

1 Education. Each State Teacher of the Year shall begin service as advisory member to the State
2 Board at the commencement of the teacher's term as State Teacher of the Year and shall serve
3 for two years. The State Teachers of the Year shall participate in State Board deliberations and
4 committee meetings in an advisory capacity only. The State Board may, in its discretion,
5 exclude the State Teachers of the Year from executive sessions.

6 In the event a vacancy occurs in the State Teacher of the Year's advisory position, the
7 teacher who was next runner-up to that State Teacher of the Year shall serve as the advisory
8 member to the Board for the remainder of the unexpired term. The State Teacher of the Year
9 advisors to the State Board shall receive per diem and necessary travel and subsistence
10 expenses in accordance with the provisions of G.S. 138-5.

11 (a3) Superintendent Advisor. – The Governor shall appoint a superintendent of a local
12 school administrative unit as an advisor to the State Board of Education. The superintendent
13 advisor shall serve for a term of one year. The superintendent advisor shall participate in State
14 Board deliberations and committee meetings in an advisory capacity only. The State Board
15 may, in its discretion, exclude the superintendent advisor from executive sessions.

16 In the event that a superintendent advisor ceases to be a superintendent in a local school
17 administrative unit, the position of superintendent advisor shall be deemed vacant. In the event
18 that a vacancy occurs in the position for whatever reason, the Governor shall appoint a
19 superintendent advisor for the remainder of the unexpired term. The superintendent advisor to
20 the State Board shall receive per diem and necessary travel and subsistence expenses in
21 accordance with the provisions of G.S. 138-5.

22 (a4) State Principal of the Year Advisor. – Each State Principal of the Year, as
23 designated by the Department of Public Instruction, shall serve ex officio as an advisor to the
24 State Board of Education. Each State Principal of the Year shall begin service as an advisory
25 member to the State Board at the commencement of the principal's term as State Principal of
26 the Year and shall serve for one year. The State Principal of the Year shall participate in State
27 Board deliberations and committee meetings in an advisory capacity only. The State Board
28 may, in its discretion, exclude the State Principal of the Year from executive sessions.

29 In the event a vacancy occurs in the State Principal of the Year's advisory position, the
30 principal who was next runner-up to that State Principal of the Year shall serve as the advisory
31 member to the State Board for the remainder of the unexpired term. The State Principal of the
32 Year advisor to the State Board shall receive per diem and necessary travel and subsistence
33 expenses in accordance with the provisions of G.S. 138-5.

34 (a5) Local Board of Education Advisor. – The current Raleigh Dingman Award winner
35 shall serve as an advisor to the State Board of Education. The local board of education advisor
36 shall serve for a term of one year. The local board of education advisor shall participate in State
37 Board deliberations and committee meetings in an advisory capacity only. The State Board
38 may, in its discretion, exclude the local board of education advisor from executive sessions.

39 In the event that the Raleigh Dingman Award winner ceases to be a local board of
40 education member or notifies the State Board of Education that he or she is unable to fulfill his
41 or her duties as a local board of education advisor member, the position of local board of
42 education member shall be deemed vacant. In the event that a vacancy occurs in the position
43 for whatever reason, the President of the North Carolina School Boards Association shall serve
44 as the advisory member to the State Board for the remainder of the unexpired term. The local
45 board of education advisor to the State Board shall receive per diem and necessary travel and
46 subsistence expenses in accordance with the provisions of G.S. 138-5.

47 (b) Regular Meetings of Board. – The regular meetings of the Board shall be held each
48 month on a day certain, as determined by the Board. The Board shall determine the hour of the
49 meeting, which may be adjourned from day to day, or to a day certain, until the business before
50 the Board has been completed.

1 (b1) Annual meeting with the State Board of Community Colleges and the Board of
2 Governors of The University of North Carolina. The State Board of Education shall meet with
3 the State Board of Community Colleges and the Board of Governors of The University of
4 North Carolina at least once a year to discuss educational matters of mutual interest and to
5 recommend to the General Assembly such policies as are appropriate to encourage the
6 improvement of public education at every level in this State. The meeting in 1987 and every
7 three years thereafter shall be hosted by the University Board of Governors, the meeting in
8 1988 and every three years thereafter shall be hosted by the State Board of Education, and the
9 meeting in 1989 and every three years thereafter shall be hosted by the State Board of
10 Community Colleges.

11 (c) Special Meetings. – Special meetings of the Board may be set at any regular
12 meeting or may be called by the chairman or by the secretary upon the approval of the
13 chairman: Provided, a special meeting shall be called by the chairman upon the request of any
14 five members of the Board. In case of regular meetings and special meetings, the secretary shall
15 give notice to each member, in writing, of the time and purpose of the meeting, by letter
16 directed to each member at his home post-office address. Such notice must be deposited in the
17 Raleigh Post Office at least three days prior to the date of meeting.

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

21 (e) Voting on Adoption of Textbooks. – A majority vote of the whole membership of
22 the Board shall be required to adopt textbooks, and a roll call vote shall be had on each motion
23 for such adoption or adoptions. A record of all such votes shall be kept in the minute book.

24 (f) Committees. – The Board may create from its membership such committees as it
25 deems necessary to facilitate its business. The chairman of the Board shall with approval of the
26 majority of the Board appoint members to the several committees authorized by the Board and
27 to any additional committees which the chairman may deem to be appropriate.

28 (g) Record of Proceedings. – All of the proceedings of the Board shall be recorded in a
29 well-bound and suitable book, which shall be kept in the office of the Superintendent of Public
30 Instruction, and open to public inspection.

31 (h) Rules and Regulations. – The Board shall adopt reasonable rules and regulations not
32 inconsistent herewith, to govern its proceedings which the Board may amend from time to time,
33 which rules and regulations shall become effective when filed as provided by law: Provided,
34 however, a motion to suspend the rules so adopted shall require a consent of two-thirds of the
35 members. The rules and regulations shall include, but not be limited to, clearly defined
36 procedures for electing the officers of the State Board referred to in G.S. 115C-11(a), fixing the
37 term of said officers, specifying how the voting shall be carried out, and establishing a date
38 when the first election shall be held. (1955, c. 1372, art. 2, s. 1; 1959, c. 573, s. 19; 1971, c.
39 704, s. 3; 1975, c. 699, s. 1; 1981, c. 423, s. 1; 1985 (Reg. Sess., 1986), c. 991, s. 1; 1987 (Reg.
40 Sess., 1988), c. 1102, s. 1; 1989, c. 720; 2003-306, s. 1.)

41 42 **§ 115C-12. Powers and duties of the Board generally.**

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

47 (1) Financial Powers. – The financial powers of the Board are set forth in
48 Article 30 of this Chapter.

49 (1a) To Submit a Budget Request to the Director of the Budget. – The Board
50 shall submit a budget request to the Director of the Budget in accordance
51 with G.S. 143C-3-3. In addition to the information requested by the Director

1 of the Budget, the Board shall provide an analysis relating each of its
2 requests for expansion funds to anticipated improvements in student
3 performance.

- 4 (2) Repealed by Session Laws 1985 (Regular Session, 1986), c. 975, s. 24.
5 (3), (4) Repealed by Session Laws 1987 (Regular Session, 1988), c. 1025, s. 1.
6 (5) Apportionment of Funds. – The Board shall have authority to apportion and
7 equalize over the State all State school funds and all federal funds granted to
8 the State for assistance to educational programs administered within or
9 sponsored by the public school system of the State.
10 (6) Power to Demand Refund for Inaccurate Apportionment Due to False
11 Attendance Records. – When it shall be found by the State Board of
12 Education that inaccurate attendance records have been filed with the State
13 Board of Education which resulted in an excess allotment of funds for
14 teacher salaries in any school unit in any school year, the school unit
15 concerned may be required to refund to the State Board the amount allotted
16 to said unit in excess of the amount an accurate attendance record would
17 have justified.
18 (7) Power to Alter the Boundaries of City School Administrative Units and to
19 Approve Agreements for the Consolidation and Merger of School
20 Administrative Units Located in the Same County. – The Board shall have
21 authority, in its discretion, to alter the boundaries of city school
22 administrative units and to approve agreements submitted by county and city
23 boards of education requesting the merger of two or more contiguous city
24 school administrative units and the merger of city school administrative units
25 with county school administrative units and the consolidation of all the
26 public schools in the respective units under the administration of one board
27 of education: Provided, that such merger of units and reorganization of
28 school units shall not have the effect of abolishing any special taxes that may
29 have been voted in any such units.
30 (8) Power to Make Provisions for Sick Leave and for Substitute Teachers. – The
31 Board shall provide for sick leave with pay for all public school employees
32 in accordance with the provisions of this Chapter and shall promulgate rules
33 and regulations providing for necessary substitutes on account of sick leave
34 and other teacher absences.

35 The minimum pay for a substitute teacher who holds a teaching
36 certificate shall be sixty-five percent (65%) of the daily pay rate of an
37 entry-level teacher with an "A" certificate. The minimum pay for a substitute
38 teacher who does not hold a teaching certificate shall be fifty percent (50%)
39 of the daily pay rate of an entry-level teacher with an "A" certificate. The
40 pay for noncertified substitutes shall not exceed the pay of certified
41 substitutes.

42 Local boards may use State funds allocated for substitute teachers to hire
43 full-time substitute teachers.

44 If a teacher assistant acts as a substitute teacher, the salary of the teacher
45 assistant for the day shall be the same as the daily salary of an entry-level
46 teacher with an "A" certificate.

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

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

The Board shall establish benchmarks by which to measure the progress that each local board of education has made in implementing the Basic Education Program.

- c1. To issue an annual "report card" for the State and for each local school administrative unit, assessing each unit's efforts to improve student performance based on the growth in performance of the students in each school and taking into account progress over the previous years' level of performance and the State's performance in comparison with other states. This assessment shall take into account factors that have been shown to affect student performance and that the State Board considers relevant to assess the State's efforts to improve student performance.
- c2. Repealed by Session Laws 1995 (Regular Session, 1996), c. 716, s. 1.
- c3. To develop a system of school building improvement reports for each school building. The purpose of school building improvement reports is to measure improvement in the growth in student performance at each school building from year to year, not to compare school buildings. The Board shall include in the building reports any factors shown to affect student performance that the Board considers relevant to assess a school's efforts to improve student performance. Local school administrative units shall produce and make public their school building improvement reports by March 15, 1997, for the 1995-96 school year, by October 15, 1997, for the 1996-97 school year, and annually thereafter. Each report shall be based on building-level data for the prior school year.
- c4. To develop guidelines, procedures, and rules to establish, implement, and enforce the School-Based Management and Accountability Program under Article 8B of this Chapter in order to improve student performance, increase local flexibility and control, and promote economy and efficiency.
- d. To formulate rules and regulations for the enforcement of the compulsory attendance law.
- e. To manage and operate a system of insurance for public school property, as provided in Article 38 of this Chapter.

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

1 (9a), (9b) Repealed by Session Laws 2005-458, s. 1, effective October 2, 2005.

2 (9c) Power to Develop Content Standards and Exit Standards. – The Board shall
3 develop a comprehensive plan to revise content standards and the standard
4 course of study in the core academic areas of reading, writing, mathematics,
5 science, history, geography, and civics. The Board shall involve and survey
6 a representative sample of parents, teachers, and the public to help determine
7 academic content standard priorities and usefulness of the content standards.
8 A full review of available and relevant academic content standards that are
9 rigorous, specific, sequenced, clear, focused, and measurable, whenever
10 possible, shall be a part of the process of the development of content
11 standards. The revised content standards developed in the core academic
12 areas shall (i) reflect high expectations for students and an in-depth mastery
13 of the content; (ii) be clearly grounded in the content of each academic area;
14 (iii) be defined grade-by-grade and course-by-course; (iv) be understandable
15 to parents and teachers; (v) be developed in full recognition of the time
16 available to teach the core academic areas at each grade level; and (vi) be
17 measurable, whenever possible, in a reliable, valid, and efficient manner for
18 accountability purposes.

19 High school course content standards shall include the knowledge and
20 skills necessary to pursue further postsecondary education or to attain
21 employment in the 21st century economy. The high school course content
22 standards also shall be aligned with the minimum undergraduate course
23 requirements for admission to the constituent institutions of The University
24 of North Carolina. The Board may develop exit standards that will be
25 required for high school graduation.

26 The Board also shall develop and implement an ongoing process to align
27 State programs and support materials with the revised academic content
28 standards for each core academic area on a regular basis. Alignment shall
29 include revising textbook criteria, support materials, State tests, teacher and
30 school administrator preparation, and ongoing professional development
31 programs to be compatible with content standards. The Board shall develop
32 and make available to teachers and parents support materials, including
33 teacher and parent guides, for academic content standards. The State Board
34 of Education shall work in collaboration with the Board of Governors of The
35 University of North Carolina to ensure that teacher and school administrator
36 degree programs, ongoing professional development, and other university
37 activity in the State's public schools align with the State Board's priorities.

38 (10) Power to Provide for Programs or Projects in the Cultural and Fine Arts
39 Areas. – The Board is authorized and empowered, in its discretion, to make
40 provisions for special programs or projects of a cultural and fine arts nature
41 for the enrichment and strengthening of educational opportunities for the
42 children of the State.

43 For this purpose, the Board may use funds received from gifts or grants
44 and, with the approval of the Director of the Budget, may use State funds
45 which the Board may find available in any budget administered by the
46 Board.

47 (11) Power to Conduct Education Research. – The Board is authorized to sponsor
48 or conduct education research and special school projects considered
49 important by the Board for improving the public schools of the State. Such
50 research or projects may be conducted during the summer months and

1 involve one or more local school units as the Board may determine. The
2 Board may use any available funds for such purposes.

- 3 (12) Duty to Provide for Sports Medicine and Emergency Paramedical Program.
4 – The State Board of Education is authorized and directed to develop a
5 comprehensive plan to train and make available to the public schools
6 personnel who shall have major responsibility for exercising preventive
7 measures against sports related deaths and injuries and for providing sports
8 medicine and emergency paramedical services for injuries that occur in
9 school related activities. The plan shall include, but is not limited to, the
10 training, assignment of responsibilities, and appropriate additional
11 reimbursement for individuals participating in the program.

12 The State Board of Education is authorized and directed to develop an
13 implementation schedule and a program funding formula that will enable
14 each high school to have a qualified sports medicine and emergency
15 paramedical program by July 1, 1984.

16 The State Board of Education is authorized and directed to establish
17 minimum educational standards necessary to enable individuals serving as
18 sports medicine and emergency paramedical staff to provide such services,
19 including first aid and emergency life saving skills, to students participating
20 in school activities.

- 21 (13) Power to Purchase Liability Insurance. – The Board is authorized to
22 purchase insurance to protect board members from liability incurred in the
23 exercise of their duty as members of the Board.

- 24 (14) Duty to Provide Personnel Information to Local Boards. – Upon request, the
25 State Board of Education and the Department of Public Instruction shall
26 furnish to any county or city board of education any and all available
27 personnel information relating to certification, evaluation and qualification
28 including, but not limited to, semester hours or quarterly hours completed,
29 graduate work, grades, scores, etc., that are on that date in the files of the
30 State Board of Education or Department of Public Instruction.

- 31 (15) Duty to Develop Noncertified Personnel Position Evaluation Descriptions. –
32 The Board is authorized and directed to develop position evaluation
33 descriptions covering those positions in local school administrative units for
34 which certification by the State Board of Education is not normally a
35 prerequisite. The position evaluation descriptions required in this
36 subdivision are to be used by local boards of education as the basis for
37 assignment of noncertified employees to an appropriate pay grade in
38 accordance with salary grades and ranges adopted by the State Board of
39 Education. No appropriations are required by this subdivision.

- 40 (16) Power with Regard to Salary Schedules. – The Board shall provide for sick
41 leave with pay for all public school employees in accordance with the
42 provisions of this Chapter and shall promulgate rules and regulations
43 providing for necessary substitutes on account of sick leave and other
44 teacher absences.

45 a. Support personnel refers to all public school employees who are not
46 required by statute or regulation to be certified in order to be
47 employed. The State Board of Education is authorized and
48 empowered to adopt all necessary rules for full implementation of all
49 schedules to the extent that State funds are made available for
50 support personnel.

1 b. Salary schedules for the following public school support personnel
2 shall be adopted by the State Board of Education: school finance
3 officer, office support personnel, teacher assistants, maintenance
4 supervisors, custodial personnel, and transportation personnel. The
5 Board shall classify these support positions in terms of uniform pay
6 grades included in the salary schedule of the State Personnel
7 Commission.

8 By the end of the third payroll period of the 1995-96 fiscal year,
9 local boards of education shall place State-allotted office support
10 personnel, teacher assistants, and custodial personnel on the salary
11 schedule adopted by the State Board of Education so that the average
12 salary paid is the State-allotted amount for the category. In placing
13 employees on the salary schedule, the local board shall consider the
14 education, training, and experience of each employee, including
15 experience in other local school administrative units. It is the intent
16 of the General Assembly that a local school administrative unit not
17 fail to employ an employee who was employed for the prior school
18 year in order to implement the provisions of this sub-subdivision. A
19 local board of education is in compliance with this sub-subdivision if
20 the average salary paid is at least ninety-five percent (95%) of the
21 State-allotted amount for the category at the end of the third payroll
22 period of the 1995-96 fiscal year, and at least ninety-eight percent
23 (98%) of the State-allotted amount for the category at the end of the
24 third payroll period of each subsequent fiscal year. The Department
25 of Public Instruction shall provide technical assistance to local school
26 administrative units regarding the implementation of this
27 sub-subdivision.

28 c. Salary schedules for other support personnel, including but not
29 limited to maintenance and school food service personnel, shall be
30 adopted by the State Board of Education. The Board shall classify
31 these support positions in terms of uniform pay grades included in
32 the salary schedule of the State Personnel Commission. These
33 schedules shall apply if the local board of education does not adopt a
34 salary schedule of its own for personnel paid from other than State
35 appropriations.

36 (17) Power to Provide for School Transportation Programs. – The State Board of
37 Education is authorized and empowered to promulgate such policies, rules,
38 and regulations as it may deem necessary and desirable for the operation of a
39 public school transportation system by each local administrative unit in the
40 State. Such policies, rules, and regulations shall include, but are not limited
41 to, fund allocations and fiscal support to assure the effective and efficient
42 use of funds appropriated by the General Assembly in support of the school
43 transportation system. Nothing herein shall be construed to affect in any way
44 or to lessen in any way the full and complete authority of local boards of
45 education to assign pupils to schools in accordance with G.S. 115C-366.

46 (18) Duty to Develop and Implement a Uniform Education Reporting System,
47 Which Shall Include Standards and Procedures for Collecting Fiscal and
48 Personnel Information. –

49 a. The State Board of Education shall adopt standards and procedures
50 for local school administrative units to provide timely, accurate, and
51 complete fiscal and personnel information, including payroll

1 information, on all school personnel. All local school administrative
2 units shall comply with these standards and procedures by the
3 beginning of the 1987-88 school year.

4 b. The State Board of Education shall develop and implement a
5 Uniform Education Reporting System that shall include requirements
6 for collecting, processing, and reporting fiscal, personnel, and student
7 data, by means of electronic transfer of data files from local
8 computers to the State Computer Center through the State
9 Communications Network. All local school administrative units shall
10 comply with the requirements of the Uniform Education Reporting
11 System by the beginning of the 1989-90 school year.

12 c. The State Board of Education shall comply with the provisions of
13 G.S. 116-11(10a) to plan and implement an exchange of information
14 between the public schools and the institutions of higher education in
15 the State. The State Board of Education shall require local boards of
16 education to provide to the parents of children at a school all
17 information except for confidential information received about that
18 school from institutions of higher education pursuant to G.S.
19 116-11(10a) and to make that information available to the general
20 public.

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

31 (19) Duty to Identify Required Reports and to Eliminate Unnecessary Reports
32 and Paperwork. – Prior to the beginning of each school year, the State Board
33 of Education shall identify all reports that are required at the State level for
34 the school year.

35 The State Board of Education shall adopt policies to ensure that local
36 school administrative units are not required by the State Board of Education,
37 the State Superintendent, or the Department of Public Instruction staff to (i)
38 provide information that is already available on the student information
39 management system or housed within the Department of Public Instruction;
40 (ii) provide the same written information more than once during a school
41 year unless the information has changed during the ensuing period; or (iii)
42 complete forms, for children with disabilities, that are not necessary to
43 ensure compliance with the federal Individuals with Disabilities Education
44 Act (IDEA). Notwithstanding the foregoing, the State Board may require
45 information available on its student information management system or
46 require the same information twice if the State Board can demonstrate a
47 compelling need and can demonstrate there is not a more expeditious
48 manner of getting the information.

49 The State Board shall permit schools and local school administrative
50 units to submit all reports to the Department of Public Instruction
51 electronically.

1 The State Board of Education, in collaboration with the education
2 roundtables within the Department of Public Instruction, shall consolidate all
3 plans that affect the school community, including school improvement plans.
4 The consolidated plan shall be posted on each school's Web site for easy
5 access by the public and by school personnel.

6 The State Board shall report to the Joint Legislative Education Oversight
7 Committee by November 15 of each year on the reports it has consolidated
8 or eliminated for the upcoming school year.

9 (19a) Duty to Consolidate Applications for State Funding. – The State Board of
10 Education shall adopt policies to streamline the process for local school
11 administrative units applying for State funding. The policies shall provide
12 for a consolidation of all such applications.

13 (20) Duty to Report Appointment of Caretaker Administrators and Boards. –
14 Pursuant to G.S. 120-30.9G the State Board of Education shall submit to the
15 Attorney General of the United States within 30 days any rules, policies,
16 procedures, or actions taken pursuant to G.S. 115C-64.4 which could result
17 in the appointment of a caretaker administrator or board to perform any of
18 the powers and duties of a local board of education where that school
19 administrative unit is covered by the Voting Rights Act of 1965.

20 (21) Duty to Monitor Acts of School Violence. – The State Board of Education
21 shall monitor and compile an annual report on acts of violence in the public
22 schools. The State Board shall adopt standard definitions for acts of school
23 violence and shall require local boards of education to report them to the
24 State Board in a standard format adopted by the State Board. The State
25 Board shall submit its report on acts of violence in the public schools to the
26 Joint Legislative Education Oversight Committee by March 15 of each year.

27 (22) Duty to Monitor the Decisions of Teachers to Leave the Teaching
28 Profession. – The State Board of Education shall monitor and compile an
29 annual report on the decisions of teachers to leave the teaching profession.
30 The State Board shall adopt standard procedures for each local board of
31 education to use in requesting the information from teachers who are not
32 continuing to work as teachers in the local school administrative unit and
33 shall require each local board of education to report the information to the
34 State Board in a standard format adopted by the State Board.

35 (23) Power to Adopt Eligibility Rules for Interscholastic Athletic Competition. –
36 The State Board of Education shall adopt rules governing interscholastic
37 athletic activities conducted by local boards of education, including
38 eligibility for student participation. With regard to middle schools and high
39 schools, the rules shall provide for the following:

40 a. All coaches, school nurses, athletic directors, first responders,
41 volunteers, students who participate in interscholastic athletic
42 activities, and the parents of those students shall receive, on an
43 annual basis, a concussion and head injury information sheet. School
44 employees, first responders, volunteers, and students must sign the
45 sheet and return it to the coach before they can participate in
46 interscholastic athletic activities, including tryouts, practices, or
47 competition. Parents must sign the sheet and return it to the coach
48 before their children can participate in any such interscholastic
49 athletic activities. The signed sheets shall be maintained in
50 accordance with sub-subdivision d. of this subdivision.

1 For the purpose of this subdivision, a concussion is a traumatic
2 brain injury caused by a direct or indirect impact to the head that
3 results in disruption of normal brain function, which may or may not
4 result in loss of consciousness.

- 5 b. If a student participating in an interscholastic athletic activity
6 exhibits signs or symptoms consistent with concussion, the student
7 shall be removed from the activity at that time and shall not be
8 allowed to return to play or practice that day. The student shall not
9 return to play or practice on a subsequent day until the student is
10 evaluated by and receives written clearance for such participation
11 from (i) a physician licensed under Article 1 of Chapter 90 of the
12 General Statutes with training in concussion management, (ii) a
13 neuropsychologist licensed under Article 18A of Chapter 90 of the
14 General Statutes with training in concussion management and
15 working in consultation with a physician licensed under Article 1 of
16 Chapter 90 of the General Statutes, (iii) an athletic trainer licensed
17 under Article 34 of Chapter 90 of the General Statutes, (iv) a
18 physician assistant, consistent with the limitations of G.S. 90-18.1, or
19 (v) a nurse practitioner, consistent with the limitations of G.S.
20 90-18.2.
- 21 c. Each school shall develop a venue specific emergency action plan to
22 deal with serious injuries and acute medical conditions in which the
23 condition of the patient may deteriorate rapidly. The plan shall
24 include a delineation of roles, methods of communication, available
25 emergency equipment, and access to and plan for emergency
26 transport. This plan must be (i) in writing, (ii) reviewed by an athletic
27 trainer licensed in North Carolina, (iii) approved by the principal of
28 the school, (iv) distributed to all appropriate personnel, (v) posted
29 conspicuously at all venues, and (vi) reviewed and rehearsed
30 annually by all licensed athletic trainers, first responders, coaches,
31 school nurses, athletic directors, and volunteers for interscholastic
32 athletic activities.
- 33 d. Each school shall maintain complete and accurate records of its
34 compliance with the requirements of this subdivision pertaining to
35 head injuries.

36 The State Board of Education may authorize a designated organization to
37 apply and enforce the Board's rules governing participation in interscholastic
38 athletic activities at the high school level.

- 39 (24) Duty to Develop Standards for Alternative Learning Programs, Provide
40 Technical Assistance on Implementation of Programs, and Evaluate
41 Programs. – The State Board of Education shall adopt standards for
42 assigning students to alternative learning programs. These standards shall
43 include (i) a description of the programs and services that are recommended
44 to be provided in alternative learning programs and (ii) a process for
45 ensuring that an assignment is appropriate for the student and that the
46 student's parents are involved in the decision. The State Board also shall
47 adopt policies that define what constitutes an alternative school and an
48 alternative learning program.

49 The State Board of Education shall also adopt standards to require that
50 local school administrative units shall use (i) the teachers allocated for
51 students assigned to alternative learning programs pursuant to the regular

1 teacher allotment and (ii) the teachers allocated for students assigned to
2 alternative learning programs only to serve the needs of these students.

3 The State Board of Education shall provide technical support to local
4 school administrative units to assist them in developing and implementing
5 plans and proposals for alternative learning programs.

6 The State Board shall evaluate the effectiveness of alternative learning
7 programs and, in its discretion, of any other programs funded from the
8 Alternative Schools/At-Risk Student allotment. Local school administrative
9 units shall report to the State Board of Education on how funds in the
10 Alternative Schools/At-Risk Student allotment are spent and shall otherwise
11 cooperate with the State Board of Education in evaluating the alternative
12 learning programs. As part of its evaluation of the effectiveness of these
13 programs, the State Board shall, through the application of the accountability
14 system developed under G.S. 115C-105.35, measure the educational
15 performance and growth of students placed in alternative schools and
16 alternative programs. If appropriate, the Board may modify this system to
17 adapt to the specific characteristics of these schools. Also as part of its
18 evaluation, the State Board shall evaluate its standards adopted under this
19 subdivision and make any necessary changes to those standards based on
20 strategies that have been proven successful in improving student
21 achievement and shall report to the Joint Legislative Education Oversight
22 Committee by April 15, 2006 to determine if any changes are necessary to
23 improve the implementation of successful alternative learning programs and
24 alternative schools.

25 (25) Duty to Report to Joint Legislative Education Oversight Committee. – Upon
26 the request of the Joint Legislative Education Oversight Committee, the
27 State Board shall examine and evaluate issues, programs, policies, and fiscal
28 information, and shall make reports to that Committee. Furthermore,
29 beginning October 15, 1997, and annually thereafter, the State Board shall
30 submit reports to that Committee regarding the continued implementation of
31 Chapter 716 of the 1995 Session Laws, 1996 Regular Session. Each report
32 shall include information regarding the composition and activity of
33 assistance teams, schools that received incentive awards, schools identified
34 as low-performing, school improvement plans found to significantly
35 improve student performance, personnel actions taken in low-performing
36 schools, and recommendations for additional legislation to improve student
37 performance and increase local flexibility.

38 (25a) [Development of Goals and Annual Report on Improvement in Graduation
39 Rate.] Prior to the 2010-2011 school year, the State Board of Education
40 shall:

- 41 a. Develop a growth model establishing annual goals for continuous
42 and substantial improvement in the four-year cohort graduation rate
43 by local school administrative units.
- 44 b. Establish as a short-term goal that local school administrative units
45 meet the annual growth model goals for improvement in the
46 four-year cohort graduation rate beginning with the graduating class
47 of 2011 and continuing annually thereafter.
- 48 c. Establish as long-term minimum goals statewide four-year cohort
49 graduation rates of seventy-four percent (74%) by 2014; eighty
50 percent (80%) by 2016; and ninety percent (90%) by 2018.

1 d. Establish as a long-term goal with benchmarks and recommendations
2 to reach a statewide four-year cohort graduation rate of one hundred
3 percent (100%).

4 The State Board of Education shall report to the Joint Legislative Education
5 Oversight Committee by November 15, 2010, and annually thereafter on the
6 goals, benchmarks, and recommendations described in this section. Such
7 goals, benchmarks, and recommendations shall appropriately differentiate
8 for students with disabilities and other specially identified subcategories
9 within each four-year cohort. The report shall include goals and benchmarks
10 by local school administrative unit, the strategies and recommendations for
11 achieving the goals and benchmarks, any evidence or data supporting the
12 strategies and recommendations, and the identity of the persons employed by
13 the State Board of Education who are responsible for oversight of local
14 school administrative units in achieving the goals and benchmarks.

15 (25b) [More at Four Reports.] –

16 a. The State Board of Education shall submit an annual report no later
17 than March 15 of each year to the Joint Legislative Commission on
18 Governmental Operations, the Joint Legislative Education Oversight
19 Committee, the Senate Appropriations Committee on Education, the
20 House of Representatives Appropriations Subcommittee on
21 Education, the Office of State Budget and Management, and the
22 Fiscal Research Division. The report shall include the following:

- 23 1. The number of children participating in State prekindergarten.
- 24 2. The number of children participating in State prekindergarten
25 who have never been served in other early education
26 programs, such as child care, public or private preschool,
27 Head Start, Early Head Start, or early intervention programs.
- 28 3. The expected State prekindergarten expenditures for the
29 programs and the source of the local contributions.
- 30 4. The results of an annual evaluation of the program.

31 b. The Office of Early Learning shall contract with an independent
32 research organization not affiliated with the Department of Health
33 and Human Services, the Department of Public Instruction, or the
34 Office of the Governor to produce an annual report to include
35 longitudinal review of the More at Four program and academic,
36 behavioral, and other child-specific outcomes. The review shall
37 include a quasi-experimental research design of a representative
38 sample of children who complete the More at Four program every
39 other year and shall report on their sustained progress until the end of
40 grade 6. The review shall also study a representative sample of
41 children who do not enter the More at Four program but who are of
42 the same grade level and demographic as those who complete the
43 program, and their sustained progress shall also be reviewed until the
44 end of grade 6. The review shall be presented to the Joint Legislative
45 Education Oversight Committee by January 31 of every year.

46 (26) Duty to Monitor and Make Recommendations Regarding Professional
47 Development Programs. – The State Board of Education, in collaboration
48 with the Board of Governors of The University of North Carolina, shall
49 identify and make recommendations regarding meaningful professional
50 development programs for professional public school employees. The
51 programs shall be aligned with State education goals and directed toward

1 improving student academic achievement. The State Board shall annually
2 evaluate and, after consultation with the Board of Governors, make
3 recommendations regarding professional development programs based upon
4 reports submitted by the Board of Governors under G.S. 116-11(12a).

5 (27) Reporting Dropout Rates, Corporal Punishment, Suspensions, Expulsions,
6 and Alternative Placements. – The State Board shall report by March 15 of
7 each year to the Joint Legislative Education Oversight Committee on the
8 numbers of students who have dropped out of school, been subjected to
9 corporal punishment, been suspended, been expelled, been reassigned for
10 disciplinary purposes, or been provided alternative education services. The
11 data shall be reported in a disaggregated manner, reflecting the local school
12 administrative unit, race, gender, grade level, ethnicity, and disability status
13 of each affected student. Such data shall be readily available to the public.
14 The State Board shall not include students that have been expelled from
15 school when calculating the dropout rate. The Board shall maintain a
16 separate record of the number of students who are expelled from school and
17 the reasons for the expulsion.

18 (27a) Reducing School Dropout Rates. – The State Board of Education shall
19 develop a statewide plan to improve the State's tracking of dropout data so
20 that accurate and useful comparisons can be made over time. The plan shall
21 include, at a minimum, how dropouts are counted and the methodology for
22 calculating the dropout rate, the ability to track students movements among
23 schools and districts, and the ability to provide information on who drops out
24 and why.

25 (28) Duty to Develop Rules for Issuance of Driving Eligibility Certificates. – The
26 State Board of Education shall adopt the following rules to assist schools in
27 their administration of procedures necessary to implement G.S. 20-11 and
28 G.S. 20-13.2:

29 a. To define what is equivalent to a high school diploma for the
30 purposes of G.S. 20-11 and G.S. 20-13.2. These rules shall apply to
31 all educational programs offered in the State by public schools,
32 charter schools, nonpublic schools, or community colleges.

33 b. To establish the procedures a person who is or was enrolled in a
34 public school or in a charter school must follow and the requirements
35 that person shall meet to obtain a driving eligibility certificate.

36 c. To require the person who is required under G.S. 20-11(n) to sign the
37 driving eligibility certificate to provide the certificate if he or she
38 determines that one of the following requirements is met:

39 1. The person seeking the certificate is eligible for the certificate
40 under G.S. 20-11(n)(1) and is not subject to G.S. 20-11(n1).

41 2. The person seeking the certificate is eligible for the certificate
42 under G.S. 20-11(n)(1) and G.S. 20-11(n1).

43 These rules shall apply to public schools and charter schools.

44 d. To provide for an appeal to an appropriate education authority by a
45 person who is denied a driving eligibility certificate. These rules
46 shall apply to public schools and charter schools.

47 e. To define exemplary student behavior and to define what constitutes
48 the successful completion of a drug or alcohol treatment counseling
49 program. These rules shall apply to public schools and charter
50 schools.

1 The State Board also shall develop policies as to when it is appropriate to
2 notify the Division of Motor Vehicles that a person who is or was enrolled in
3 a public school or in a charter school no longer meets the requirements for a
4 driving eligibility certificate.

5 The State Board shall develop a form for parents, guardians, or
6 emancipated juveniles, as appropriate, to provide their written, irrevocable
7 consent for a school to disclose to the Division of Motor Vehicles that the
8 student no longer meets the conditions for a driving eligibility certificate
9 under G.S. 20-11(n)(1) or G.S. 20-11(n1), if applicable, in the event that this
10 disclosure is necessary to comply with G.S. 20-11 or G.S. 20-13.2. Other
11 than identifying under which statutory subsection the student is no longer
12 eligible, no other details or information concerning the student's school
13 record shall be released pursuant to this consent. This form shall be used for
14 students enrolled in public schools or charter schools.

15 The State Board of Education may use funds appropriated for drivers
16 education to cover the costs of driving eligibility certificates.

17 (29) To Issue Special High School Diplomas to Veterans of World War II, Korea,
18 and Vietnam. – The State Board of Education shall issue special high school
19 diplomas to all honorably discharged veterans of World War II, the Korean
20 Conflict, and the Vietnam era who request special diplomas and have not
21 previously received high school diplomas.

22 (30) Duty to Adopt Model Guidelines and Policies for the Establishment of Local
23 Task Forces on Closing the Academic Achievement Gap. – The State Board
24 shall adopt a Model for local school administrative units to use as a
25 guideline to establish local task forces on closing the academic achievement
26 gap at the discretion of the local board. The purpose of each task force is to
27 advise and work with its local board of education and administration on
28 closing the gap in academic achievement and on developing a collaborative
29 plan for achieving that goal. The State Board shall consider the
30 recommendations of the Commission on Improving the Academic
31 Achievement of Minority and At-Risk Students to the 2001 Session of the
32 General Assembly in establishing its guidelines.

33 (30a) Duty to Assist Schools in Meeting Adequate Yearly Progress. – The State
34 Board of Education shall:

- 35 a. Identify which schools are meeting adequate yearly progress with
36 subgroups as specified in the No Child Left Behind Act of 2001;
- 37 b. Study the instructional, administrative, and fiscal practices and
38 policies employed by the schools selected by the State Board of
39 Education that are meeting adequate yearly progress specified in the
40 No Child Left Behind Act of 2001;
- 41 c. Create assistance models for each subgroup based on the practices
42 and policies used in schools that are meeting adequate yearly
43 progress. The schools of education at the constituent institutions of
44 The University of North Carolina, in collaboration with the
45 University of North Carolina Center for School Leadership
46 Development, shall assist the State Board of Education in developing
47 these models; and
- 48 d. Offer technical assistance based on these assistance models to local
49 school administrative units not meeting adequate yearly progress,
50 giving priority to those local school administrative units with high
51 concentrations of schools that are not meeting adequate yearly

1 progress. The State Board of Education shall determine the number
2 of local school administrative units that can be served effectively in
3 the first two years. This technical assistance shall include peer
4 assistance and professional development by teachers, support
5 personnel, and administrators in schools with subgroups that are
6 meeting adequate yearly progress.

- 7 (31) To Adopt Guidelines for Individual Diabetes Care Plans. – The State Board
8 shall adopt guidelines for the development and implementation of individual
9 diabetes care plans. The State Board shall consult with the North Carolina
10 Diabetes Advisory Council established by the Department of Health and
11 Human Services in the development of these guidelines. The State Board
12 also shall consult with local school administrative unit employees who have
13 been designated as responsible for coordinating their individual unit's efforts
14 to comply with federal regulations adopted under Section 504 of the
15 Rehabilitation Act of 1973, as amended, 29 U.S.C. § 794. In its development
16 of these guidelines, the State Board shall refer to the guidelines
17 recommended by the American Diabetes Association for the management of
18 children with diabetes in the school and day care setting and shall consider
19 recent resolutions by the United States Department of Education's Office of
20 Civil Rights of investigations into complaints alleging discrimination against
21 students with diabetes.

22 The guidelines adopted by the State Board shall include:

- 23 a. Procedures for the development of an individual diabetes care plan at
24 the written request of the student's parent or guardian, and involving
25 the parent or guardian, the student's health care provider, the
26 student's classroom teacher, the student if appropriate, the school
27 nurse if available, and other appropriate school personnel.
28 b. Procedures for regular review of an individual care plan.
29 c. Information to be included in a diabetes care plan, including the
30 responsibilities and appropriate staff development for teachers and
31 other school personnel, an emergency care plan, the identification of
32 allowable actions to be taken, the extent to which the student is able
33 to participate in the student's diabetes care and management, and
34 other information necessary for teachers and other school personnel
35 in order to offer appropriate assistance and support to the student.
36 The State Board shall ensure that the information and allowable
37 actions included in a diabetes care plan as required in this
38 subdivision meet or exceed the American Diabetes Association's
39 recommendations for the management of children with diabetes in
40 the school and day care setting.
41 d. Information and staff development to be made available to teachers
42 and other school personnel in order to appropriately support and
43 assist students with diabetes.

44 The State Board shall ensure that these guidelines are updated as
45 necessary and shall ensure that the guidelines and any subsequent changes
46 are published and disseminated to local school administrative units.

- 47 (32) Duty to Encourage Early Entry of Motivated Students into Four-Year
48 College Programs. – The State Board of Education, in cooperation with the
49 Education Cabinet, shall work with local school administrative units, the
50 constituent institutions of The University of North Carolina, local
51 community colleges, and private colleges and universities to (i) encourage

1 early entry of motivated students into four-year college programs and to (ii)
2 ensure that there are opportunities at four-year institutions for academically
3 talented high school students to get an early start on college coursework,
4 either at nearby institutions or through distance learning.

5 The State Board of Education shall also adopt policies directing school
6 guidance counselors to make ninth grade students aware of the potential to
7 complete the high school courses required for college entry in a three-year
8 period.

9 (33) Duty to Develop Recommended Programs for Use in Schools on Memorial
10 Day. – The State Board of Education shall develop recommended
11 instructional programs that enable students to gain a better understanding of
12 the meaning and importance of Memorial Day. All schools, especially
13 schools that hold school on Memorial Day, shall instruct students on the
14 significance of Memorial Day.

15 (34) Duty to Protect the Health of School-Age Children From Toxicants at
16 School. – The State Board shall address public health and environmental
17 issues in the classroom and on school grounds by doing all of the following:

18 a. Develop guidelines for sealing existing arsenic-treated wood in
19 playground equipment or establish a time line for removing existing
20 arsenic-treated wood on playgrounds and testing the soil on school
21 grounds for contamination caused by the leaching of arsenic-treated
22 wood in other areas where children may be at particularly high risk
23 of exposure.

24 b. Establish guidelines to reduce students' exposure to diesel emissions
25 that can occur as a result of unnecessary school bus idling,
26 nose-to-tail parking, and inefficient route assignments.

27 c. Study methods for mold and mildew prevention and mitigation and
28 incorporate recommendations into the public school facilities
29 guidelines as needed.

30 d. Establish guidelines for Integrated Pest Management consistent with
31 the policy of The North Carolina School Boards Association, Inc., as
32 published in 2004. These guidelines may be updated as needed to
33 reflect changes in technology.

34 e. Establish guidelines for notification of students' parents, guardians,
35 or custodians as well as school staff of pesticide use on school
36 grounds.

37 (35) To Encourage Local Boards of Education to Enter into Agreements
38 Regarding the Joint Use of Facilities for Physical Activity. – The State
39 Board of Education shall encourage local boards of education to enter into
40 agreements with local governments and other entities regarding the joint use
41 of their facilities for physical activity. The agreements should delineate
42 opportunities, guidelines, and the roles and responsibilities of the parties,
43 including responsibilities for maintenance and liability.

44 (36) Duty to Charge Tuition for the Governor's School of North Carolina. – The
45 State Board of Education may implement a tuition charge for students
46 attending the Governor's School of North Carolina to cover the costs of the
47 School.

48 (37) To Adopt Guidelines for Fitness Testing. – The State Board of Education
49 shall adopt guidelines for the development and implementation of
50 evidence-based fitness testing for students statewide in grades kindergarten
51 through eight.

- 1 (38) Duty to Report Certain Information Regarding Students With Immediate
2 Family Members in the Military. – The State Board of Education shall
3 submit an annual report no later than March 15 of each year to the Joint
4 Legislative Education Oversight Committee and to the House of
5 Representatives and Senate Appropriations Subcommittees on Education
6 containing the information relating to the needs of students with immediate
7 family members in the military submitted to it pursuant to G.S. 115C-47(60).
- 8 (39) Power to Accredite Schools. – Upon the request of a local board of education,
9 the State Board of Education shall evaluate schools in local school
10 administrative units to determine whether the education provided by those
11 schools meets acceptable levels of quality. The State Board shall adopt
12 rigorous academic standards for accreditation after consideration of (i) the
13 standards of regional and national accrediting agencies, (ii) the Common
14 Core Standards adopted by the National Governors Association Center for
15 Best Practices and the Council of Chief State School Officers, and (iii) other
16 information it deems appropriate.

17 The local school administrative unit shall compensate the State Board for
18 the actual costs of the accreditation process. (1955, c. 1372, art. 2, s. 2; art.
19 17, s. 6; art. 18, s. 2; 1957, c. 541, s. 11; 1959, c. 1294; 1961, c. 969; 1963, c.
20 448, ss. 24, 27; c. 688, ss. 1, 2; c. 1223, s. 1; 1965, c. 584, s. 20.1; c. 1185, s.
21 2; 1967, c. 643, s. 1; 1969, c. 517, s. 1; 1971, c. 704, s. 4; c. 745; 1973, c.
22 236; c. 476, s. 138; c. 675; 1975, c. 686, s. 1; c. 699, s. 2; c. 975; 1979, c.
23 300, s. 1; c. 935; c. 986; 1981, c. 423, s. 1; 1983, c. 630, s. 1; 1983 (Reg.
24 Sess., 1984), c. 1034, s. 16; 1985, c. 479, s. 55(c)(3); c. 757, s. 145(a); 1985
25 (Reg. Sess., 1986), c. 975, s. 24; 1987, c. 414, s. 1; 1987 (Reg. Sess., 1988),
26 c. 1025, ss. 1, 3; 1989, c. 585, s. 1; c. 752, s. 65(c); c. 778, s. 6; 1991, c. 529,
27 s. 3; c. 689, s. 196(b); 1991 (Reg. Sess., 1992), c. 880, s. 3; c. 900, s. 75.1(e);
28 1993, c. 321, ss. 125, 133(a), 139(b); 1993 (Reg. Sess., 1994), c. 769, ss.
29 19(a), 19.9; 1995, c. 60, s. 1; c. 324, s. 17.15(a); c. 450, s. 4; c. 509, s. 59;
30 1995 (Reg. Sess., 1996), c. 716, s. 1; 1996, 2nd Ex. Sess., c. 18, ss. 18.4,
31 18.28(a); 1997-18, s. 15(a), (c)-(e); 1997-221, s. 12(a); 1997-239, s. 1;
32 1997-443, s. 8.27(a), (e); 1997-443, s. 8.29(o), (u); 1997-507, s. 3; 1998-153,
33 s. 16(b); 1998-212, ss. 9.16(a), 9.23; 1999-237, s. 8.25(d); 1999-243, s. 5;
34 1999-397, s. 3; 2001-86, s. 1; 2001-151, s. 1; 2001-424, ss. 28.30(e), (f),
35 31.4(a); 2002-103, s. 1; 2002-126, s. 7.15; 2002-159, s. 63; 2002-178, s.
36 1(a); 2003-251, s. 1; 2003-419, s. 1; 2005-155, s. 1; 2005-276, ss. 7.18,
37 9.34(a); 2005-446, s. 1; 2005-458, ss. 1, 2; 2006-75, s. 1; 2006-143, s. 1;
38 2006-203, s. 30; 2006-260, s. 1; 2009-305, s. 4; 2009-334, s. 1; 2009-451, s.
39 7.39(a); 2010-31, s. 7.5(c), (g); 2010-111, s. 1; 2010-112, s. 4(a); 2010-161,
40 s. 1; 2011-145, ss. 7.9, 7.13(a); 2011-147, s. 3; 2011-185, s. 9(b); 2011-282,
41 s. 4; 2011-306, s. 3; 2011-379, ss. 2(a), (b), 6(a); 2011-391, s. 14(b).)

42
43 **§ 115C-12.1. Training of State Board members.**

44 The State Board of Education shall establish minimum training requirements for members
45 of the State Board of Education. All Board members shall participate in training programs, as
46 required by the State Board. (1991, c. 689, s. 200(c).)

47
48 **§ 115C-12.2. Voluntary shared leave.**

49 (a) The State Board of Education, in cooperation with the State Board of Community
50 Colleges and the State Personnel Commission, shall adopt rules and policies to allow any
51 employee at a public school to share leave voluntarily with an immediate family member who

1 is an employee of a public school, community college, or State agency; and with a coworker's
2 immediate family member who is an employee of a public school, community college, or State
3 agency. For the purposes of this section, the term "immediate family member" means a spouse,
4 parent, child, brother, sister, grandparent, or grandchild. The term includes the step, half, and
5 in-law relationships. The term "coworker" means that the employee donating the leave is
6 employed by the same agency, department, institution, university, local school administrative
7 unit, or community college as the employee whose immediate family member is receiving the
8 leave.

9 (b) The State Board of Education shall adopt rules and policies for the voluntary shared
10 leave program to allow an employee at a public school to donate sick leave to a nonfamily
11 member employee of a public school. A donor of sick leave to a nonfamily member recipient
12 shall not donate more than five days of sick leave per year to any one nonfamily member
13 recipient. The combined total of sick leave donated to a recipient from nonfamily member
14 donors shall not exceed 20 days per year. Donated sick leave shall not be used for retirement
15 purposes, and employees who donate sick leave shall be notified in writing of the State
16 retirement credit consequences of donating sick leave. (1999-170, s. 2; 2003-9, s. 2; 2003-284,
17 s. 30.14A(b); 2010-139, s. 2.)
18

19 **§ 115C-13. Duty to maintain confidentiality of certain records.**

20 Except as otherwise provided by federal law, local boards of education and their officers
21 and employees shall provide to the State Board and to the Superintendent all information
22 needed to carry out their duties. It is unlawful for any member of the State Board of Education,
23 the Superintendent of Public Instruction, or any employee or officer of the State Board of
24 Education or the Department of Public Instruction to disclose any of this information that the
25 local board or its officers or employees could not lawfully disclose. This disclosure is a Class 1
26 misdemeanor. (1985, c. 757, s. 145(j); 1993, c. 539, s. 880; 1994, Ex. Sess., c. 24, s. 14(c).)
27

28 **§ 115C-14. Repealed by Session Laws 1987, c. 414, s. 11.**

29
30 **§ 115C-15: Repealed by Session Laws 1997-18, s. 1.**

31
32 **§ 115C-16. Authorization for school uniform pilot program.**

33 The State Board of Education may authorize up to five local school administrative units to
34 implement pilot programs in which students are required to wear uniforms in public schools.

35 Prior to selecting the pilot units, the State Board of Education shall develop guidelines for
36 local boards of education to use when establishing requirements for students to wear uniforms
37 in public schools. In developing these guidelines, the State Board shall consider (i) ways to
38 promote parental and community involvement in the pilot programs, (ii) relevant State and
39 federal constitutional concerns such as freedom of religion and freedom of speech, and (iii) the
40 ability of students to purchase the uniforms.

41 Local boards in the pilot units shall establish requirements, consistent with the State Board's
42 guidelines, for students enrolled in any of their schools to wear uniforms at school during the
43 regular school day.

44 No State funds shall be used for the uniforms. (1995, c. 334, s. 1.)
45

46 **§ 115C-17. Rulemaking to implement ABC's Plan.**

47 (a) G.S. 150B-21.2(a)(1) shall not apply to proposed rules adopted by the State Board
48 of Education if the proposed rules are directly related to the implementation of this act [1995
49 (Reg. Sess., 1996), c. 716, s. 18].

50 (b) Notwithstanding G.S. 150B-21.3(b), a permanent rule that is adopted by the State
51 Board of Education, is approved by the Rules Review Commission, and is directly related to

1 the implementation of this act, shall become effective five business days after the Commission
2 delivers the rule to the Codifier of Rules, unless the rule specifies a later effective date. If the
3 State Board of Education specifies a later effective date, the rule becomes effective upon that
4 date. A permanent rule that is adopted by the State Board of Education that is directly related
5 to the implementation of this act, but is not approved by the Rules Review Commission, shall
6 not become effective.

7 (c) G.S. 150B-21.4(b1) shall not apply to permanent rules the State Board of Education
8 proposes to adopt if those rules are directly related to the implementation of this act [1995
9 (Reg. Sess., 1996), c. 716, s. 28].

10 (d) The State Board of Education shall determine whether a proposed rule is directly
11 related to this act based upon a finding that there is a rational relationship between the proposed
12 rule and specific provisions of this act. A proposed rule may create, amend, or repeal a rule.
13 The State Board shall indicate in the notice of proposed text that the rule is directly related to
14 the implementation of this act and that the Board is proceeding under the authority granted by
15 this act.

16 (e) The State Board of Education shall provide written notice to all boards of county
17 commissioners and all local boards of education of proposed rules that are directly related to
18 the implementation of this act and that would affect the expenditures or revenues of a unit of
19 local government under G.S. 150B-21.4(b). The notice shall state that a copy of the fiscal note
20 may be obtained from the State Board. (1995 (Reg. Sess., 1996), c. 716, s. 28.)