

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011

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HOUSE BILL 823
Committee Substitute Favorable 5/24/11
Third Edition Engrossed 5/26/11

Short Title: Governance of the Dep't of Public Instruction.

(Public)

Sponsors:

Referred to:

April 7, 2011

A BILL TO BE ENTITLED

AN ACT TO AMEND THE NORTH CAROLINA CONSTITUTION TO MAKE THE SUPERINTENDENT OF PUBLIC INSTRUCTION A MEMBER OF THE STATE BOARD OF EDUCATION, TO REQUIRE THE SUPERINTENDENT OF PUBLIC INSTRUCTION TO MAKE ALL STATE-LEVEL APPOINTMENTS NECESSARY FOR SUPERVISION AND ADMINISTRATION OF THE FREE PUBLIC SCHOOLS, TO MODIFY THE MEMBERSHIP OF THE STATE BOARD OF EDUCATION TO INCLUDE AN ADDITIONAL AT-LARGE MEMBER, TO REQUIRE THE GENERAL ASSEMBLY TO ELECT ALL AT-LARGE MEMBERS, TO REQUIRE THE GOVERNOR TO APPOINT THE CHAIR OF THE STATE BOARD OF EDUCATION, TO ELIMINATE THE REQUIREMENT THAT APPOINTMENTS BY THE GOVERNOR TO THE STATE BOARD OF EDUCATION ARE SUBJECT TO CONFIRMATION BY THE GENERAL ASSEMBLY, AND TO CREATE A SIX-YEAR TERM OF OFFICE FOR STATE BOARD OF EDUCATION MEMBERS.

The General Assembly of North Carolina enacts:

SECTION 1. Section 4 of Article IX of the North Carolina Constitution reads as rewritten:

"Sec. 4. State Board of Education.

(1) Board. The State Board of Education shall consist of the Superintendent of Public Instruction, the Lieutenant Governor, the Treasurer, and eleven-eight members appointed by the Governor, subject to confirmation by the General Assembly in joint session. ~~and four members elected by the General Assembly.~~

The General Assembly shall divide the State into eight educational districts. Of the ~~appointive~~ members of the Board, Board appointed by the Governor, one shall be appointed from each of the eight educational districts ~~and three shall be appointed from the State at large districts.~~

Of the members of the Board elected by the General Assembly in 2013, one member shall be elected by the House of Representatives and one member shall be elected by the Senate. In 2017 and every six years thereafter, one member shall be elected by the House of Representatives. In 2019 and every six years thereafter, one member shall be elected by the House of Representatives and two members shall be elected by the Senate.

The chair of the Board shall be appointed by the Governor. Appointments shall be for overlapping terms of eight years. Beginning in 2013, members of the Board appointed by the Governor and members of the Board elected by the General Assembly shall serve overlapping terms of six years. Appointments to fill vacancies shall be made by the Governor for the



1 ~~unexpired terms and Vacancies shall be filled by the appointing or electing authority for the~~
2 ~~unexpired term. shall not be subject to confirmation.~~

3 (2) Superintendent of Public Instruction. The Superintendent of Public Instruction shall
4 be the secretary and chief administrative officer of the State Board of ~~Education~~. Education, and
5 shall make all appointments of administrative and supervisory personnel at the State level
6 necessary for administration and supervision of the free public school system."

7 **SECTION 2.** The amendments set out in Section 1 of this act shall be submitted to
8 the qualified voters of the State at a statewide election to be conducted on May 8, 2012, which
9 election shall be conducted under the laws then governing elections in the State. Ballots, voting
10 systems, or both may be used in accordance with Chapter 163 of the General Statutes. The
11 question to be used in the voting systems and ballots shall be:

12 "[] FOR [] AGAINST

13 Constitutional amendments to make the Superintendent of Public Instruction a
14 member of the State Board of Education, to require the Governor appoint the chair of the State
15 Board of Education, to eliminate the requirement that the General Assembly confirm
16 appointments to the State Board of Education by the Governor, to require the Superintendent of
17 Public Instruction to appoint all State-level personnel necessary for administration and
18 supervision of public schools, to add a fourth at-large appointment to the State Board of
19 Education and to require the General Assembly to elect all at-large members of the State Board
20 when current at-large appointments expire, and, beginning in 2013, to reduce the term of office
21 for members appointed and members elected to the State Board to six years."

22 **SECTION 3.** If a majority of votes cast on the question are in favor of the
23 amendments set out in Section 1 of this act, the State Board of Elections shall certify the
24 amendments to the Secretary of State. The Secretary of State shall enroll the amendments so
25 certified among the permanent records of that office. The amendments set out in Section 1 of
26 this act become effective January 1, 2013.

27 **SECTION 4.** This act is effective when it becomes law.