

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2013

H

1

HOUSE BILL 469

Short Title: Additional Budget Flexibility/Public Schools. (Public)

Sponsors: Representatives Ramsey, Lambeth, and Whitmire (Primary Sponsors).

For a complete list of Sponsors, refer to the North Carolina General Assembly Web Site.

Referred to: Education, if favorable, Appropriations.

April 1, 2013

1 A BILL TO BE ENTITLED
2 AN ACT TO GRANT ADDITIONAL BUDGET FLEXIBILITY TO LOCAL SCHOOL
3 ADMINISTRATIVE UNITS TO ENABLE THEM TO MAXIMIZE STUDENT
4 ACHIEVEMENT.

5 The General Assembly of North Carolina enacts:

6 SECTION 1. G.S. 115C-105.25 reads as rewritten:

7 "§ 115C-105.25. Budget flexibility.

8 (a) Consistent with improving student performance, a local board shall provide
9 maximum flexibility to schools in the use of funds to enable the schools to accomplish their
10 goals.

11 (b) ~~Subject to the following limitations, local boards of education may transfer and may~~
12 ~~approve transfers of funds between funding allotment categories:~~ The State Board of Education
13 shall grant maximum flexibility to local school administrative units regarding the expenditure
14 of State funds. Local boards of education may make transfers between funding allotment
15 categories subject to the following limitations:

16 (1) ~~In accordance with a school improvement plan accepted under~~
17 ~~G.S. 115C 105.27, State funds allocated for teacher assistants may be~~
18 ~~transferred only for personnel (i) to serve students only in kindergarten~~
19 ~~through third grade, or (ii) to serve students primarily in kindergarten~~
20 ~~through third grade when the personnel are assigned to an elementary school~~
21 ~~to serve the whole school. Funds allocated for teacher assistants may be~~
22 ~~transferred to reduce class size or to reduce the student teacher ratio in~~
23 ~~kindergarten through third grade so long as the affected teacher assistant~~
24 ~~positions are not filled when the plan is amended or approved by the~~
25 ~~building level staff entitled to vote on the plan or the affected teacher~~
26 ~~assistant positions are not expected to be filled on the date the plan is to be~~
27 ~~implemented. Any State funds appropriated for teacher assistants that were~~
28 ~~converted to certificated teachers before July 1, 1995, in accordance with~~
29 ~~Section 1 of Chapter 986 of the 1991 Session Laws, as rewritten by Chapter~~
30 ~~103 of the 1993 Session Laws, may continue to be used for certificated~~
31 ~~teachers.~~

32 (2) ~~In accordance with a school improvement plan accepted under~~
33 ~~G.S. 115C 105.27, (i) State funds allocated for classroom~~
34 ~~materials/instructional supplies/equipment may be transferred only for the~~
35 ~~purchase of textbooks; (ii) State funds allocated for textbooks may be~~



transferred only for the purchase of instructional supplies, instructional equipment, or other classroom materials; and (iii) State funds allocated for noninstructional support personnel may be transferred only for teacher positions.

- (2a) ~~Up to three percent (3%) of State funds allocated for noninstructional support personnel may be transferred for staff development.~~
- (3) No funds shall be transferred into the central office administration allotment category.
- (4) ~~Funds allocated~~ allotted for children with disabilities, for students with limited English proficiency, and for driver's education shall not be transferred. disabilities may be transferred only as permitted by federal law and the conditions of federal grants.
- (5) ~~Funds allocated~~ allotted for classroom teachers may be transferred only for teachers of exceptional children, for teachers of at risk students, and for authorized purposes under the textbooks allotment category and the classroom materials/instructional supplies/equipment allotment category. to the teacher assistant category.
- (5a) Positions allocated for classroom teachers may be converted to dollar equivalents to contract for visiting international exchange teachers. These positions shall be converted at the statewide average salary for classroom teachers, including benefits. The converted funds shall be used only to cover the costs associated with bringing visiting international exchange teachers to the local school administrative unit through a State-approved visiting international exchange teacher program and supporting the visiting exchange teachers.
- (5b) Funds allotted for teacher assistants may be transferred only to the classroom teacher allotment category.
- (6) ~~Funds allocated for vocational~~ allotted for career and technical education may be transferred only in accordance with any rules that the State Board of Education considers appropriate to ensure compliance with federal regulations. as permitted by federal law and the conditions of federal grants.
- (7) ~~Funds allocated for career development shall be used in accordance with Section 17.3 of Chapter 324 of the 1995 Session Laws.~~
- (8) ~~Funds allocated for academically or intellectually gifted students may be used only (i) for academically or intellectually gifted students; (ii) to implement the plan developed under G.S. 115C-150.7; or (iii) in accordance with an accepted school improvement plan, for any purpose so long as that school demonstrates it is providing appropriate services to academically or intellectually gifted students assigned to that school in accordance with the local plan developed under G.S. 115C-150.7.~~
- (9) Funds allocated in the Alternative Schools/At Risk Student allotment shall be spent only for alternative learning programs, at risk students, and school safety programs."

SECTION 2. G.S. 115C-301 reads as rewritten:

"§ 115C-301. Allocation of teachers; class size.

(a) Request for Funds. – The State Board of Education, based upon the reports of local boards of education and such other information as the State Board may require from local boards, shall determine for each local school administrative unit the number of teachers and other instructional personnel to be included in the State budget request.

(b) Allocation of Positions. – The State Board of Education is authorized to adopt rules to allot instructional personnel and teachers, within funds appropriated.

1 (c) ~~Maximum Class Size. – The average class size for each grade span kindergarten~~
2 ~~through third grade in a local school administrative unit shall at no time exceed the funded~~
3 ~~allotment ratio of teachers to students. students in kindergarten through third grade. At the end~~
4 ~~of the second school month and for the remainder of the school year, the size of an individual~~
5 ~~class in kindergarten through third grade shall not exceed the allotment ratio by more than three~~
6 ~~students. At no time may the General Assembly appropriate funds for higher unit wide class~~
7 ~~averages than those for which State funds were provided during the 1984-85 school year. In~~
8 ~~grades four through 12, local school administrative units shall have the maximum flexibility to~~
9 ~~use allotted teacher positions to maximize student achievement.~~

10 (d) ~~Maximum Teaching Load. – Students shall be assigned to classes so that from the~~
11 ~~15th day of the school year through the end of the school year the number of students for whom~~
12 ~~teachers in grades 7 through 12 are assigned teaching responsibilities during the course of the~~
13 ~~day is no more than 150 students, except as provided in subsection (g) of this section.~~

14 (e) ~~Alternative Maximum Class Sizes. – The State Board of Education, in its discretion,~~
15 ~~may set higher maximum class sizes and daily teaching loads for classes in music, physical~~
16 ~~education, and other similar subjects, so long as the effectiveness of the instructional programs~~
17 ~~in those areas is not thereby impaired.~~

18 (f) ~~Second Month Reports. – At the end of the second month of each school year, each~~
19 ~~local board of education, through the superintendent, shall file a report for each school within~~
20 ~~the school unit with the State Board of Education. The report shall be filed in a format~~
21 ~~prescribed by the State Board of Education and shall include the organization for each school,~~
22 ~~the duties of each teacher, the size of each class, ~~the teaching load of each teacher,~~ and such~~
23 ~~other information as the State Board may require. As of February 1 each year, local boards of~~
24 ~~education, through the superintendent, shall report all exceptions to individual class size ~~and~~~~
25 ~~daily teaching load maximums in kindergarten through third grade that occur at that time.~~

26 (g) ~~Waivers and Allotment Adjustments. – Local boards of education shall report~~
27 ~~exceptions to the class size standards set out for kindergarten through third grade and~~
28 ~~significant increases in class size at other grade levels to the State Board of Education as~~
29 ~~provided in G.S. 115C-47(10), and shall request allotment adjustments ~~or~~ at any grade level,~~
30 ~~waivers from the standards ~~set out above for~~ kindergarten through third grade, or both. Within~~
31 ~~45 days of receipt of reports, the State Board of Education, within funds available, may ~~allot~~~~
32 ~~additional positions or grant waivers for the excess class size or daily load. in kindergarten~~
33 ~~through third grade. The State Board may also allot additional positions if (i) a significant~~
34 ~~increase in students at any grade level resulted from exceptional circumstances, emergencies,~~
35 ~~acts of God, large changes in student population, organizational problems caused by remote~~
36 ~~geographic location, or classes organized for a solitary curricular area and (ii) the local board~~
37 ~~cannot organizationally manage the increase.~~

38 (1) ~~If the exception resulted from (i) exceptional circumstances, emergencies, or~~
39 ~~acts of God, (ii) large changes in student population, (iii) organizational~~
40 ~~problems caused by remote geographic location, or (iv) classes organized for~~
41 ~~a solitary curricular area, and~~

42 (2) ~~If the local board cannot organizationally correct the exception.~~

43 (h) ~~State Board Rules. – The State Board of Education shall adopt rules necessary for~~
44 ~~the implementation of the class size and teaching load provisions. allotment adjustment~~
45 ~~provisions.~~

46 (i) ~~Penalty for Noncompliance. – If the State Board of Education determines that a~~
47 ~~local superintendent has willfully failed to comply with the requirements of this section, no~~
48 ~~State funds shall be allocated to pay the superintendent's salary for the period of time the~~
49 ~~superintendent is in noncompliance."~~

50 **SECTION 3.** G.S. 115C-47(10) reads as rewritten:

51 "**§ 115C-47. Powers and duties generally.**

1 In addition to the powers and duties designated in G.S. 115C-36, local boards of education
2 shall have the power or duty:

3 ...
4 (10) To Assure Appropriate Class Size. – It shall be the responsibility of local
5 boards of education to assure that the class size ~~and teaching load~~
6 requirements set forth in G.S. 115C-301 for kindergarten through third grade
7 are met. Any teacher who believes that the requirements of G.S. 115C-301
8 have not been met shall make a report to the principal and superintendent,
9 and the superintendent shall immediately determine whether the
10 requirements have in fact not been met. If the superintendent determines the
11 requirements have not been met, he shall make a report to the next local
12 board of education meeting. The local board of education shall take action to
13 meet the requirements of the statute. If the local board cannot
14 organizationally correct the ~~exception and if any of the conditions set out in~~
15 G.S. 115C-301(g)(1) exist, exception, it shall immediately apply to the State
16 Board of Education for additional personnel or a waiver of the class size
17 requirements, as provided in G.S. 115C-301(g).

18 Upon notification from the State Board of Education that the reported
19 exception does not qualify for an allotment adjustment or a waiver under
20 provisions of G.S. 115C-301, the local board, within 30 days, shall take
21 action necessary to correct the exception.

22 At the end of the second month of each school year, the local board of
23 education, through the superintendent, shall file a report with the State Board
24 of Education, in a format prescribed by the State Board of Education,
25 describing the organization of each school, the duties of each teacher, and
26 the size of each class, and the teaching load of each teacher-class. As of
27 February 1 each year, local boards of education, through the superintendent,
28 shall report all exceptions to individual class size ~~and daily teaching load~~
29 maximums that exist at that time.

30 In addition to assuring that the requirements of G.S. 115C-301 are met,
31 each local board of education shall also have the duty to provide an adequate
32 number of classrooms to meet the requirements of that statute."

33 **SECTION 4.** G.S. 115C-276(k) reads as rewritten:

34 "(k) To Submit Organization Reports and Other Information to the State Board. – Each
35 year the superintendent of each local school administrative unit shall submit to the State Board
36 of Education statistical reports, certified by the chairman of the board of education, showing the
37 organization of the schools in his unit and any additional information the State Board may
38 require. At the end of the second month of school each year, local boards of education, through
39 the superintendent, shall report school organization, employees' duties, and class sizes, and
40 teaching loads—sizes to the State Board of ~~Education as provided in G.S. 115C-47(10).~~
41 Education. As of February 1 each year, local boards of education, through the superintendent,
42 shall report all exceptions to individual class size ~~and daily teaching load~~ maximums in
43 kindergarten through third grade that occur at that time."

44 **SECTION 5.** This act becomes effective July 1, 2013.