) Approval of annual expenditures and budget requests to be submitted to the
31 ~~Board of Governors.~~ The University of North Carolina General
32 Administration.

33 The ~~board of directors~~ Board of Directors shall meet at least twice a year, and more
34 frequently on the call of the ~~chairman~~ Chair or at the request of at least 10 members of the
35 ~~board.~~ Board. Meetings shall be held at the Arboretum, ~~the University of North Carolina at~~
36 ~~Asheville, or Western Carolina University any campus of a constituent institution of The~~
37 University of North Carolina, or at other public locations in support of the Arboretum mission
38 and purposes.'

39 **SECTION #.** (d) Effective July 1, 2011, the President of The University of North
40 Carolina shall appoint one member pursuant to G.S. 116-243(4a) as enacted by subsection (b)
41 of this Section to serve an initial term of two years to end July 1, 2013, and one member to
42 serve an initial term of four years to end July 1, 2015; successors shall be appointed to four
43 year terms as provided by G.S. 116-243. Effective July 1, 2011, the Board of Governors of The

NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
House Bill 200

AMENDMENT NO. _____
(to be filled in by
Principal Clerk)

H200-ALH-20 [v.5]

Page 10 of 10

1 University of North Carolina shall appoint one of the new members to be added to Board of
2 Directors pursuant to G.S. 116-243(7) as amended by subsection (b) of this Section to serve an
3 initial term of two years to end July 1, 2013, and the other new member to be added to serve an
4 initial term of four years to end July 1, 2015; successors shall be appointed to four year terms
5 as provided by G.S. 116-243."
6

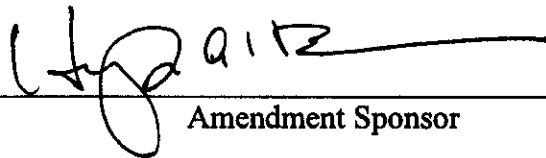
7 **"SPECIAL RESPONSIBILITY CONSTITUENT INSTITUTION/ANNUAL AUDIT BY**
8 **CERTIFIED PUBLIC ACCOUNTANT**

9 SECTION #. Article 1 of Chapter 116 of the General Statutes is amended by
10 adding a new section to read:

11 **'§ 116-30.8. Special responsibility constituent institutions: annual audit by certified public**
12 **accountant.**

13 Each special responsibility constituent institution shall be audited annually by a certified
14 public accountant. The Chancellor of the special responsibility constituent institution, with the
15 approval of the Board of Trustees of the institution, shall contract with a certified public
16 accountant to perform the annual audit. The audit shall be provided to the Chancellor and
17 Board of Trustees of the special responsibility institution, the Board of Governors of The
18 University of North Carolina, and the State Auditor. The audit shall also be included in the
19 State's Comprehensive Annual Financial Report (CAFR). The special responsibility constituent
20 institution may use State funds to contract with a certified public accountant to perform the
21 audit."
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SIGNED



Amendment Sponsor

SIGNED

Committee Chair if Senate Committee Amendment

ADOPTED

✓

FAILED

TABLED