

**GENERAL ASSEMBLY OF NORTH CAROLINA**  
**SESSION 2007**

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**SENATE BILL 1757\***

Short Title: Study/DPI & St. Bd. of Education. (Public)

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Sponsors: Senators Swindell, Malone, Queen, Dorsett, Atwater, Goss, Stevens, Tillman; Allran, Apodaca, Berger of Rockingham, Brown, Garrou, Goodall, Hartsell, Hoyle, Jacumin, Jenkins, Jones, McKissick, Pittenger, Preston, Purcell, Rand, Shaw, Snow, Soles, and Weinstein.

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Referred to: Rules and Operations of the Senate.

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May 21, 2008

`A BILL TO BE ENTITLED

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2 AN ACT CREATING THE LEGISLATIVE SPECIAL COMMISSION ON THE  
3 EFFICIENCY AND EFFECTIVENESS OF THE DEPARTMENT OF PUBLIC  
4 INSTRUCTION AND THE STATE BOARD OF EDUCATION AND  
5 APPROPRIATING FUNDS FOR THAT PURPOSE AS RECOMMENDED BY  
6 THE JOINT LEGISLATIVE EDUCATION OVERSIGHT COMMITTEE.

7 The General Assembly of North Carolina enacts:

8       **SECTION 1.** There is hereby created the Legislative Special Commission on  
9 Efficiency and Effectiveness of the Department of Public Instruction and the State  
10 Board of Education. The purpose of the Commission is to review the mission, structure,  
11 programs, budgets, accountability, efficiency, and effectiveness of the Department of  
12 Public Instruction and the State Board of Education.

13       **SECTION 2.** The Commission shall consist of five members of the House of  
14 Representatives appointed by the Speaker of the House of Representatives and five  
15 members of the Senate appointed by the President Pro Tempore of the Senate. The  
16 Speaker of the House of Representatives shall designate one representative as cochair,  
17 and the President Pro Tempore of the Senate shall designate one senator as cochair.  
18 Vacancies on the Commission shall be filled by the same appointing authority as made  
19 the initial appointment.

20       The appointments shall be made, and the Commission shall begin its work  
21 prior to September 1, 2008.

22       **SECTION 3.** In performing the legislative review of the Department of  
23 Public Instruction and the State Board of Education, the Commission shall:

- 24       (1) Consider the mission of the Department to support local educational  
25 agencies in their efforts to provide high-quality educational services

- 1 and foster high student performance and achievement, as set out in the  
2 statutes and in the rules, policies, and practices of the Department.
- 3 (2) Evaluate the efficiency and effectiveness of the Department of Public  
4 Instruction in furthering the missions and goals of the Department,  
5 including any proposed revisions. This evaluation shall include (i) the  
6 role of the Department of Public Instruction, its administrative  
7 structure, organization, accountability, and its statutory powers and  
8 duties; (ii) the role of the State Board of Education as the head of the  
9 Department of Public Instruction, its composition, organization,  
10 independence, representation of local education agencies and the  
11 citizens of the State on the State Board of Education, and  
12 constitutional and statutory powers and duties; and (iii) the role of the  
13 State Superintendent as secretary and chief administrative officer of  
14 the State Board, the State Superintendent's selection, and the State  
15 Superintendent's constitutional and statutory powers and duties,  
16 including the election or appointment of the State Superintendent.
- 17 (3) Evaluate the efficiency and effectiveness of the statewide student  
18 testing program, the data collection and data management program, the  
19 curriculum and instruction program, the financial services program,  
20 the school support services program, and any other program within the  
21 Department that has an impact on student performance and positive  
22 educational outcomes.
- 23 (4) Assess the activities performed in each program, the major benefits  
24 provided by the program, the current funding and staffing levels for  
25 the program, the rationale for the funding and staffing levels, and the  
26 administrative and other overhead costs of the program.
- 27 (5) Determine the appropriate level of funding and staff necessary to  
28 accomplish the goals and missions of the Department.

29 **SECTION 4.** The Commission, while in the discharge of its official duties,  
30 may exercise all powers provided for under G.S. 120-19 and G.S. 120-19.1 through  
31 G.S. 120-19.4. The Commission may meet at any time upon the joint call of the  
32 cochairs. The Commission may meet in the Legislative Building or the Legislative  
33 Office Building.

34 The Legislative Services Commission, through the Legislative Services  
35 Officer, shall assign professional staff to assist the Commission in its work. The House  
36 of Representatives' and the Senate's Supervisors of Clerks shall assign clerical staff to  
37 the Commission, and the expenses relating to the clerical employees shall be borne by  
38 the Commission. The Commission may contract for professional, clerical, or consultant  
39 services as provided by G.S. 120-32.02. If the Commission hires a consultant, the  
40 consultant shall not be a State employee or a person currently under contract with the  
41 State to provide services.

42 All State departments and agencies and local governments and their  
43 subdivisions shall furnish the Commission with any information in their possession or  
44 available to them.

1           **SECTION 5.** The Commission shall report the results of its study and its  
2 recommendations to the 2009 General Assembly upon its convening and to the Joint  
3 Legislative Education Oversight Committee. The Commission shall terminate upon  
4 filing its final report or upon the convening of the 2009 General Assembly, whichever is  
5 earlier.

6           **SECTION 6.** There is appropriated from the General Fund to the General  
7 Assembly the sum of one hundred thousand dollars (\$100,000) for the 2008-2009 fiscal  
8 year for the expenses of the Legislative Special Commission on Efficiency and  
9 Effectiveness of the Department of Public Instruction and the State Board of Education.

10           **SECTION 7.** This act becomes effective July 1, 2008.