

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1995

S

1

SENATE BILL 100*

Short Title: St. Bd. of Educ./Constit. Authority.

(Public)

Sponsors: Senators Simpson, Little, Cochrane; Hartsell, Carpenter, Foxx, Forrester, and Davis.

Referred to: Education/Higher Education.

February 1, 1995

A BILL TO BE ENTITLED

AN ACT TO RESTORE CONSTITUTIONAL POWERS TO THE STATE BOARD OF EDUCATION AND TO MAKE CONFORMING CHANGES.

The General Assembly of North Carolina enacts:

Section 1. G.S. 115C-12 reads as rewritten:

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

~~The general supervision and administration of the free public school system shall be vested in the State Board of Education. The State Board of Education shall establish policy for the system of free public schools, subject to laws enacted by the General Assembly. As provided in Article IX, Sec. 5 of the North Carolina Constitution, the State Board of Education shall supervise and administer the free public school system and the educational funds provided for its support, except the funds mentioned in Article IX, Sec. 7 of the Constitution. The State Board may adopt any rules that are needed to carry out this constitutional mandate, subject to laws enacted by the General Assembly.~~ The powers and duties of the State Board of Education are defined as follows:

- (1) Financial Powers. – The financial powers of the Board are set forth in Article 30 of this Chapter.
- (2) Repealed by Session Laws 1985 (Regular Session, 1986), c. 975, s. 24.

- 1 (3), (4) Repealed by Session Laws 1987 (Regular Session, 1988), c. 1025, s.
2 1.
- 3 (5) Apportionment of Funds. – The Board shall have authority to apportion
4 and equalize over the State all State school funds and all federal funds
5 granted to the State for assistance to educational programs administered
6 within or sponsored by the public school system of the State.
- 7 (6) Power to Demand Refund for Inaccurate Apportionment Due to False
8 Attendance Records. – When it shall be found by the State Board of
9 Education that inaccurate attendance records have been filed with the
10 State Board of Education which resulted in an excess allotment of funds
11 for teacher salaries in any school unit in any school year, the school unit
12 concerned may be required to refund to the State Board the amount
13 allotted to said unit in excess of the amount an accurate attendance
14 record would have justified.
- 15 (7) Power to Alter the Boundaries of City School Administrative Units and
16 to Approve Agreements for the Consolidation and Merger of School
17 Administrative Units Located in the Same County. – The Board shall
18 have authority, in its discretion, to alter the boundaries of city school
19 administrative units and to approve agreements submitted by county and
20 city boards of education requesting the merger of two or more
21 contiguous city school administrative units and the merger of city
22 school administrative units with county school administrative units and
23 the consolidation of all the public schools in the respective units under
24 the administration of one board of education: Provided, that such merger
25 of units and reorganization of school units shall not have the effect of
26 abolishing any special taxes that may have been voted in any such units.
- 27 (8) Power to Make Provisions for Sick Leave. – The Board shall provide
28 for a minimum of five days per school year term of sick leave with pay
29 for all public school employees and shall promulgate rules and
30 regulations providing for necessary substitutes on account of said sick
31 leave. The pay for a substitute shall be fixed by the Board. The Board
32 may provide to each local school administrative unit not exceeding one
33 percent (1%) of the cost of instructional services for the purpose of
34 providing substitute teachers for those on sick leave as authorized by
35 law or by regulations of the Board, but not exceeding the provisions
36 made for other State employees.
- 37 (9) Miscellaneous Powers and Duties. – All the powers and duties exercised
38 by the State Board of Education shall be in conformity with the
39 Constitution and subject to such laws as may be enacted from time to
40 time by the General Assembly. Among such duties are:
- 41 a. To certify and regulate the grade and salary of teachers and other
42 school employees.
- 43 b. To adopt and supply textbooks.

1 c. To adopt rules requiring all local boards of education to
2 implement the Basic Education Program on an incremental basis
3 within funds appropriated for that purpose by the General
4 Assembly and by units of local government. Beginning with the
5 1991-92 school year, the rules shall require each local school
6 administrative unit to implement fully the standard course of
7 study in every school in the State in accordance with the Basic
8 Education Program so that every student in the State shall have
9 equal access to the curriculum as provided in the Basic Education
10 Program and the standard course of study.

11 The Board shall establish benchmarks by which to measure the
12 progress that each local board of education has made in implementing
13 the Basic Education Program. The Board shall report to the Joint
14 Legislative Education Oversight Committee and to the General
15 Assembly by December 31, 1991, and by February 1 of each subsequent
16 year on each local board's progress in implementing the Basic Education
17 Program, including the use of State and local funds for the Basic
18 Education Program.

19 The Board shall develop a State accreditation program that meets or
20 exceeds the standards and requirements of the Basic Education
21 Program. The Board shall require each local school administrative unit
22 to comply with the State accreditation program to the extent that funds
23 have been made available to the local school administrative unit for
24 implementation of the Basic Education Program.

25 The Board shall use the State accreditation program to monitor the
26 implementation of the Basic Education Program.

27 c1. To issue an annual 'report card' for the State and for each local
28 school administrative unit, assessing each unit's efforts to
29 improve student performance and taking into account progress
30 over the previous years' level of performance and the State's
31 performance in comparison with other states. This assessment
32 shall take into account demographic, economic, and other factors
33 that have been shown to affect student performance.

34 c2. To develop management accountability indicators to measure the
35 efficiency and appropriate use of staff in each school and at the
36 administrative office. Staff development for school
37 administrators shall be a high priority of the Department of
38 Public Instruction.

39 c3. To develop a system of school building improvement reports for
40 each school building. The purpose of school building
41 improvement reports is to measure improvement in student
42 performance at each school building from year to year, not to
43 compare school buildings. The Board may consider for inclusion

1 in the building reports the following criteria: test scores, the
2 success of graduating students in postsecondary institutions,
3 attendance, graduation and dropout rates, the numbers of children
4 enrolled in free lunch or Chapter 1 programs, the education level
5 of the parents of children enrolled in the school, the teaching
6 experience of the school staff, and whether the building has been
7 successful in meeting the goals of the building and systemwide
8 plans developed in accordance with G.S. 115C-238.1 through
9 G.S. 115C-238.6. Local school administrative units shall produce
10 school building improvement reports by March 15, 1995, and
11 annually thereafter. Each report shall be based on building-level
12 data for the prior school year.

13 d. To formulate rules and regulations for the enforcement of the
14 compulsory attendance law.

15 e. To manage and operate a system of insurance for public school
16 property, as provided in Article 38 of this Chapter.

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

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

26 For this purpose, the Board may use funds received from gifts or
27 grants and, with the approval of the Director of the Budget, may use
28 State funds which the Board may find available in any budget
29 administered by the Board.

30 (11) Power to Conduct Education Research. – The Board is authorized to
31 sponsor or conduct education research and special school projects
32 considered important by the Board for improving the public schools of
33 the State. Such research or projects may be conducted during the
34 summer months and involve one or more local school units as the Board
35 may determine. The Board may use any available funds for such
36 purposes.

37 (12) Duty to Provide for Sports Medicine and Emergency Paramedical
38 Program. – The State Board of Education is authorized and directed to
39 develop a comprehensive plan to train and make available to the public
40 schools personnel who shall have major responsibility for exercising
41 preventive measures against sports related deaths and injuries and for
42 providing sports medicine and emergency paramedical services for
43 injuries that occur in school related activities. The plan shall include, but

1 is not limited to, the training, assignment of responsibilities, and
2 appropriate additional reimbursement for individuals participating in the
3 program.

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

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

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

16 (14) Duty to Provide Personnel Information to Local Boards. – Upon
17 request, the State Board of Education and the Department of Public
18 Instruction shall furnish to any county or city board of education any
19 and all available personnel information relating to certification,
20 evaluation and qualification including, but not limited to, semester
21 hours or quarterly hours completed, graduate work, grades, scores, etc.,
22 that are on that date in the files of the State Board of Education or
23 Department of Public Instruction.

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

34 (16) Power with Regard to Salary Schedules. –

35 a. Support personnel refers to all public school employees who are
36 not required by statute or regulation to be certified in order to be
37 employed. The State Board of Education is authorized and
38 empowered to adopt all necessary rules for full implementation
39 of all schedules to the extent that State funds are made available
40 for support personnel.

41 b. Salary schedules for the following public school support
42 personnel shall be adopted by the State Board of Education:
43 school finance officer, office support personnel, teacher

1 assistants, maintenance supervisors, custodial personnel, and
2 transportation personnel. The Board shall classify these support
3 positions in terms of uniform pay grades included in the salary
4 schedule of the State Personnel Commission.

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

25 The State Board of Education shall report to the General
26 Assembly, prior to March 31, 1995, and March 31, 1996, on the
27 implementation of this sub-subdivision.

- 28 c. Salary schedules for other support personnel, including but not
29 limited to maintenance and school food service personnel, shall
30 be adopted by the State Board of Education. The Board shall
31 classify these support positions in terms of uniform pay grades
32 included in the salary schedule of the State Personnel
33 Commission. These schedules shall apply if the local board of
34 education does not adopt a salary schedule of its own for
35 personnel paid from other than State appropriations.
- 36 (17) Power to provide for school transportation programs. The State Board of
37 Education is authorized and empowered to promulgate such policies,
38 rules, and regulations as it may deem necessary and desirable for the
39 operation of a public school transportation system by each local
40 administrative unit in the State. Such policies, rules, and regulations
41 shall include, but are not limited to, fund allocations and fiscal support
42 to assure the effective and efficient use of funds appropriated by the
43 General Assembly in support of the school transportation system.

1 Nothing herein shall be construed to affect in any way or to lessen in
2 any way the full and complete authority of local boards of education to
3 assign pupils to schools in accordance with G.S. 115C-366.

4 (18) Duty to Develop and Implement a Uniform Education Reporting
5 System, Which Shall Include Standards and Procedures for Collecting
6 Fiscal and Personnel Information.

7 a. The State Board of Education shall adopt standards and
8 procedures for local school administrative units to provide
9 timely, accurate, and complete fiscal and personnel information,
10 including payroll information, on all school personnel. All local
11 school administrative units shall comply with these standards and
12 procedures by the beginning of the 1987-88 school year.

13 b. The State Board of Education shall develop and implement a
14 Uniform Education Reporting System that shall include
15 requirements for collecting, processing, and reporting fiscal,
16 personnel, and student data, by means of electronic transfer of
17 data files from local computers to the State Computer Center
18 through the State Communications Network. All local school
19 administrative units shall comply with the requirements of the
20 Uniform Education Reporting System by the beginning of the
21 1989-90 school year.

22 c. The State Board of Education shall comply with the provisions of
23 G.S. 116-11(10a) to plan and implement an exchange of
24 information between the public schools and the institutions of
25 higher education in the State. The State Board of Education shall
26 require local boards of education to provide to the parents of
27 children at a school all information except for confidential
28 information received about that school from institutions of higher
29 education pursuant to G.S. 116-11(10a) and to make that
30 information available to the general public.

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

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

42 (21) Duty to Monitor Acts of School Violence. – The State Board of
43 Education shall monitor and compile an annual report on acts of

1 violence in the public schools. The State Board shall adopt standard
2 definitions for acts of school violence and shall require local boards of
3 education to report them to the State Board in a standard format adopted
4 by the State Board.

- 5 (22) Duty to Monitor the Decisions of Teachers to Leave the Teaching
6 Profession. – The State Board of Education shall monitor and compile
7 an annual report on the decisions of teachers to leave the teaching
8 profession. The State Board shall adopt standard procedures for each
9 local board of education to use in requesting the information from
10 teachers who are not continuing to work as teachers in the local school
11 administrative unit and shall require each local boards of education to
12 report the information to the State Board in a standard format adopted
13 by the State Board."

14 Sec. 2. Article 2 of Chapter 115C of the General Statutes is amended by
15 adding a new section to read:

16 **"§ 115C-12.2. Department of Public Instruction.**

17 The Department of Public Instruction is a principal department of State government
18 under the direction of the State Board of Education. The State Board of Education may
19 adopt and administer all policies, rules, and standards necessary for the operation of the
20 Department. The State Board may, subject to Chapter 126 of the General Statutes,
21 appoint to the Department of Public Instruction any officers or employees it considers
22 necessary."

23 Sec. 3. G.S. 115C-19 reads as rewritten:

24 **"§ 115C-19. Chief administrative officer of the State Board of Education.**

25 As provided in Article IX, Sec. 4(2) of the North Carolina Constitution, the
26 Superintendent of Public Instruction shall be the secretary and chief administrative
27 officer of the State Board of Education. ~~The Superintendent of Public Instruction shall~~
28 ~~administer the policies adopted by the State Board of Education. The State Board shall define~~
29 the specific duties of the Superintendent as secretary and chief administrative officer of
30 the Board. The Superintendent of Public Instruction shall perform these duties and any
31 other duties that the Board may assign to the Superintendent."

32 Sec. 4. G.S. 115C-21 is repealed.

33 Sec. 5. G.S. 115C-21.1(b) reads as rewritten:

34 ~~"(b) The Department of Public Instruction~~ State Board of Education shall monitor and
35 provide a report to the General Assembly by May 1, 1991, and annually thereafter
36 showing the school units that have been granted class size waivers pursuant to G.S.
37 115C-238.6(a), have reported class size exceptions, and have converted State-funded
38 teacher positions to other positions, dollars, or other expenditures."

39 Sec. 6. G.S. 115C-22 reads as rewritten:

40 **"§ 115C-22. Alcohol and Drug Defense Program established.**

41 ~~There is established in the Department of Public Instruction the Alcohol and Drug~~
42 ~~Defense (ADD) Program. The Program shall be a new initiative to give the~~
43 ~~Superintendent of Public Instruction statewide responsibility~~ The State Board of

1 Education shall establish the Alcohol and Drug Defense (ADD) Program to address
2 systematically alcohol and drug problems of school aged youth.

3 The ADD Program shall:

- 4 (1) Provide planning, consultation, and direct services to local school
5 boards, school personnel, parent-teacher-student organizations, and
6 community teams, and the divisions of the Department of Public Instruction
7 teams that can affect substance abuse;
- 8 (2) Perform a complete comprehensive survey of existing prevention,
9 intervention, treatment, and policy activities within the public schools;
- 10 (3) Identify, mobilize, and coordinate resources for immediate action
11 throughout the State;
- 12 (4) Develop a model approach that is flexible enough to be tailored to
13 community needs and resources;
- 14 (5) Coordinate alcohol- and drug-specific curriculum-development and
15 implementation;
- 16 (6) Consult with local school boards on the development of school policies
17 to reduce substance use and possession on school property and at school
18 activities;
- 19 (7) Consult directly with school personnel regarding appropriate
20 intervention and referral of students in trouble;
- 21 (8) Train health education coordinators, teachers, and others on
22 the identification of substance use and steps to take with students;
- 23 (9) Coordinate with higher education, teacher organizations, and alcohol
24 and drug professionals;
- 25 (10) Act as a liaison between the ~~Department of Public Instruction~~ State Board
26 and other agencies addressing the substance abuse problem;
- 27 (11) Perform other services as directed by the State Board of ~~Education and~~
28 ~~the Superintendent of Public Instruction;~~ Education; and
- 29 (12) Report regularly to ~~the Superintendent of Public Instruction,~~ the State
30 Board of Education, and the General Assembly on the status of
31 substance abuse among school-aged children."

32 Sec. 7. G.S. 115C-47(34) reads as rewritten:

- 33 "(34) To Encourage the Business Community to Facilitate Student
34 Achievement. – Local boards of education, in consultation with local
35 business leaders, shall develop voluntary guidelines relating to after-
36 school employment. The guidelines may include an agreement to
37 limit the number of hours a student may work or to tie the number of
38 hours a student may work to his academic performance, school
39 attendance, and economic need. The General Assembly finds that
40 local boards of education do not currently have information
41 regarding how many of their students are employed after school and
42 how many hours they work; the General Assembly urges local
43 boards of education to compile this critical information so that the

1 State can determine to what extent these students' work affects their
2 school performance.

3 Local boards of education shall work with local business leaders
4 to encourage employers to provide parents or guardians with time to
5 attend conferences with their children's teachers.

6 The ~~Superintendent~~ Department of Public Instruction shall provide
7 guidance and technical assistance to the local boards of education on
8 carrying out the provisions of this subdivision."

9 Sec. 8. G.S. 115C-81(f) reads as rewritten:

10 "(f) Establishment and Maintenance of Kindergartens. –

11 (1) Local boards of education shall provide for their respective local school
12 administrative unit kindergartens as a part of the public school system
13 for all children living in the local school administrative unit who are
14 eligible for admission pursuant to subdivision (2) of this subsection
15 provided that funds are available from State, local, federal or other
16 sources to operate a kindergarten program as provided in this
17 subsection.

18 All kindergarten programs so established shall be subject to the
19 supervision of the Department of Public Instruction and shall be
20 operated in accordance with the standards adopted by the State Board of
21 ~~Education, upon recommendation of the Superintendent of Public Instruction.~~
22 Education.

23 Among the standards to be adopted by the State Board of Education
24 shall be a provision that the Board will allocate funds for the purpose of
25 operating and administering kindergartens to each school administrative
26 unit in the State based on the average daily membership for the best
27 continuous three out of the first four school months of pupils in the
28 kindergarten program during the last school year in that respective
29 school administrative unit. Such allocations are to be made from funds
30 appropriated to the State Board of Education for the kindergarten
31 program.

32 (2) Any child who has passed the fifth anniversary of his birth on or before
33 October 16 of the year in which he enrolls shall be eligible for
34 enrollment in kindergarten. Any child who is enrolled in kindergarten
35 and not withdrawn by his parent or guardian shall attend kindergarten.

36 (3) Notwithstanding any other provision of law to the contrary, subject to
37 the approval of the State Board of Education, any local board of
38 education may elect not to establish and maintain a kindergarten
39 program. Any funds allocated to a local board of education which does
40 not operate a kindergarten program may be reallocated by the State
41 Board of Education, within the discretion of the Board, to a county or
42 city board of education which will operate such a program."

43 Sec. 9. G.S. 115C-90 reads as rewritten:

1 **"§ 115C-90. Adoption of textbooks and contracts with publishers.**

2 The publishers' sealed bids shall be opened in the presence of two persons designated
3 by the State Board of ~~Education and one person designated by the Superintendent of Public~~
4 ~~Instruction.~~ Education. The Board may then adopt the books required by the courses of
5 study and enter into contracts with the publisher of adopted books. It may refuse to adopt
6 any of the books offered at the prices bid and call for new bids. When bids are accepted
7 and a contract entered into, the contract may require, in the Board's discretion, that the
8 total sales of each book in the State of North Carolina be reported annually to the Board.

9 All textbook contracts shall include a clause granting to the State Board of Education
10 the license to produce Braille, large print, and audio-cassette tape copies of the textbooks
11 for use in the State public schools. Also, the General Assembly urges the State Board of
12 Education to request such a license from textbook publishers with whom a contract was
13 entered into prior to August 1, 1987."

14 Sec. 10. G.S. 115C-105.4(a)(3) reads as rewritten:

15 "(3) Work with the ~~Department of Public Instruction~~ State Board of Education
16 to ensure that end-of-course assessments for core subjects are consistent
17 with these standards and with benchmarks set by the Commission
18 leading to these standards."

19 Sec. 11. G.S. 115C-105.9 reads as rewritten:

20 **"§ 115C-105.9. Assistance of other agencies.**

21 Upon the request of the Commission, the ~~Department of Public Instruction, the State~~
22 Board of Education, the Department of Community Colleges, and the Board of
23 Governors of The University of North Carolina shall furnish the Commission with any
24 nonconfidential information in their possession or available to them."

25 Sec. 12. G.S. 115C-113.1 reads as rewritten:

26 **"§ 115C-113.1. Surrogate parents.**

27 In the case of a child whose parent or guardian is unknown, whose whereabouts
28 cannot be determined after reasonable investigation, or who is a ward of the State, the
29 local educational agency shall appoint a surrogate parent for the child. The surrogate
30 parent shall be appointed from a group of persons approved by the ~~Superintendent of~~
31 ~~Public Instruction~~ State Board of Education and the Secretary of Human Resources, but in
32 no case shall the person appointed be an employee of the local educational agency or
33 directly involved in the education or care of the child. The ~~Superintendent~~ State Board of
34 Education shall ensure that local educational agencies appoint a surrogate parent for
35 every child in need of a surrogate parent."

36 Sec. 13. G.S. 115C-116(i) reads as rewritten:

37 "(i) Review by Review Officer. – Any party aggrieved by the decision of the
38 administrative law judge may appeal that decision within 30 days after receipt of notice
39 of the decision by filing a written notice of appeal with the ~~Superintendent of Public~~
40 ~~Instruction.~~ The State Superintendent of Public Instruction State Board of Education. The
41 State Board shall appoint a Review Officer from a pool of review officers that it has
42 approved. ~~approved by the State Board of Education.~~—A Review Officer shall be an
43 educator or other professional who is knowledgeable about special education and who

1 possesses ~~such any~~ other qualifications as may be established by the State Board of
2 Education. The Review Officer may issue subpoenas upon his own motion or upon a
3 written request.

4 No person may be appointed as a Review Officer if that person is an employee of an
5 agency that has been involved in the education or care of the child whose parents have
6 filed the ~~petition (including petition, if that person is an employee or official of the State~~
7 ~~Department of Education-Public Instruction or the State Board of Education)-Education,~~ or
8 if the person is or has been employed by the local board of education responsible for the
9 education or care of the child whose parents have filed the petition. The decision of the
10 Review Officer shall contain findings of fact and conclusions of law and becomes final
11 unless an aggrieved party brings a civil action ~~pursuant to subsection (k)-under subsection~~
12 (k) of this section. A copy of the decision shall be served upon each party and a copy
13 shall be furnished to the attorneys of record. The written notice shall contain a statement
14 informing the parties of the right to file a civil action and the 30-day limitations period
15 for filing a civil action ~~pursuant to subsection (k)-under subsection (k) of this section."~~

16 Sec. 14. G.S. 115C-118 reads as rewritten:

17 **"§ 115C-118. Functions.**

18 The centers shall have the following functions:

- 19 (1) To provide in-service training to all special education teachers and other
20 professionals as defined by the ~~Superintendent-State Board.~~
- 21 (2) To develop in kindergarten and primary grade teachers the necessary
22 skills to detect potential special education needs and the capability to
23 plan special educational programs.
- 24 (2a) To provide in-service training for all teachers in the identification and
25 education of learning disabled children.
- 26 (3) To provide in-service training and consultative services to a parent or
27 guardian of a child with special needs and to appropriate public school
28 administrative and management personnel.
- 29 (4) To work in concert with the various local human resources agencies to
30 the end that multiple and duplicative services provided at various times
31 and by various agencies of the State may be obviated.
- 32 (5) To conduct an in-depth evaluation of the impact of in-service training
33 on the delivery of services to children with special needs within the
34 public schools on an annual basis in compliance with ~~such rules and~~
35 ~~regulations as the Superintendent may promulgate.~~ any rules adopted by the
36 State Board of Education."

37 Sec. 15. G.S. 115C-120 reads as rewritten:

38 **"§ 115C-120. Rules and regulations.**

39 The ~~Superintendent shall develop and promulgate appropriate rules and regulations~~
40 ~~for the operation of the centers subject to the approval of the State Board. Such rules and~~
41 ~~regulations shall~~ State Board of Education shall adopt appropriate rules for the operation
42 of the centers. These rules shall prescribe the precise operational responsibility of the

1 centers and shall include a description of the operational relationship that shall exist with
2 the various local human resources agencies."

3 Sec. 16. G.S. 115C-121(c) reads as rewritten:

4 "(c) The Council shall meet in offices provided by the ~~Department of Public~~
5 ~~Instruction~~ State Board of Education on a date to be agreed upon by the members of the
6 Council from meeting to meeting. ~~Provided, however, that meeting.~~ However, the Council
7 shall meet no less than once every three months. The ~~Department of Public Instruction~~ State
8 Board shall provide the necessary secretarial and clerical staff and supplies to accomplish
9 the objectives of the Council."

10 Sec. 17. G.S. 115C-122(1) reads as rewritten:

11 "(1) The State shall provide for a comprehensive early childhood
12 development program by emphasizing preventative and remedial
13 measures designed to provide the services which will enable children to
14 develop to the maximum level their physical, mental, social, and
15 emotional potentials and to strengthen the role of the family as the first
16 and most fundamental influence on child development. The General
17 Assembly finds that the complexity of early childhood development
18 precludes the enactment of legislation which is of a sufficiently
19 comprehensive nature to encompass all possible implications. The
20 ~~Departments of Public Instruction and~~ State Board of Education and the
21 Department of Human Resources shall, therefore, jointly develop an
22 early childhood development program plan with flexibility sufficient to
23 meet the State's policy as set forth in this subdivision. ~~Said~~ This plan
24 shall provide for the operation of a statewide early childhood
25 development program no later than June 30, 1983."

26 Sec. 18. G.S. 115C-122(4) reads as rewritten:

27 "(4) It is recognized that children have a variety of characteristics and needs,
28 all of which must be considered if the potential of each child is to be
29 realized; that in order to accomplish this the State must develop a full
30 range of service and education programs, and that a program must
31 actually benefit a child or be designed to benefit a particular child in
32 order to provide such child with appropriate educational and service
33 opportunities. The General Assembly requires that all programs employ
34 least restrictive alternatives as shall be defined by the ~~Departments of~~
35 ~~Public Instruction and~~ State Board of Education and the Department of
36 Human Resources."

37 Sec. 19. G.S. 115C-146.3(d) reads as rewritten:

38 "(d) Related services provided under this Part shall be provided by qualified
39 services providers. The term 'qualified services provider' means a person who meets
40 State standards for licensure or State Board of Education standards for certification for a
41 specific profession or discipline.

42 To the extent that the State Board of Education standards include provisions for
43 certification that are less than the standard for certification or licensure for a specific

1 profession, the ~~Department of Public Instruction~~ State Board of Education may certify
2 individuals on a temporary or provisional basis, provided that the ~~State Board of Education~~
3 ~~shall establish~~ establishes a comprehensive plan and reasonable time lines to ensure that
4 only professionals who meet the appropriate standard for licensure or certification may be
5 employed in the future."

6 Sec. 20. G.S. 115C-174.12(b) reads as rewritten:

7 "(b) The ~~Superintendent of Public Instruction~~ shall be responsible, ~~under policies adopted~~
8 ~~by the State Board of Education,~~ State Board of Education shall adopt rules for the
9 statewide administration of the testing program provided by this Article and for providing
10 necessary staff services to the Commission."

11 Sec. 21. G.S. 115C-210.3(b) reads as rewritten:

12 "(b) The Council shall meet in space to be provided by the ~~Department of Public~~
13 ~~Instruction~~ State Board of Education on ~~such~~ any dates as are agreed on by the
14 membership from meeting to meeting: ~~provided, however, that~~ meeting. However, the
15 Council shall meet at least three, but no more than four times each year. The Council
16 may meet at emergency meetings called by the chairperson. The Department of Public
17 Instruction shall provide necessary staff support and supplies to enable the Council to
18 carry out its duties in an effective manner."

19 Sec. 22. G.S. 115C-210.4(d) reads as rewritten:

20 "(d) To work closely with the ~~Division of Indian Education~~ in the Department of
21 Public Instruction to improve coordination and communication between and among
22 programs;"

23 Sec. 23. G.S. 115C-215 reads as rewritten:

24 **"§ 115C-215. Instruction in driver training and safety education.**

25 ~~There shall be organized and administered under the general supervision of the~~
26 ~~Superintendent of Public Instruction a program of driver training and safety education in~~
27 ~~the public schools of this State, said courses to be~~ The State Board of Education shall
28 establish a program of driver training and safety education in the public schools of this
29 State. The program shall be organized and administered under the Department of Public
30 Instruction and shall consist of noncredit courses taught by instructors who meet the
31 requirements established by the State Board of Education. Instructors shall not be
32 required to hold teacher certificates."

33 Sec. 24. G.S. 115C-231(a) reads as rewritten:

34 "(a) ~~When in the judgment of the State Board of Education a program of adult~~
35 ~~education should be established as a part of the public school system and when~~
36 ~~appropriations have been made therefor, there shall be organized and administered under~~
37 ~~the general supervision of the Superintendent of Public Instruction, a course in adult~~
38 ~~education: Provided, that~~ If appropriations are made, the State Board of Education may
39 establish a program of adult education to be organized and administered under the
40 Department of Public Instruction. Notwithstanding this subsection, local boards of
41 education, in their discretion, may institute and support such programs from local funds
42 upon the approval of the State Board of Education."

43 Sec. 25. G.S. 115C-238.3(a) reads as rewritten:

1 "(a) Development of systemwide plan by the local board of education. – The board
2 of education of a local school administrative unit that elects to participate in the Program
3 shall develop and submit a local school improvement plan for the entire local school
4 administrative unit to the State ~~Superintendent of Public Instruction~~ Board of Education
5 before April 15 of the fiscal year preceding the fiscal year in which participation is
6 sought.

7 A systemwide improvement plan shall remain in effect for no more than three years."

8 Sec. 26. G.S. 115C-238.5(a) reads as rewritten:

9 "(a) For fiscal years beginning with the 1990-91 fiscal year, the State Board of
10 ~~Education, only upon the recommendation of the State Superintendent, shall~~ Education may
11 increase flexibility in the use of State funds for schools by combining into a single
12 funding category the existing categories for instructional materials, supplies and
13 equipment, textbooks, testing support, and drivers education except for funds for
14 classroom teachers of drivers education. Only local school administrative units electing to
15 participate in the Performance-based Accountability Program shall be eligible to receive
16 this flexible funding."

17 Sec. 27. G.S. 115C-238.6 reads as rewritten:

18 "**§ 115C-238.6. Approval of local school administrative unit plans by the State**
19 ~~**Superintendent; Board; conditions for continued participation.**~~

20 (a) Prior to June 30 each year, the State ~~Superintendent~~ Board of Education shall
21 review local school improvement plans submitted by the local school administrative units
22 in accordance with policies and performance indicators adopted by the State Board of
23 Education. If the State ~~Superintendent~~ Board approves the plan for a local school
24 administrative unit, that unit shall participate in the Program for the next fiscal year.

25 If a local plan contains a request for a waiver of State laws, regulations, or policies, in
26 accordance with G.S. 115C-238.3(b1) or ~~(b2)~~, the State ~~Superintendent~~ G.S. 115C-
27 238.3(b2), the State Board of Education shall determine whether and to what extent the
28 identified laws, regulations, or policies should be waived. ~~The State Superintendent shall~~
29 ~~present that plan and his determination to the State Board of Education.~~ If the State Board of
30 Education deems it necessary to do so to enable a local unit to reach its local
31 accountability goals, the State ~~Board, only upon the recommendation of the State~~
32 ~~Superintendent, Board~~ may grant waivers of:

33 (1) State laws pertaining to class size, teacher certification, assignment of
34 teacher assistants, the use of State-adopted textbooks, and the purposes
35 for which State funds for the public schools, except for funds for school
36 health coordinators, may be used: Provided, however, the State Board of
37 Education shall not permit the use of funds for teachers for expanded
38 programs under the Basic Education Program for any other purpose;

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

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

3 The provisions of G.S. 115C-12(16)b. regarding the placement of State-allotted office
4 support personnel, teacher assistants, and custodial personnel on the salary schedule
5 adopted by the State Board shall not be waived.

6 Except for waivers requested by the local board in accordance with G.S. 115C-
7 238.3(b2) for central office staff, waivers shall be granted only for the specific schools
8 for which they are requested in building-level plans and shall be used only under the
9 specific circumstances for which they are requested.

10 (b) Local school administrative units shall continue to participate in the Program
11 and receive funds for differentiated pay, if their local plans call for differentiated pay, so
12 long as (i) they demonstrate satisfactory progress toward student performance goals set
13 out in their local school improvement plans; or (ii) once their local goals are met, they
14 continue to achieve their local goals and they otherwise demonstrate satisfactory
15 performance, as determined by the State ~~Superintendent in accordance with guidelines set by~~
16 ~~the State Board of Education.~~ Board of Education in accordance with the Board's
17 established guidelines.

18 If the local school administrative units do not achieve their goals after two years, the
19 Department of Public Instruction shall provide them with technical assistance to help
20 them meet their goals. If after one additional year they do not achieve their goals, the
21 State Board of Education shall decide what steps shall be taken to improve the education
22 of students in the unit."

23 Sec. 28. G.S. 115C-238.7(d) reads as rewritten:

24 "(d) The State ~~Superintendent of Public Instruction~~ Board of Education shall appoint a
25 Director of the Task Force on Site-Based Management. The Director shall direct a
26 program in the Department of Public Instruction to provide training and assistance to the
27 public schools to facilitate the implementation of site-based management.

28 The Director shall supervise such site-based management specialists from each of the
29 six technical assistance centers of the Department of Public Instruction as may be
30 assigned by the State ~~Superintendent~~ Board. The specialists shall work directly with the
31 local school administrative units and with school-based committees to provide them with
32 training and assistance to facilitate the implementation of site-based management. The
33 specialists shall coordinate their activities with the central office."

34 Sec. 29. G.S. 115C-238.25(a) reads as rewritten:

35 "(a) Each participating local school administrative unit shall submit an annual
36 report one year after the local school administrative unit has awarded a contract, and
37 every year thereafter, to the General Assembly, the Joint Legislative Education Oversight
38 Committee, ~~the Superintendent of Public Instruction~~, and the State Board of Education. The
39 report shall include a comprehensive financial accounting itemizing the amount of and
40 uses of all public and private funds expended for the Genesis school, and all services,
41 equipment, and other resources donated to the school, a description of any accountability
42 plans implemented pursuant to G.S. 115C-238.23(c)(3), and a description of the student
43 achievement resulting from the implementation of those accountability plans."

1 Sec. 30. G.S. 115C-238.42 reads as rewritten:

2 **"§ 115C-238.42. Review of applications.**

3 (a) ~~The Superintendent of Public Instruction~~ State Board of Education shall appoint a
4 State task force to assist the ~~Superintendent~~ Board in reviewing grant applications. The
5 State task force shall include representatives of the Department of Public Instruction, the
6 Department of Human Resources, local school administrative units, educators, parents,
7 the juvenile justice system, social services, and governmental agencies providing services
8 to children, and other members the ~~Superintendent~~ State Board considers appropriate. In
9 appointing the State task force, the ~~Superintendent~~ State Board shall consult with the
10 Secretary of Human Resources in an effort to coordinate the membership of this State
11 task force and those appointed by the Secretary pursuant to G.S. 143B-152.5 and G.S.
12 143B-152.13.

13 In reviewing grant applications, the ~~Superintendent~~ State Board and the State task force
14 shall consider the prevalence of underserved students and families in low-income
15 neighborhoods and in isolated rural areas in the area for which the grant is requested, the
16 severity of the local problems with regard to children at risk of school failure and with
17 regard to school discipline, whether the proposed program meets State standards, and the
18 likelihood that the locally designed plan will deal with the problems successfully.

19 During the review process, the ~~Superintendent~~ State Board may recommend
20 modifications in grant applications to applicants.

21 (b) ~~The Superintendent shall submit recommendations to the State Board of Education~~
22 ~~on~~ State Board of Education shall make the final determination as to which applicants
23 should receive grants and the amount they should receive."

24 Sec. 31. G.S. 115C-238.43 reads as rewritten:

25 **"§ 115C-238.43. Award of grants.**

26 In selecting grant recipients, the State Board shall consider (i) ~~the recommendations~~
27 ~~of the Superintendent, any findings made during the grant review process,~~ (ii) the
28 geographic location of the applicants, and (iii) the demographic profile of the applicants.
29 After considering these factors, the State Board shall give priority to grant applications
30 that will serve areas that have a high incidence of juvenile crime and that propose
31 different approaches that can serve as models for other communities.

32 The State Board shall select the grant recipients prior to July 15, 1994, for local
33 programs that will be in operation at the beginning of the 1994-95 school year. The State
34 Board shall select the grant recipients prior to October 1, 1994, for local programs that
35 will be in operation after the beginning of the 1994-95 school year."

36 Sec. 32. G.S. 115C-238.45 reads as rewritten:

37 **"§ 115C-238.45. Administration of the grant program.**

38 ~~The Superintendent of Public Instruction shall administer the grant program, under the~~
39 ~~direction of the State Board of Education.~~ State Board of Education shall administer the
40 grant program. The Department of Public Instruction shall provide technical assistance
41 to grant applicants and recipients."

42 Sec. 33. G.S. 115C-238.46 reads as rewritten:

43 **"§ 115C-238.46. Cooperation of State and local agencies.**

1 All agencies of the State and local government, including departments of social
2 services, health departments, local mental health, mental retardation, and substance abuse
3 authorities, court personnel, law enforcement agencies, The University of North Carolina,
4 the community college system, and cities and counties, shall cooperate with the
5 Department of Public Instruction, local boards of education, and local nonprofit
6 corporations that receive grants in coordinating the program at the State level and in
7 implementing the program at the local level. The ~~Superintendent~~, State Board of
8 Education, after consultation with the Secretary of Human Resources, shall develop a
9 plan for ensuring the cooperation of State agencies and local agencies, and encouraging
10 the cooperation of private entities, especially those receiving State funds, in the
11 coordination and implementation of the program."

12 Sec. 34. G.S. 115C-271 reads as rewritten:

13 "**§ 115C-271. Selection by local board of education, term of office.**

14 Each local board of education shall elect a superintendent of schools for a term of one
15 to four years, ending on June 30th of the final 12 months of the contract. The board of
16 education may, with the written consent of the current superintendent, extend or renew
17 the term of the superintendent's contract at any time after the first 12 months of the
18 contract; provided, however, that the current superintendent's contract may not be
19 extended for a term of greater than four years; and provided, further, that if new board
20 members have been elected or appointed and are to be sworn in, the board may not act to
21 extend or renew the current superintendent's contract until after the new members have
22 been sworn in. The term and conditions of employment shall be stated in a written
23 contract which shall be entered into between the board of education and the
24 superintendent. A copy of the contract shall be filed with the ~~Superintendent of Public~~
25 ~~Instruction~~ State Board of Education before any person is eligible for this office.

26 Contracts of employment for a period of less than one year shall be governed and
27 limited by G.S. 115C-275.

28 It is the policy of the State of North Carolina that the superintendents of each of the
29 several school administrative units be hired solely at the discretion of the local boards of
30 education and that a candidate for superintendent of a local school administrative unit
31 must have been, at least, a principal in a North Carolina public school or have equivalent
32 experience as prescribed by the State Board of Education and have other minimum
33 credentials, educational prerequisites and experience requirements as the State Board of
34 Education shall prescribe. The State Board of Education is directed to promulgate
35 prerequisites for candidacy for superintendent not later than January 1, 1985.

36 If any board of education shall elect a person to serve as superintendent of schools in
37 any local school administrative unit who is not qualified, or cannot qualify, according to
38 this section, such election is null and void and it shall be the duty of such board of
39 education to elect a person who can qualify."

40 Sec. 35. G.S. 115C-274 reads as rewritten:

41 "**§ 115C-274. Removal for cause.**

42 (a) Local boards of education are authorized to remove a superintendent who is
43 guilty of immoral or disreputable conduct or who shall fail or refuse to perform the duties

1 of the office as required ~~of him~~ by law. ~~In case the Superintendent of Public Instruction shall~~
2 ~~have~~ If the State Board of Education has sufficient evidence at any time that any
3 superintendent of schools is not capable of discharging, or is not discharging, the duties
4 of ~~his~~ the office as required by law or is guilty of immoral or disreputable conduct, ~~he~~ the
5 State Board shall report this matter to the board of education employing ~~said~~ that
6 superintendent of schools. It shall then be the duty of said board of education to hear the
7 evidence in such case and, if after careful investigation it shall find the charges true, it
8 shall declare the office vacant at once and proceed to elect a successor: Provided, that
9 such superintendent shall have the right to try his title to office in the courts of the State.

10 (b) If the superintendent shall fail in the duties enumerated in G.S. 115C-276(g)
11 through (i) or ~~such~~ any other duties as may be assigned ~~him~~, to the superintendent, he
12 shall be subject, after notice, to an investigation by the ~~Superintendent of Public Instruction~~
13 State Board of Education or by his board of education for failure to perform his duties.
14 For persistent failure to perform these duties, ~~his~~ the superintendent's certificate may be
15 revoked by the ~~Superintendent of Public Instruction~~, ~~or he~~ State Board of Education, or the
16 superintendent may be dismissed by his board of education."

17 Sec. 36. G.S. 115C-275 reads as rewritten:

18 "**§ 115C-275. Vacancies in office of superintendent.**

19 In case of vacancy by death, resignation, or otherwise, in the office of a
20 superintendent, ~~such~~ that vacancy shall be filled by the local board of education in which
21 ~~such~~ the vacancy occurred. If the vacancy is filled on a temporary basis, subject to the
22 same approvals and to the same educational qualifications as provided for
23 superintendents, the individual appointed to fill the vacancy on a temporary basis shall be
24 paid the salary provided for superintendents. During the time any superintendent is on an
25 approved leave of absence, without pay, an acting superintendent may be appointed in the
26 same manner to serve during the interim period, which appointment shall be subject to
27 the same approvals and to the same educational qualifications as provided for
28 superintendents. In case ~~such~~ any position is not filled immediately on a permanent or
29 temporary basis, or in case of absence of a superintendent on account of illness or other
30 approved reason, the board of education, by resolution duly adopted and recorded in the
31 minutes of ~~such~~ that board, may assign to an employee of ~~such~~ the school board, with the
32 approval of the ~~Superintendent of Public Instruction~~, the State Board of Education, any duty
33 or duties of ~~such~~ that superintendent which necessity requires be performed during ~~such~~
34 that time. If the superintendent's duty of signing warrants and checks is assigned, the
35 board shall give proper notice immediately to the State Controller and to the appropriate
36 local disbursing official."

37 Sec. 37. G.S. 115C-276(d) reads as rewritten:

38 "(d) To Attend Professional Meetings. – It shall be the duty of every superintendent
39 to attend professional meetings conducted by the State ~~Superintendent of Public Instruction~~
40 Board of Education and such other professional meetings as are necessary to keep ~~him~~ the
41 superintendent informed on educational matters."

42 Sec. 38. G.S. 115C-276(e) reads as rewritten:

1 "(e) To Report Certain Information to the ~~Superintendent of Public Instruction~~State
2 Board of Education. – It shall be the duty of every superintendent to furnish as promptly
3 as possible to the State ~~Superintendent when~~Board any requested by him, information and
4 statistics on any phase of the school work in ~~his~~the superintendent's administrative unit."

5 Sec. 39. G.S. 115C-276(g) reads as rewritten:

6 "(g) To Familiarize Himself with and to Implement State Policies and Rules. – It
7 shall be the duty of the superintendent to keep himself thoroughly informed as to all
8 policies promulgated and rules adopted by the ~~State Superintendent of Public Instruction and~~
9 the State Board of Education, for the organization and government of the public schools.
10 The superintendent shall notify and inform ~~his~~the board of education, supervisors,
11 principals, teachers, janitors, bus drivers, and all other persons connected with the public
12 schools, of ~~such~~these policies and rules. In the performance of these duties, the
13 superintendent shall confer, work, and plan with all school personnel to achieve the best
14 methods of instruction, school organization and school government."

15 Sec. 40. G.S. 115C-278 reads as rewritten:

16 **"§ 115C-278. Assistant superintendent and associate superintendent.**

17 Local boards of education shall have authority to employ an assistant superintendent,
18 in addition to those that may be furnished by the State when, in the discretion of the
19 board of education, the schools of the administrative unit can thereby be more efficiently
20 and more economically operated and when funds for the same are provided in the current
21 expense fund budget. The duties of such assistant superintendent shall be assigned by the
22 superintendent with the approval of the board of education.

23 Local boards of education may, upon the recommendation of the superintendent, elect
24 assistant or associate superintendents for a term of from one to four years. The term may
25 not, however, exceed the expiration date of the superintendent's contract, unless the
26 remaining time of the superintendent's contract is less than one year. If there is less than
27 one year remaining on the superintendent's contract, the assistant or associate
28 superintendent shall be given a contract through the next school year.

29 The term of employment shall be stated in a written contract which shall be entered
30 into between the board of education and the assistant or associate superintendent, a copy
31 of which shall be filed with the ~~Superintendent of Public Instruction~~State Board of
32 Education as a matter of information. The assistant or associate superintendent may not
33 be dismissed during the term to which he is elected except for misconduct of such a
34 nature as to indicate he is unfit to continue in his position, incompetence, neglect of duty,
35 or failure or refusal to carry out validly assigned duties."

36 Sec. 41. G.S. 115C-288(b) reads as rewritten:

37 "(b) To Make Accurate Reports to the Superintendent and to the Local Board. –
38 The principal shall make all reports to the superintendent. Every principal of a public
39 school shall make ~~such~~any reports ~~as that~~ are required by the boards of education, and the
40 superintendent shall not approve the vouchers for the pay of principals until the required
41 monthly and annual reports are ~~made~~made. ~~Provided, that~~ made. However, the superintendents
42 may require teachers to make reports to the principals and principals to make reports to
43 the ~~superintendent~~. ~~Provided further, that~~ any superintendent. Any principal or supervisor

1 who knowingly and willfully makes or procures another to make any false report or
2 records, requisitions, or payrolls, respecting daily attendance of pupils in the public
3 schools, payroll data sheets, or other reports required to be made to any board or officer
4 in the performance of his duties, shall be guilty of a Class 1 misdemeanor and the
5 certificate of such person to teach in the public schools of North Carolina shall be
6 revoked by the ~~Superintendent of Public Instruction~~ State Board of Education."

7 Sec. 42. G.S. 115C-288(d) reads as rewritten:

8 "(d) To Conduct Fire Drills and Inspect for Fire Hazards. – It shall be the duty of
9 the principal to conduct a fire drill during the first week after the opening of school and
10 thereafter at least one fire drill each school month, in each building in ~~his~~ the principal's
11 charge, where children are assembled. Fire drills shall include all pupils and school
12 employees, and the use of various ways of egress to simulate evacuation of ~~said~~ these
13 buildings under various conditions, and ~~such~~ any other regulations as shall be prescribed
14 for fire safety by the Commissioner of ~~Insurance, the Superintendent of Public Instruction~~
15 Insurance and the State Board of Education. A copy of ~~such~~ these regulations shall be
16 kept posted on the bulletin board in each building.

17 It shall be the duty of each principal to inspect each of the buildings in his charge at
18 least twice each month during the regular school session. This inspection shall include
19 cafeterias, gymnasiums, boiler rooms, storage rooms, auditoriums and stage areas as well
20 as all classrooms. This inspection shall be for the purpose of keeping the buildings safe
21 from the accumulation of trash and other fire hazards.

22 It shall be the duty of the principal to file two copies of a written report once each
23 month during the regular school session with the superintendent of his local school
24 administrative unit, one copy of which shall be transmitted by the superintendent to the
25 chairman of the local board of education. This report shall state the date the last fire drill
26 was held, the time consumed in evacuating each building, that the inspection has been
27 made as prescribed by law and ~~such~~ any other information as is deemed necessary for fire
28 safety by the Commissioner of ~~Insurance, the Superintendent of Public Instruction~~ Insurance
29 and the State Board of Education.

30 It shall be the duty of the principal to minimize fire hazards pursuant to ~~the provisions~~
31 ~~of~~ G.S. 115C-525."

32 Sec. 43. G.S. 115C-290.2 reads as rewritten:

33 **"§ 115C-290.2. Definitions.**

34 The following definitions apply in this Article:

- 35 (1) Standards Board. – The North Carolina Standards Board for Public
36 School Administration.
37 (2) Exam. – The North Carolina Public School Administrator Exam.
38 (3) School administrator. – Public school superintendents, deputy
39 superintendents, associate superintendents, assistant superintendents,
40 principals, and assistant principals."

41 Sec. 44. G.S. 115C-290.3 reads as rewritten:

42 **"§ 115C-290.3. (Effective January 1, 1997) False representation of qualifications**
43 **prohibited.**

1 It is unlawful for a person whom the Standards Board has not ~~qualified-recommended~~
2 for certification as a public school administrator to represent himself or herself as having
3 been ~~qualified-recommended~~ by the Standards Board or to hold himself or herself out to
4 the public by any title or description denoting that he or she has been ~~qualified~~
5 recommended by the Standards Board for certification. A person who violates this
6 section is guilty of a Class 2 misdemeanor."

7 Sec. 45. G.S. 115C-290.4 reads as rewritten:

8 **"§ 115C-290.4. North Carolina Standards Board for Public School Administration;**
9 **appointments; terms; composition.**

10 (a) The North Carolina Standards Board for Public School Administration is
11 created. The Standards Board shall be located for administrative purposes in the Office
12 of the Governor. The Standards Board shall exercise its powers independently of that
13 Office.

14 (b) The Standards Board shall consist of seven members appointed by the
15 Governor as follows:

- 16 (1) Two local superintendents employed by a local school administrative
17 unit.
- 18 (2) Three principals employed by a local school administrative unit.
- 19 (3) One dean of a school of education or a designee.
- 20 (4) One representative of the public at large.

21 Composition of the Standards Board as to the race and sex of its members shall reflect
22 the composition of the population of the State. Members of the Standards Board shall be
23 residents of the State and shall each reside in a different congressional district.

24 With the exception of the member representing the public at large, each member must
25 be qualified under this Article, and must be actively engaged in the practice of public
26 school administration or in the education and training of students in public school
27 administration. Before their appointment to the Standards Board, these professional
28 Standards Board members must have been actively engaged in the practice of public
29 school administration or in the education and training of students in public school
30 administration for at least three years, at least two of which occurred primarily in this
31 State.

32 (c) The Governor may only remove a member of the Standards Board for neglect
33 of duty, malfeasance, or conviction of a felony or other crime of moral turpitude.

34 (d) Effective July 1, 1993, the Governor shall appoint one superintendent, two
35 principals, and the dean of a school of education for terms of three years, and one
36 superintendent, one principal, and the representative of the public for terms of two years.
37 Thereafter the terms shall be for three years. Each term of service on the Standards
38 Board shall expire on the 30th day of June of the year in which the term expires. No
39 member shall serve more than two consecutive three-year terms. As the term of a
40 member expires, the Governor shall make the appointment for a full term, or, if a vacancy
41 occurs for any other reason, for the remainder of the unexpired term.

1 (e) Members of the Standards Board shall receive compensation for their services
2 and reimbursement for expenses incurred in the performance of duties required by this
3 Article, at the rates prescribed in G.S. 93B-5.

4 (f) The Standards Board shall elect from its membership a chairperson, a vice-
5 chairperson, and a secretary-treasurer, and adopt rules to govern its proceedings. All
6 members are voting members, and a majority of the membership constitutes a quorum.

7 (g) The Standards Board may employ, subject to Chapter 126 of the General
8 Statutes, the necessary personnel for the performance of its functions, and fix their
9 compensation within the limits of funds available to the Standards Board.

10 Sec. 46. G.S. 115C-290.5(a) reads as rewritten:

11 "(a) The Standards Board shall administer this Article. In fulfilling this duty, the
12 Standards Board shall:

- 13 (1) Develop and implement a North Carolina Public School Administrator
14 Exam, based on the professional standards established by the Standards
15 Board.
- 16 (2) Establish and collect an application fee not to exceed fifty dollars
17 (\$50.00), and an exam fee not to exceed one hundred fifty dollars
18 (\$150.00). Fees collected under this Article shall be credited to the
19 General Fund as nontax revenue.
- 20 (3) Review the educational achievements of an applicant to take the exam
21 to determine whether the achievements meet the requirements set by
22 G.S. 115C-290.7.
- 23 (4) Notify the State Board of Education of the names and addresses of the
24 persons who passed the exam and are thereby ~~qualified-recommended~~
25 to be certified as public school administrators by the State Board of
26 Education.
- 27 (5) Maintain accounts and records in accordance with the Executive Budget
28 Act, Article 1 of Chapter 143 of the General Statutes.
- 29 (6) Adopt rules in accordance with Chapter 150B of the General Statutes to
30 implement this Article.
- 31 (7) Submit an annual report by December 1 of each year to the Joint
32 Legislative Education Oversight Committee of its activities during the
33 preceding year, together with any recommendations and findings
34 regarding improvement of the profession of public school
35 administration."

36 Sec. 47. G.S. 115C-290.6 reads as rewritten:

37 "**§ 115C-290.6. (Effective January 1, 1997) Application for ~~qualification by~~ to the**
38 **Standards Board.**

39 An individual who seeks to be ~~qualified-recommended by~~ the Standards Board ~~as a~~
40 ~~public school administrator, thereby becoming eligible~~ for certification by the State Board of
41 Education, shall file a written application with the Standards Board. The application
42 must be on a form provided by the Standards Board, must be accompanied by the

1 required application and exam fees established by the Standards Board, and must include
2 any information required by the Standards Board."

3 Sec. 48. G.S. 115C-290.7 reads as rewritten:

4 "**§ 115C-290.7. (Effective January 1, 1997) Qualification-Recommendation by the**
5 **Standards Board.**

6 (a) The Standards Board shall ~~qualify-recommend~~ for certification by the State
7 Board an individual who submits a complete application to the Standards Board and
8 satisfies all of the following requirements:

9 (1) Pays the application fee established by the Standards Board.

10 (2) Pays the exam fee established by the Standards Board.

11 (3) Has a bachelors degree from an accredited college or university and has
12 a graduate degree from a public school administration program that
13 meets the public school administrator program approval standards set by
14 the State Board of Education.

15 (4) Passes the exam.

16 (b) The State Board of Education may not certify an individual as a public school
17 administrator unless it has received notice from the Standards Board ~~of the individual's~~
18 ~~qualification-that the person is recommended by the Standards Board~~ under this Article."

19 Sec. 49. G.S. 115C-290.8 reads as rewritten:

20 "**§ 115C-290.8. (Effective January 1, 1997) Exemptions from qualification**
21 **requirements.**

22 The ~~qualification~~-requirements of this Article do not apply to a person who, at any
23 time during the five years preceding January 1, 1997, was engaged in public school
24 administration at either a public school in North Carolina or a school in North Carolina
25 operated by the United States government. A person who is exempt from the ~~qualification~~
26 requirements of this Article but applies ~~for qualification-to the Standards Board~~ under this
27 Article ~~shall be is~~-subject to ~~it-the Article~~."

28 Sec. 50. G.S. 115C-290.9 reads as rewritten:

29 "**§ 115C-290.9. (Effective January 1, 1997) Grounds for refusal to qualify**
30 **recommend a person.**

31 The Standards Board may, in accordance with Chapter 150B of the General Statutes,
32 refuse to ~~qualify-recommend~~ a person for certification by the State Board of Education for
33 any of the following reasons:

34 (1) Submitting a false application ~~for qualification~~-or otherwise attempting
35 to obtain ~~qualification-a recommendation from the Standards Board~~ by
36 fraud or misrepresentation.

37 (2) Failure to meet the requirements set in G.S. 115C-290.7.

38 (3) Violating a provision of this Article or a rule adopted by the Standards
39 Board."

40 Sec. 51. G.S. 115C-317 reads as rewritten:

41 "**§ 115C-317. Penalty for making false reports or records.**

42 Any school employee of the public schools other than a superintendent, principal, or
43 teacher, who knowingly and willfully makes or procures another to make any false report

1 or records, requisitions, or payrolls, respecting daily attendance of pupils in the public
2 schools, payroll data sheets, or other reports required to be made to any board or officer
3 in the performance of his duties, shall be guilty of a Class 1 misdemeanor and the
4 certificate of such person to teach in the public schools of North Carolina shall be
5 revoked by the ~~Superintendent of Public Instruction~~. State Board of Education."

6 Sec. 52. G.S. 115C-323 reads as rewritten:

7 "**§ 115C-323. Employee health certificate.**

8 All public school employees upon initial employment, and those who have been
9 separated from public school employment more than one school year, including
10 superintendents, supervisors, principals, teachers, and any other employees in the public
11 schools of the State, shall file in the office of the superintendent, before assuming his
12 duties, a certificate from a physician licensed to practice medicine in the State of North
13 Carolina, certifying that said person does not have tuberculosis in the communicable
14 form, or other communicable disease, or any disease, physical or mental, which would
15 impair the ability of the said person to perform effectively his duties. A local school
16 board or a superintendent may require any person herein named to take a physical
17 examination when deemed necessary.

18 Any public school employee who has been absent for more than 40 successive school
19 days because of a communicable disease must, before returning to work, file with the
20 superintendent a physician's certificate certifying that the individual is free from any
21 communicable disease.

22 The examining physician shall make the aforesaid certificates on an examination form
23 supplied by the ~~Superintendent of Public Instruction~~. State Board of Education. The
24 certificate shall be issued only after a physical examination has been made at the time of
25 the certification, and such examination shall be in accordance with rules ~~and regulations~~
26 adopted by the ~~Superintendent of Public Instruction~~, State Board of Education, with
27 approval of the Secretary of Environment, Health, and Natural Resources, and ~~such these~~
28 rules ~~and regulations~~ may include the requirement of an X-ray chest examination for all
29 new employees of the public school system.

30 It shall be the duty of the superintendent of the school in which the person is
31 employed to enforce the provisions of this section.

32 Any person violating any of the provisions of this section shall be guilty of a Class 1
33 misdemeanor."

34 Sec. 53. G.S. 115C-325(g) reads as rewritten:

35 "(g) Professional Review Committee; Qualifications; Terms; Vacancy; Training.

36 (1) There is hereby created a Professional Review Committee which shall
37 consist of 132 citizens, 11 from each of the State's congressional
38 districts, five of whom shall be lay persons and six of whom shall have
39 been actively and continuously engaged in teaching or in supervision or
40 administration of schools in this State for the five years preceding their
41 appointment and who are broadly representative of the profession, to be
42 appointed by ~~the Superintendent of Public Instruction with the advice and~~
43 ~~consent of~~ the State Board of Education. Each member shall be

1 appointed for a term of three years. The initial terms of office of the
2 persons appointed from the 12th Congressional District shall commence
3 on January 3, 1993, and expire on June 30, 1995. The ~~Superintendent of~~
4 ~~Public Instruction, with the advice and consent of the~~ State Board of
5 Education, shall fill any vacancy which may occur in the Committee.
6 The person appointed to fill the vacancy shall serve for the unexpired
7 portion of the term of the member of the Committee whom he is
8 appointed to replace.

9 (2) The ~~Superintendent of Public Instruction~~ State Board of Education shall
10 provide for the Committee ~~such any~~ training as ~~he it~~ considers necessary
11 or desirable for the purpose of enabling the members of the Committee
12 to perform the functions required of them.

13 (3) The compensation of committee members while serving as a member of
14 a hearing panel shall be as for State boards and commissions ~~pursuant to~~
15 under G.S. 138-5. The compensation shall be paid by the State Board of
16 Education."

17 Sec. 54. G.S. 115C-325(h)(4) reads as rewritten:

18 "(4) If a request for review is made, the superintendent, within five days of
19 filing such request for review, shall notify the ~~Superintendent of Public~~
20 ~~Instruction who,~~ State Board of Education which, within seven days from
21 the time of receipt of such notice, shall designate a panel of five
22 members of the Committee, at least two of whom shall be lay persons,
23 who shall not be employed in or be residents of the county in which the
24 request for review is made, to review the proposed recommendations of
25 the superintendent for the purpose of determining whether in its opinion
26 the grounds for the recommendation are true and substantiated. The
27 teacher or principal making the request for review shall have the right to
28 require that at least two members of the panel shall be members of his
29 professional peer group."

30 Sec. 55. G.S. 115C-325(i)(1) reads as rewritten:

31 "(1) The career teacher and superintendent will each have the right to
32 designate not more than 33 of the 132 members of the Professional
33 Review Committee as not acceptable to the teacher or superintendent
34 respectively. No person so designated shall be appointed to the panel.
35 The career teacher shall specify to the superintendent those Committee
36 members who are not acceptable in his request for a review of the
37 superintendent's proposed recommendations provided for in ~~subdivision~~
38 ~~(h)(3) above.~~ G.S. 115C-325(h)(3). The superintendent's notice to the
39 ~~Superintendent of Public Instruction provided for in subdivision (h)(4) above~~
40 State Board of Education provided for in G.S. 115C-325(h)(4) shall
41 contain a list of those members of the Committee not acceptable to the
42 superintendent and the teacher respectively. Failure to designate

1 nonacceptable members in accordance with this subsection shall
2 constitute a waiver of that right."

3 Sec. 56. G.S. 115C-381 reads as rewritten:

4 **"§ 115C-381. School social workers; reports; prosecutions.**

5 The ~~Superintendent of Public Instruction~~ State Board of Education shall ~~prepare such~~
6 adopt any rules and procedures and furnish ~~such blanks any forms~~ for teachers and other
7 school officials as may be necessary for reporting ~~such any~~ case of unlawful absence or
8 lack of attendance to the school social worker of the respective local school
9 administrative units. ~~Such~~ These rules shall provide, among other things, for a
10 notification in writing, to the person responsible for the nonattendance of any child, that
11 the case is to be reported to the school social worker of the local school administrative
12 unit unless the law is complied with immediately. Upon recommendation of the
13 superintendent, local boards of education may employ school social workers and such
14 school social workers shall have authority to report and verify on oath the necessary
15 criminal warrants or other documents for the prosecutions of violations of this Part:
16 Provided, that local school administrative units shall provide in their local operating
17 budgets for travel and necessary office expense for such school social workers as may be
18 employed through State or local funds, or both. The State Board of Education shall
19 determine the process for allocating school social workers to the various local school
20 administrative units, establish their qualifications, and develop a salary schedule which
21 shall be applicable to such personnel: Provided, that persons now employed by local
22 boards of education as attendance counselors shall be deemed qualified as school social
23 workers under the terms of this Part subject to the approval of said local boards of
24 education.

25 The school social worker shall investigate all violators of the provisions of this Part.
26 The reports of unlawful absence required to be made by teachers and principals to the
27 school social worker shall, in his hands, in case of any prosecution, constitute prima facie
28 evidence of the violation of this Part and the burden of proof shall be upon the defendant
29 to show the lawful attendance of the child or children upon an authorized school."

30 Sec. 57. G.S. 115C-418(b) reads as rewritten:

31 "(b) The ~~Superintendent of Public Instruction~~ State Board of Education shall appoint a
32 State task force to assist the ~~Superintendent~~ State Board in reviewing grant applications.
33 The State task force shall include representatives of the Department of Public Instruction,
34 local school administrative units, educators, parents, the juvenile justice system, social
35 services, and nongovernmental agencies providing services to children, and other
36 members the Superintendent deems appropriate. In reviewing grant applications, the
37 ~~Superintendent~~ State Board and the State task force shall consider the severity of the local
38 problems with regard to violence in the schools and the likelihood that the locally
39 designed plan will deal with the problems successfully."

40 Sec. 58. G.S. 115C-418(c) reads as rewritten:

41 "(c) The State Board of Education shall consider the recommendations of the
42 ~~Superintendent~~ State task force in selecting grant recipients. The State Board shall also
43 attempt to give grants to local school administrative units that are located geographically

1 throughout the State, that have different demographic profiles, and that propose different
2 approaches to their problems. The State Board shall select grant recipients prior to
3 January 1, 1994."

4 Sec. 59. G.S. 115C-418(d) reads as rewritten:

5 "(d) ~~The Superintendent of Public Instruction~~ State Board of Education shall
6 administer the grant program and provide technical assistance to grant applicants and
7 recipients."

8 Sec. 60. G.S. 115C-458 reads as rewritten:

9 **"§ 115C-458. Loans by State Board from State Literary Fund.**

10 The State Literary Fund includes all funds derived from the sources enumerated in
11 Sec. 6, Article IX, of the Constitution, and all funds that may be hereafter so derived,
12 together with any interest that may accrue thereon. This Fund shall be separate and
13 distinct from other funds of the State.

14 The State Board of Education, under ~~such any rules and regulations~~ as it may deem
15 advisable, not inconsistent with the provisions of this Article, may make loans from the
16 State Literary Fund to the counties for the use of local boards of education under ~~such any~~
17 ~~rules and regulations~~ as it may adopt and according to law for the purpose of aiding in the
18 erection and equipment of school plants, maintenance buildings and transportation
19 garages. No warrant for the expenditure of money for ~~such these~~ purposes shall be issued
20 except upon the order of the ~~Superintendent of Public Instruction with the approval of the~~
21 State Board of Education."

22 Sec. 61. G.S. 115C-468(c) reads as rewritten:

23 "(c) ~~The Superintendent of Public Instruction~~ State Board of Education may earmark
24 up to twenty percent (20%) of the funds available for scholarship loans each year for
25 awards to applicants who have been employed for at least one year as teacher assistants
26 and who are currently employed as teacher assistants. Preference for these scholarship
27 loans from funds earmarked for teacher assistants shall be given to applicants who
28 already hold a baccalaureate degree or who have already been formally admitted to an
29 approved teacher education program in North Carolina."

30 Sec. 62. G.S. 115C-469 reads as rewritten:

31 **"§ 115C-469. Appropriations paid into fund; how administered.**

32 Such funds as may be appropriated by the General Assembly to said fund or to the
33 State Board of Education for the purpose of a student loan fund for teacher education
34 shall be paid into the Scholarship Loan Fund for Prospective Teachers and administered
35 by the State Board of Education ~~and the State Superintendent of Public Instruction~~ as
36 follows:

37 During the first year of the 1957-1959 biennium, to provide for prospective teachers
38 not to exceed 300 regular scholarship loans in the amount of not more than three hundred
39 fifty dollars (\$350.00) each, and for the second year of the biennium to provide for such
40 persons not to exceed 600 regular scholarship loans in the amount of not more than three
41 hundred fifty dollars (\$350.00) each, and for each summer of said biennium to provide
42 for prospective teachers and for teachers taking undergraduate courses not to exceed 200
43 summer school scholarship loans in the amount of not more than seventy-five dollars

1 (\$75.00) each; provided, however, the State Board of Education in its discretion may,
2 within the funds available, vary the number and proportion of regular and summer
3 scholarship loans to be established in any one year.

4 During years after the first biennium in which this fund ~~shall be~~ is established, loans of
5 the type and amounts provided for during the first biennium shall be made in such
6 numbers and amounts and proportions as the State Board of Education in its discretion
7 may prescribe within the funds available from appropriations or otherwise."

8 Sec. 63. G.S. 115C-471 reads as rewritten:

9 **"§ 115C-471. Fund administered by State Superintendent of Public Instruction; rules**
10 **and regulations. Board of Education; rules.**

11 ~~The Scholarship Loan Fund for Prospective Teachers shall be administered by the~~
12 ~~State Superintendent of Public Instruction, under rules adopted by the State Board of~~
13 ~~Education and~~ The State Board of Education shall adopt rules and shall administer the
14 Scholarship Loan Fund for Prospective Teachers. These rules are subject to the
15 following directions and limitations:

16 (1) Any resident of North Carolina who is interested in preparing to teach in
17 the public schools of the State may apply in writing to the State
18 ~~Superintendent of Public Instruction~~ Board of Education for a regular
19 scholarship loan in the amount of not more than two thousand dollars
20 (\$2,000) per academic school year. An applicant who has been
21 employed for at least one year as a teacher assistant and who is currently
22 employed as a teacher assistant may apply for a scholarship loan from
23 funds earmarked for teacher assistants in the amount of not more than
24 one thousand two hundred dollars (\$1,200) per academic school year.

25 (2) All scholarship loans shall be evidenced by notes made payable to the
26 State Board of Education that bear interest at the rate of six percent
27 (6%) per annum from and after September 1 following fulfillment by a
28 prospective teacher of the requirements for a certificate based upon the
29 entry level degree; or in the case of persons already teaching in the
30 public schools who obtain scholarship loans, the notes shall bear interest
31 at the prescribed rate from and after September 1 of the school year
32 beginning immediately after the use of the scholarship loans; or in the
33 event any such scholarship is terminated under the provisions of
34 subdivision (3) of this section, the notes shall bear interest from the date
35 of termination. A minor recipient who signs a note shall also obtain the
36 endorsement thereon by a parent, if there be a living parent, unless the
37 endorsement is waived by the ~~Superintendent of Public Instruction~~ State
38 Board of Education. The minor recipient shall be obligated upon the
39 note as fully as if the recipient were of age and shall not be permitted to
40 plead such minority as a defense in order to avoid the obligations
41 undertaken upon the notes.

42 (3) Each recipient of a scholarship loan under the provisions of this
43 program shall be eligible for scholarship loans each year until the

1 recipient has qualified for a certificate based upon the entry level
2 degree, but the recipient shall not be so eligible for more than the
3 minimum number of years normally required for qualifying for the
4 certificate. The permanent withdrawal of any recipient from college or
5 failure of the recipient to do college work in a manner acceptable to the
6 State ~~Superintendent of Public Instruction~~ Board of Education shall
7 immediately forfeit the recipient's right to retain the scholarship and
8 subject the scholarship to termination by the State ~~Superintendent of~~
9 ~~Public Instruction in the Superintendent's~~ Board of Education in the
10 Board's discretion. All terminated scholarships shall be regarded as
11 vacant and subject to being awarded to other eligible persons.

12 (4) Except under emergency conditions applicable to the State
13 ~~Superintendent of Public Instruction~~, Board of Education, recipients of
14 scholarship loans shall enter the public school system of North Carolina
15 at the beginning of the next school term after qualifying for a certificate
16 based upon the entry level degree or, in case of persons already teaching
17 in the public schools, at the beginning of the next school term after the
18 use of the loan. All teaching service for which the recipient of any
19 scholarship loan is obligated shall be rendered by August 31 of the
20 seventh school year following graduation.

21 (5) For each full school year taught in a North Carolina public school, the
22 recipient of a scholarship loan shall receive credit upon the amount due
23 by reason of the loan equal to the loan amount for a school year as
24 provided in the note plus credit for the total interest accrued on that
25 amount; provided, however, that in lieu of teaching in the public school,
26 a recipient may elect to pay in cash the full amount of scholarship loans
27 received plus interest then due thereon or any part thereof that has not
28 been canceled by the State Board of Education by reason of teaching
29 service rendered.

30 (6) If any recipient of a scholarship loan dies during the period of
31 attendance at a college or university under a scholarship loan or before
32 the scholarship loan is satisfied by payment or teaching service, any
33 balance shall be automatically canceled.

34 If any recipient of a scholarship loan fails to fulfill the recipient's
35 obligations under subdivision (4) of this section, other than as provided
36 above, the amount of the loan and accrued interest, if any, shall be due
37 and payable from the time of failure to fulfill the recipient's obligations.

38 (7) The State ~~Superintendent of Public Instruction~~ Board of Education shall
39 award scholarship loans with due consideration to factors and
40 circumstances such as aptitude, purposefulness, scholarship, character,
41 financial need, and geographic areas or subjects of instruction in which
42 the demands for teachers are greatest. Since the primary purpose of this
43 Article is to attract worthy young people to the teaching profession,

1 preference for scholarship loans, except for the scholarship loans from
2 funds earmarked for teacher assistants, shall be given to high school
3 seniors in the awarding of scholarships. In awarding scholarship loans
4 from funds earmarked for teacher assistants, preference shall be given to
5 applicants who have already earned a baccalaureate degree or who have
6 been formally admitted to an approved teacher education program in
7 North Carolina."

8 Sec. 64. G.S. 115C-472.5 reads as rewritten:

9 **"§ 115C-472.5. (For effective date see note) Creation of the Fund; administration.**

10 (a) ~~The Department of Public Instruction~~ State Board of Education shall administer
11 the Computer Loan Revolving Fund. The Fund shall be used to provide loans to local
12 school administrative units to enable them to purchase computer equipment to implement
13 the Uniform Education Reporting System in accordance with the standards adopted by
14 the State Board of Education ~~pursuant to~~ under G.S. 115C-12(18).

15 (b) A loan shall be for the actual amount of the equipment up to a maximum to be
16 determined by the ~~Superintendent~~ State Board.

17 (c) Loans shall be evidenced by notes made payable to the ~~Department of Public~~
18 ~~Instruction~~ State Board of Education. The rate, term, and other conditions of the note
19 shall be determined in accordance with uniform policies established by the ~~Superintendent~~
20 State Board of Education.

21 (d) ~~The Department of Public Instruction~~ State Board of Education shall report to the
22 Information Resource Management Commission, the Joint Legislative Commission on
23 Governmental Operations, the Fiscal Research Division, and the State Government
24 Performance Audit Committee on an annual basis on all loans made from the fund."

25 Sec. 65. G.S. 115C-525(b)(3) reads as rewritten:

26 "(3) It shall be the duty of the Commissioner of ~~Insurance, the Superintendent~~
27 ~~of Public Instruction, Insurance~~ and the State Board of Education to
28 prescribe any additional rules ~~and regulations which they may deem that~~
29 they consider necessary in connection with such inspections and reports
30 for the reduction of fire hazards and protection of life and property in
31 public schools."

32 Sec. 66. G.S. 20-7(m) reads as rewritten:

33 "(m) Instruction Permit. – The Division upon receiving proper application may in its
34 discretion issue a restricted instruction permit effective for a school year or a lesser
35 period to any of the following applicants:

36 (1) An applicant who is less than 18 years old and is enrolled in a drivers
37 education program that is approved by the ~~State Superintendent of Public~~
38 ~~Instruction~~ Board of Education and is offered at a public high school, a
39 nonpublic secondary school, or a licensed drivers training school.

40 (2) An applicant for certification under G.S. 20-218 as a school bus driver.

41 A restricted instruction permit authorizes the holder of the permit to drive a specified type
42 or class of motor vehicle when in possession of the permit, subject to any restrictions
43 imposed by the Division. The restrictions the Division may impose on a permit include

1 restrictions to designated areas and highways and restrictions prohibiting operation
2 except when an approved instructor is occupying a seat beside the permittee. A restricted
3 instruction permit is not required to have a distinguishing number or a picture of the
4 person to whom the permit is issued."

5 Sec. 67. G.S. 20-11(a) reads as rewritten:

6 "(a) The Division shall not grant the application of any minor between the ages of
7 16 and 18 years for a driver's license or a learner's permit unless such application is
8 signed both by the applicant and by the parent, guardian, husband, wife or employer of
9 the applicant, or, if the applicant has no parent, guardian, husband, wife or employer
10 residing in this State, by some other responsible adult person. It shall be unlawful for any
11 person to sign the application of a minor under the provisions of this section when such
12 application misstates the age of the minor and any person knowingly violating this
13 provision shall be guilty of a Class 2 misdemeanor.

14 The Division shall not grant the application of any minor between the ages of 16 and
15 18 years for a driver's license unless such minor presents evidence of having satisfactorily
16 completed the driver training and safety education courses offered at the public high
17 schools as provided in G.S. 20-88.1 or upon having satisfactorily completed a course of
18 driving instruction offered at a licensed commercial driver training school or an approved
19 nonpublic secondary school, provided instruction offered in such schools shall be
20 approved by the State Commissioner of Motor Vehicles and the State ~~Superintendent of~~
21 ~~Public Instruction~~ Board of Education and all expenses for such instruction shall be paid
22 by the persons enrolling in such courses and/or by the schools offering them."

23 Sec. 68. G.S. 20-88.1 reads as rewritten:

24 "**§ 20-88.1. Driver education.**

25 (a) In accordance with criteria and standards ~~approved by the State Board of~~
26 ~~Education, the State Superintendent of Public Instruction~~ it has adopted, the State Board of
27 Education shall organize and administer a program of driver education to be offered at
28 the public high schools of this State for all physically and mentally qualified persons who
29 (i) are older than 14 years and six months, (ii) are approved by the principal of the school,
30 pursuant to rules adopted by the State Board of Education, (iii) are enrolled in a public or
31 private high school within the State, and (iv) have not previously enrolled in the program.
32 The State Board of Education shall use for such purpose all funds appropriated to it for
33 said purpose, and may use all other funds that become available for its use for said
34 purpose. The driver education program established pursuant to this section shall include
35 instructions on the rights and privileges of the handicapped and the signs and symbols
36 used to assist the handicapped relative to motor vehicles, including the 'international
37 symbol of accessibility' and other symbols and devices as provided in Article 2A of this
38 Chapter. In addition, this program shall include at least six hours of instruction on the
39 offense of driving while impaired and related subjects.

40 (b) The State Board of Education shall adopt a salary range for driver education
41 instructors who are public school employees and who do not hold teacher certificates.

42 Driver education instructors who are public school employees and who hold teacher
43 certificates shall be paid on the teacher salary schedule. A day of employment for driver

1 education instructors who hold teacher certificates shall be the same number of hours
2 required of all regular classroom teachers as established by the local board of education.

3 (b1) The State Board of Education shall adopt rules to permit local boards of
4 education to enter contracts with public or private entities to provide a program of driver
5 education at public high schools. All driver education instructors shall meet the
6 requirements established by the State Board of Education; provided, however, driver
7 education instructors shall not be required to hold teacher certificates.

8 (c) All expenses incurred by the State in carrying out the provisions of this section
9 shall be paid out of the Highway Fund.

10 (d) The Division shall prepare a driver license handbook that explains the traffic
11 laws of the State and shall periodically revise the handbook to reflect changes in these
12 laws. At the request of the Department of ~~Education~~, Public Instruction, the Division shall
13 provide free copies of the handbook to that Department for use in the program of driver
14 education offered at public high schools."

15 Sec. 69. G.S. 20-129(4) reads as rewritten:

16 "(4) At any other time when windshield wipers are in use as a result of
17 smoke, fog, rain, sleet, or snow, or when inclement weather or
18 environmental factors severely reduce the ability to clearly discern
19 persons and vehicles on the street and highway at a distance of 500 feet
20 ahead, provided, however, the provisions of this subdivision shall not
21 apply to instances when windshield wipers are used intermittently in
22 misting rain, sleet, or snow. Any person violating this subdivision
23 during the period from October 1, 1990, through December 31, 1991,
24 shall be given a warning of the violation only. Thereafter, any person
25 violating this subdivision shall have committed an infraction and shall
26 pay a fine of five dollars (\$5.00) and shall not be assessed court costs.
27 No drivers license points, insurance points or premium surcharge shall
28 be assessed on account of violation of this subdivision and no
29 negligence or liability shall be assessed on or imputed to any party on
30 account of a violation of this subdivision. The Commissioner of Motor
31 Vehicles and the ~~Superintendent of Public Instruction~~ State Board of
32 Education shall incorporate into driver education programs and driver
33 licensing programs instruction designed to encourage compliance with
34 this subdivision as an important means of reducing accidents by making
35 vehicles more discernible during periods of limited visibility."

36 Sec. 70. G.S. 20-321(b) reads as rewritten:

37 "(b) The Commissioner shall administer and enforce the provisions of this Article,
38 and may call upon the State ~~Superintendent of Public Instruction~~ Board of Education for
39 assistance in developing and formulating appropriate regulations."

40 Sec. 71. G.S. 58-79-35 reads as rewritten:

41 "**§ 58-79-35. Fire prevention and Fire Prevention Day.**

42 It is the duty of the Commissioner of ~~Insurance~~, ~~the Superintendent of Public Instruction~~
43 Insurance and the State Board of Education to provide a pamphlet containing printed

1 instructions for properly conducting fire drills in all schools and auxiliary school
2 buildings and the principal of every public and private school shall conduct at least one
3 fire drill every month during the regular school session in each building in his charge
4 where children are assembled. The fire drills shall include all children and teachers and
5 the use of various ways of egress to assimilate evacuation of said buildings under various
6 conditions, and ~~such~~ any other regulations as prescribed by the Commissioner of
7 ~~Insurance, Superintendent of Public Instruction~~ Insurance and State Board of Education.

8 The Commissioner of Insurance and ~~Superintendent of Public Instruction~~ State Board of
9 Education shall further provide for the teaching of 'Fire Prevention' in the colleges and
10 schools of the State, and to arrange for a textbook adapted to such use. The ninth day of
11 October of every year shall be set aside and designated as 'Fire Prevention Day,' and the
12 Governor shall issue a proclamation urging the people to a proper observance of the day,
13 and the Commissioner of Insurance shall bring the day and its observance to the attention
14 of the officials of all organized fire departments of the State, whose duty it shall be to
15 disseminate the materials and to arrange suitable programs to be followed in its
16 observance."

17 Sec. 72. G.S. 105A-2(1) reads as rewritten:

18 "(1) 'Claimant agency' means and includes:

- 19 a. The State Education Assistance Authority as enabled by Article
20 23 of Chapter 116 of the General Statutes;
- 21 b. The North Carolina Department of Human Resources when in
22 the exercise of its authority to collect health profession student
23 loans made pursuant to G.S. 131-121;
- 24 c. The North Carolina Department of Human Resources when in
25 the performance of its duties under the Medical Assistance
26 Program enabled by Chapter 108A, Article 2, Part 6, and any
27 county operating the same Program at the local level, when and
28 only to the extent such a county is in the performance of Medical
29 Assistance Program collection functions;
- 30 d. The North Carolina Department of Human Resources when in
31 the performance of its duties, under the Child Support
32 Enforcement Program as enabled by Chapter 110, Article 9 and
33 Title IV, Part D of the Social Security Act to obtain
34 indemnification for past paid public assistance or to collect child
35 support arrearages owed to an individual receiving program
36 services and any county operating the program at the local level,
37 when and only to the extent that the county is engaged in the
38 performance of those same duties;
- 39 e. The University of North Carolina, including its constituent
40 institutions as specified by G.S. 116-2(4);
- 41 f. The University of North Carolina Hospitals at Chapel Hill in the
42 conduct of its financial affairs and operations pursuant to G.S.
43 116-37;

- 1 g. The Board of Governors of the University of North Carolina and
2 the State Board of Education through the College Scholarship
3 Loan Committee when in the performance of its duties of
4 administering the Scholarship Loan Fund for Prospective College
5 Teachers enabled by Chapter 116, Article 5;
- 6 h. The Office of the North Carolina Attorney General on behalf of
7 any State agency when the claim has been reduced to a judgment;
- 8 i. The State Board of Community Colleges through community
9 colleges as enabled by Chapter 115D in the conduct of their
10 financial affairs and operations;
- 11 j. State facilities as listed in G.S. 122C-181(a), School for the Deaf
12 at Morganton, North Carolina Sanatorium at McCain, Western
13 Carolina Sanatorium at Black Mountain, Eastern North Carolina
14 Sanatorium at Wilson, and Gravely Sanatorium at Chapel Hill
15 under Chapter 143, Article 7; Governor Morehead School under
16 Chapter 115, Article 40; Central North Carolina School for the
17 Deaf under Chapter 115, Article 41; Wright School for
18 Treatment and Education of Emotionally Disturbed Children
19 under Chapter 122C; and these same institutions by any other
20 names by which they may be known in the future;
- 21 k. The North Carolina Department of Revenue;
- 22 l. The Administrative Office of the Courts;
- 23 m. The Division of Forest Resources of the Department of
24 Environment, Health, and Natural Resources;
- 25 n. The Administrator of the Teachers' and State Employees'
26 Comprehensive Major Medical Plan, established in Article 3 of
27 General Statutes Chapter 135;
- 28 o. The State Board of Education ~~through the Superintendent of Public~~
29 ~~Instruction~~—when in the performance of ~~his—its~~ duties of
30 administering the Scholarship Loan Fund for Prospective
31 Teachers enabled by Chapter 115C, Article 32A and the
32 scholarship loan and grant programs enabled by Chapter 115C,
33 Article 24C, Part 1;
- 34 p. The Board of Trustees of the Teachers' and State Employees'
35 Retirement System and the Board of Trustees of the Local
36 Governmental Employees' Retirement System in the performance
37 of their duties pursuant to Chapters 120, 128, 135 and 143 of the
38 General Statutes;
- 39 q. The North Carolina Teaching Fellows Commission in the
40 performance of its duties pursuant to Chapter 115C, Article 24C,
41 Part 2;
- 42 r. The North Carolina Department of Human Resources when in
43 the performance of its intentional program violation collection

1 duties under the Food Stamp Program enabled by Chapter 108A,
2 Article 2, Part 5, and any county operating the same Program at
3 the local level, when and only to the extent such a county is in
4 the performance of Food Stamp Program intentional program
5 violation collection functions.

6 The North Carolina Department of Human Resources when, in
7 the performance of its duties under the Aid to Families with
8 Dependent Children Program or the Aid to Families with
9 Dependent Children – Emergency Assistance Program provided
10 in Part 2 of Article 2 of Chapter 108A or under the State-County
11 Special Assistance for Adults Program provided in Part 3 of
12 Article 2 of Chapter 108A, it seeks to collect public assistance
13 payments obtained through an intentional false statement,
14 intentional misrepresentation, or intentional failure to disclose a
15 material fact;

- 16 s. The Employment Security Commission of North Carolina;
17 t. Any State agency in the collection of salary overpayments from
18 former employees."

19 Sec. 73. G.S. 116C-1(b) reads as rewritten:

20 "(b) The Education Cabinet shall consist of the Governor, who shall serve as chair,
21 the President of The University of North Carolina, the ~~State Superintendent of Public~~
22 ~~Instruction, Chairman of the State Board of Education,~~ and the President of the North
23 Carolina Community College System. The Education Cabinet shall invite representatives
24 of private education to participate in its deliberations as adjunct members."

25 Sec. 74. Article 5 of Chapter 143A of the General Statutes reads as rewritten:

26 "ARTICLE 5.

27 "**DEPARTMENT OF PUBLIC INSTRUCTION.**

28 "**§ 143A-39. Creation.**

29 There is hereby created a Department of Public Instruction. The head of the
30 Department of Public Instruction is the State Board of Education. Any provision of G.S.
31 143A-9 to the contrary notwithstanding, the appointment of the State Board of Education
32 shall be as prescribed in Article IX, Sec. 4(1) of the Constitution.

33 "**§ 143A-40. State Board of Education; powers and duties.**

34 The State Board of Education shall have such powers and duties as are conferred on
35 the Board by this Chapter, delegated to the Board by the Governor and conferred by the
36 Constitution and laws of this State.

37 "**§ 143A-41. State Board of Education; transfer of powers and duties to**
38 **Department.**

39 Except as otherwise provided in the Constitution or in this Chapter, all powers, duties,
40 and functions vested by law in the State Board of Education are transferred by a Type I
41 transfer to the Department of Public Instruction.

42 "**§ 143A-42. Superintendent of Public Instruction; transfer of office and**
43 **Department of Public Instruction; powers and duties.**

1 The office of the Superintendent of Public Instruction, as provided by Article III, Sec.
2 7, of the Constitution, the Department of Public Education, and the Department of Public
3 Instruction are hereby transferred to the Department of Public Instruction. The
4 Superintendent of Public Instruction shall be the secretary and chief administrative
5 officer of the State Board of Education, and shall have such powers and duties as are
6 conferred by the Constitution, by the State Board of Education, Chapter 115C of the
7 General Statutes, and the laws of this State.

8 **"§ 143A-45. Interstate Compact for Education; rights, duties and privileges.**

9 All of the rights, duties and privileges of this State obtained as a party to the Interstate
10 Compact for Education as contained in Part 5 of Article 8 of Chapter 115C of the General
11 Statutes and the laws of this State, shall be supervised and administered by the
12 ~~Superintendent of Public Instruction.~~ State Board of Education.

13 **"§ 143A-47. Interstate Agreement on Qualifications of Educational Personnel;**
14 **rights, duties and privileges.**

15 All of the rights, duties and privileges of this State obtained as a party to the Interstate
16 Agreement on Qualifications of Educational Personnel as contained in Article 24 of
17 Chapter 115C of the General Statutes and the laws of this State shall be supervised and
18 administered by the ~~Superintendent of Public Instruction.~~ State Board of Education.

19 **"§ 143A-48. Textbook Commission; transfer.**

20 The Textbook Commission, as created by G.S. 115C-87 and the laws of this State, is
21 hereby transferred by a Type I transfer to the Department of Public Instruction."

22 Sec. 75. G.S. 143B-152.5(b) reads as rewritten:

23 "(b) The Secretary of Human Resources shall appoint a State task force to assist the
24 Secretary in reviewing grant applications. The State task force shall include
25 representatives of the Department of Human Resources, the Department of Public
26 Instruction, local school administrative units, educators, parents, the juvenile justice
27 system, social services, and governmental agencies providing services to children, and
28 other members the Secretary considers appropriate. In appointing the State task force,
29 the Secretary shall consult with the ~~Superintendent of Public Instruction.~~ State Board of
30 Education in an effort to coordinate the membership of this State task force, the State task
31 force appointed by the Secretary pursuant to ~~under~~ G.S. 143B-152.14, and the State task
32 force appointed by the ~~Superintendent~~ pursuant to ~~State Board of Education~~ under G.S.
33 115C-238.42.

34 In reviewing grant applications, the Secretary and the State task force may consider (i)
35 the severity of the local problems as determined by the needs assessment data,
36 (ii) the likelihood that the locally designed plan will result in high quality after-school
37 services for school-aged children, (iii) evidence of local collaboration and coordination of
38 services, (iv) any innovative or experimental aspects of the plan that will make it a useful
39 model for replication in other neighborhoods and communities, and (v) any other factors
40 which affect the well-being of school-aged children."

41 Sec. 76. G.S. 143B-152.6 reads as rewritten:

42 **"§ 143B-152.6. Cooperation of State and local agencies.**

1 All agencies of the State and local government, including departments of social
2 services, health departments, local mental health, mental retardation, and substance abuse
3 authorities, court personnel, law enforcement agencies, The University of North Carolina,
4 the community college system, and cities and counties, shall cooperate with the
5 Department of Human Resources, and local nonprofit corporations that receive grants in
6 coordinating the program at the State level and in implementing the program at the local
7 level. The Secretary of Human Resources, after consultation with the ~~Superintendent of~~
8 ~~Public Instruction, State Board of Education,~~ shall develop a plan for ensuring the
9 cooperation of State agencies and local agencies, and encouraging the cooperation of
10 private entities, especially those receiving State funds, in the coordination and
11 implementation of the program."

12 Sec. 77. G.S. 143B-152.13(b) reads as rewritten:

13 "(b) The Secretary of Human Resources shall appoint a State task force to assist the
14 Secretary in reviewing grant applications. The State task force shall include
15 representatives of the Department of Human Resources, the Department of Public
16 Instruction, local school administrative units, educators, parents, the juvenile justice
17 system, social services, and governmental agencies providing services to children, and
18 other members the Secretary considers appropriate. In appointing the State task force,
19 the Secretary shall consult with the ~~Superintendent of Public Instruction State Board of~~
20 ~~Education~~ in an effort to coordinate the membership of this State task force, the State task
21 force appointed by the Secretary pursuant to under G.S. 143B-152.5, and the State task
22 force appointed by the ~~Superintendent pursuant to State Board of Education under~~ G.S.
23 115C-238.42.

24 In reviewing grant applications, the Secretary and the State task force may consider (i)
25 the severity of the local problems as determined by the needs assessment data,
26 (ii) the likelihood that the locally designed plan will result in high quality services for
27 children and their families, (iii) evidence of local collaboration and coordination of
28 services, (iv) any innovative or experimental aspects of the plan that will make it a useful
29 model for replication in other counties, (v) the availability of other resources or funds,
30 (vi) the incidence of crime and juvenile delinquency, (vii) the amount needed to
31 implement the proposal, and (viii) any other factors consistent with the intent of this
32 Part."

33 Sec. 78. G.S. 143B-152.14 reads as rewritten:

34 "**§ 143B-152.14. Cooperation of State and local agencies.**

35 All agencies of the State and local government, including departments of social
36 services, health departments, local mental health, mental retardation, and substance abuse
37 authorities, court personnel, law enforcement agencies, The University of North Carolina,
38 the community college system, and cities and counties, shall cooperate with the
39 Department of Human Resources, and local nonprofit corporations that receive grants in
40 coordinating the program at the State level and in implementing the program at the local
41 level. The Secretary of Human Resources, after consultation with the ~~Superintendent of~~
42 ~~Public Instruction, State Board of Education,~~ shall develop a plan for ensuring the
43 cooperation of State agencies and local agencies and encouraging the cooperation of

1 private entities, especially those receiving State funds, in the coordination and
2 implementation of the program."

3 Sec. 79. G.S. 143B-179.5(f) reads as rewritten:

4 "(f) The Council shall prepare and submit an annual report to the Governor and to
5 the General Assembly on the status of the early intervention system for eligible infants
6 and toddlers and on the status of special education services for preschoolers.

7 All clerical and other services required by the Council shall be supplied by the
8 Secretary of Human Resources and the ~~Superintendent of Public Instruction, State Board of~~
9 Education, as specified by the interagency agreement authorized by G.S. 122C-
10 112(a)(13)."

11 Sec. 80. G.S. 143B-216.31(4) reads as rewritten:

12 "(4) To study any State programs that provide educational services for deaf
13 and hard of hearing persons and to advise the Secretary of the
14 Department of Human Resources and the ~~Superintendent of Public~~
15 ~~Instruction—State Board of Education~~ concerning coordination of these
16 programs to prevent duplication of services; and".

17 Sec. 81. G.S. 143B-216.33(a)(1) reads as rewritten:

18 "(1) To review existing programs for persons who are deaf or hard of
19 hearing in the State, and make recommendations to the Secretary of the
20 Department of Human Resources and to the ~~Superintendent of the~~
21 ~~Department of Public Instruction—State Board of Education~~ for
22 improvements to such programs;".

23 Sec. 82. G.S. 143B-285.25 reads as rewritten:

24 **§ 143B-285.25. Liaison between the Office of Environmental Education and the**
25 **Department of Public Instruction.**

26 The ~~Superintendent of the Department of Public Instruction—State Board of Education~~
27 shall identify an environmental education liaison within the ~~Office of Instructional Services~~
28 ~~of the Department of Public Instruction~~ to:

- 29 (1) Coordinate environmental education within the State curriculum and
30 among the Department and other State agencies.
- 31 (2) Conduct teacher training in environmental education topics in
32 conjunction with Department and other State agencies.
- 33 (3) Coordinate and integrate topics within the various curriculum areas of
34 the standard course of study.
- 35 (4) Promote awareness of environmental issues to the public and to the
36 school communities, including students, teachers, and administrators.
- 37 (5) Establish a repository of environmental education instructional materials
38 and disseminate information on the availability of these materials to
39 schools.
- 40 (6) Promote and facilitate the sharing of information through electronic
41 networks to all schools."

42 Sec. 83. The State Board of Education shall review all State laws and policies
43 governing the public school system to ensure their compliance with the intent of this act

1 to restore constitutional authority to the Board. The Board shall complete this review and
2 make any recommendations for additional statutory changes to the General Assembly no
3 later than June 1, 1995.

4 Sec. 84. This act is effective upon ratification.