

1 Article 3.

2 Department of Public Instruction.

3 **§ 115C-18. Election of Superintendent of Public Instruction.**

4 The Superintendent of Public Instruction shall be elected by the qualified voters of the State
5 in 1972 and every four years thereafter at the same time and places as members of the General
6 Assembly are elected. His term of office shall be four years and shall commence on the first
7 day of January next after election and continue until his successor is elected and qualified.

8 If the office of the Superintendent of Public Instruction is vacated by death, resignation, or
9 otherwise, it shall be the duty of the Governor to appoint another to serve until his successor is
10 elected and qualified. Every such vacancy shall be filled by election at the first election for
11 members of the General Assembly that occurs more than 30 days after the vacancy has taken
12 place, and the person chosen shall hold the office for the remainder of the unexpired term fixed
13 in Article III, Sec. 7 of the Constitution of North Carolina. When a vacancy occurs in the office
14 and the term expires on the first day of January succeeding the next election for members of the
15 General Assembly, the Governor shall appoint to fill the vacancy for the unexpired term of the
16 office. Upon the occurrence of a vacancy in the office for any of the causes stated herein, the
17 Governor may appoint an interim officer to perform the duties of that office until a person is
18 appointed or elected pursuant to Article III, Sec. 7 of the Constitution of North Carolina to fill
19 the vacancy and is qualified.

20 The time of the election of the Superintendent of Public Instruction shall be in accordance
21 with the provisions of Article 1 of Subchapter I of Chapter 163 of the General Statutes.

22 The election, term and induction into office of the Superintendent of Public Instruction
23 shall be in accordance with the provisions of G.S. 147-4. (1981, c. 423, s. 1.)
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25 **§ 115C-19. Chief administrative officer of the State Board of Education.**

26 As provided in Article IX, Sec. 4(2) of the North Carolina Constitution, the Superintendent
27 of Public Instruction shall be the secretary and chief administrative officer of the State Board of
28 Education. As secretary and chief administrative officer of the State Board of Education, the
29 Superintendent manages on a day-to-day basis the administration of the free public school
30 system, subject to the direction, control, and approval of the State Board. Subject to the
31 direction, control, and approval of the State Board of Education, the Superintendent of Public
32 Instruction shall carry out the duties prescribed under G.S. 115C-21. (1955, c. 1372, art. 3, s. 1;
33 1971, c. 704, s. 5; 1981, c. 423, s. 1; 1987 (Reg. Sess., 1988), c. 1025, s. 4; 1995, c. 72, s. 1.)
34

35 **§ 115C-20. Office and salary.**

36 The Superintendent of Public Instruction shall keep his office in the Education Building in
37 Raleigh, and his salary shall be set by the General Assembly in the Current Operations
38 Appropriations Act. In addition to the salary set by the General Assembly in the Current
39 Operations Appropriations Act, longevity pay shall be paid on the same basis as is provided to
40 employees of the State who are subject to the State Personnel Act. (1955, c. 1372, art. 3, s. 2; c.
41 1374; 1963, c. 1178, s. 2; 1967, c. 1130; c. 1237, s. 2; 1969, c. 1214, s. 2; 1971, c. 912, s. 2;
42 1973, c. 778, s. 2; 1975, 2nd Sess., c. 983, s. 17; 1977, c. 802, s. 42.15; 1981, c. 423, s. 1; 1983,
43 c. 761, s. 210; 1983 (Reg. Sess., 1984), c. 1034, s. 164; 1987, c. 738, s. 32(b).)
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45 **§ 115C-21. Powers and duties generally.**

46 (a) Administrative Duties. – Subject to the direction, control, and approval of the State
47 Board of Education, it shall be the duty of the Superintendent of Public Instruction:

- 48 (1) To organize and establish a Department of Public Instruction which shall
49 include such divisions and departments as the State Board considers
50 necessary for supervision and administration of the public school system. All
51 appointments of administrative and supervisory personnel to the staff of the

1 Department of Public Instruction are subject to the approval of the State
2 Board of Education, which may terminate these appointments for cause in
3 conformity with Chapter 126 of the General Statutes, the State Personnel
4 System.

- 5 (2) To keep the public informed as to the problems and needs of the public
6 schools by constant contact with all school administrators and teachers, by
7 personal appearance at public gatherings, and by information furnished to
8 the press of the State.
- 9 (3) To report biennially to the Governor 30 days prior to each regular session of
10 the General Assembly, such report to include information and statistics of
11 the public schools, with recommendations for their improvement and for
12 changes in the school law.
- 13 (4) To have printed and distributed such educational bulletins as are necessary
14 for the professional improvement of teachers and for the cultivation of
15 public sentiment for public education, and to have printed all forms
16 necessary and proper for the administration of the Department of Public
17 Instruction.
- 18 (5) To manage all those matters relating to the supervision and administration of
19 the public school system that the State Board delegates to the Superintendent
20 of Public Instruction.
- 21 (6) To create a special fund within the Department of Public Instruction to
22 manage funds received as grants from nongovernmental sources in support
23 of public education. Effective July 1, 1995, this special fund is transferred to
24 the State Board of Education and shall be administered by the State Board in
25 accordance with G.S. 115C-410.
- 26 (7) Repealed by Session Laws 1995, c. 72, s. 2.

27 (b) Duties as Secretary to the State Board of Education. – Subject to the direction,
28 control, and approval of the State Board of Education, it shall be the duty of the Superintendent
29 of Public Instruction:

- 30 (1) To administer through the Department of Public Instruction, the instructional
31 policies established by the Board.
- 32 (1a) Repealed by Session Laws 1995, c. 72, s. 2.
- 33 (2) To keep the Board informed regarding developments in the field of public
34 education.
- 35 (3) To make recommendations to the Board with regard to the problems and
36 needs of education in North Carolina.
- 37 (4) To make available to the public schools a continuous program of
38 comprehensive supervisory services.
- 39 (5) To collect and organize information regarding the public schools, on the
40 basis of which he shall furnish the Board such tabulations and reports as may
41 be required by the Board.
- 42 (6) To communicate to the public school administrators all information and
43 instructions regarding instructional policies and procedures adopted by the
44 Board.
- 45 (7) To have custody of the official seal of the Board and to attest all deeds,
46 leases, or written contracts executed in the name of the Board. All deeds of
47 conveyance, leases, and contracts affecting real estate, title to which is held
48 by the Board, and all contracts of the Board required to be in writing and
49 under seal, shall be executed in the name of the Board by the chairman and
50 attested by the secretary; and proof of the execution, if required or desired,
51 may be had as provided by law for the proof of corporate instruments.

1 (8) To attend all meetings of the Board and to keep the minutes of the
2 proceedings of the Board in a well-bound and suitable book, which minutes
3 shall be approved by the Board prior to its adjournment; and, as soon
4 thereafter as possible, to furnish to each member of the Board a copy of said
5 minutes.

6 (9) To perform such other duties as the Board may assign to him from time to
7 time. (1955, c. 1372, art. 2, s. 2; art. 3, ss. 3, 4; 1957, c. 541, s. 11; 1961, c.
8 969; 1963, c. 448, ss. 24, 27; c. 688, ss. 1, 2; c. 1223, s. 1; 1965, c. 1185, s.
9 2; 1967, c. 643, s. 1; 1969, c. 517, s. 1; 1971, c. 704, s. 4; c. 745; 1973, c.
10 476, s. 138; c. 675; 1975, c. 699, ss. 2, 3; c. 975; 1979, c. 300, s. 1; c. 935;
11 1981, c. 423, s. 1; 1985, c. 479, s. 37; 1987 (Reg. Sess., 1988), c. 1025, ss.
12 5-8; 1989, c. 752, s. 78(a); 1989 (Reg. Sess., 1990), c. 1066, s. 102; 1991
13 (Reg. Sess., 1992), c. 812, s. 6(g); c. 1044, s. 22(a); 1993, c. 522, s. 1; 1995,
14 c. 72, s. 2.)
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16 **§ 115C-21.1:** Repealed by Session Laws 1997-18, s. 2.

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18 **§ 115C-22:** Repealed by Session Laws 1997-18, s. 3.

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20 **§§ 115C-23 through 115C-26. Reserved for future codification purposes.**