

GENERAL ASSEMBLY OF NORTH CAROLINA
FOURTH EXTRA SESSION 2016

H

3

HOUSE BILL 17
Committee Substitute Favorable 12/15/16
Third Edition Engrossed 12/15/16

Short Title: Modify Certain Appts/Employment.

(Public)

Sponsors:

Referred to:

December 14, 2016

A BILL TO BE ENTITLED

AN ACT TO CLARIFY THE SUPERINTENDENT OF PUBLIC INSTRUCTION'S ROLE AS THE ADMINISTRATIVE HEAD OF THE DEPARTMENT OF PUBLIC INSTRUCTION, TO CHANGE THE APPOINTMENTS PROCESS FOR THE BOARDS OF TRUSTEES FOR THE CONSTITUENT INSTITUTIONS OF THE UNIVERSITY OF NORTH CAROLINA, TO ESTABLISH TASK FORCE FOR SAFER SCHOOLS, AND TO MODIFY THE APPOINTMENT OF HEADS OF PRINCIPAL STATE DEPARTMENTS.

The General Assembly of North Carolina enacts:

PART I. CLARIFY ROLES/DPI/SBE

SECTION 1. G.S. 115C-11 reads as rewritten:

"§ 115C-11. Organization and internal procedures of Board.

...

(a1) Student advisors. – The ~~Governor~~Superintendent of Public Instruction is hereby authorized to appoint two high school students who are enrolled in the public schools of North Carolina as advisors to the State Board of Education. The student advisors shall participate in State Board deliberations in an advisory capacity only. The State Board may, in its discretion, exclude the student advisors from executive sessions.

~~The Governor shall make initial appointments of student advisors to the State Board as follows:~~

- (1) ~~One high school junior shall be appointed for a two-year term beginning September 1, 1986, and expiring June 14, 1988; and~~
- (2) ~~One high school senior shall be appointed for a one-year term beginning September 1, 1986, and expiring June 14, 1987. When an initial or subsequent term expires, the Governor~~The Superintendent of Public Instruction shall appoint a stagger the appointments of the two student advisors so that a high school junior ~~for~~is serving in the first year of a two-year term and a high school senior is serving in the second year of a two-year term simultaneously. The appointment of a high school junior shall be made beginning June 15 of ~~that~~each year. If a student advisor is no longer enrolled in the public schools of North Carolina or if a vacancy otherwise occurs, the ~~Governor~~Superintendent of Public Instruction shall appoint a student advisor for the remainder of the unexpired term.

Student advisors shall receive per diem and necessary travel and subsistence expenses in accordance with the provisions of G.S. 138-5.



1 ...
 2 (a3) Superintendent Advisor. – The ~~Governor~~Superintendent of Public Instruction shall
 3 appoint a superintendent of a local school administrative unit as an advisor to the State Board of
 4 Education. The superintendent advisor shall serve for a term of one year. The superintendent
 5 advisor shall participate in State Board deliberations and committee meetings in an advisory
 6 capacity only. The State Board may, in its discretion, exclude the superintendent advisor from
 7 executive sessions.

8 In the event that a superintendent advisor ceases to be a superintendent in a local school
 9 administrative unit, the position of superintendent advisor shall be deemed vacant. In the event
 10 that a vacancy occurs in the position for whatever reason, the ~~Governor~~Superintendent of Public
 11 Instruction shall appoint a superintendent advisor for the remainder of the unexpired term. The
 12 superintendent advisor to the State Board shall receive per diem and necessary travel and
 13 subsistence expenses in accordance with the provisions of G.S. 138-5.

14 ...
 15 (i) Administrative Assistance. – The Superintendent of Public Instruction shall provide
 16 technical and administrative assistance, to the State Board of Education through the Department of
 17 Public Instruction, but shall not provide staff to the State Board of Education."

18 **SECTION 2.** G.S. 115C-12 reads as rewritten:

19 "**§ 115C-12. Powers and duties of the Board generally.**

20 The general supervision and administration of the free public school system shall be vested in
 21 the State Board of Education. The State Board of Education shall establish ~~policy~~all needed rules
 22 and regulations for the system of free public schools, subject to laws enacted by the General
 23 Assembly. In accordance with Sections 7 and 8 of Article III of the North Carolina Constitution,
 24 the Superintendent of Public Instruction, as an elected officer and Council of State member, shall
 25 administer all needed rules and regulations adopted by the State Board of Education through the
 26 Department of Public Instruction. The powers and duties of the State Board of Education are
 27 defined as follows:

28"

29 **SECTION 3.** G.S. 115C-19 reads as rewritten:

30 "**§ 115C-19. Chief administrative officer of the State Board of Education.**

31 As provided in Article IX, Sec. 4(2) of the North Carolina Constitution, the Superintendent of
 32 Public Instruction shall be the secretary and chief administrative officer of the State Board of
 33 Education. ~~As secretary and chief administrative officer of the State Board of Education, the~~
 34 ~~Superintendent manages on a day-to-day basis the administration of the free public school system,~~
 35 ~~subject to the direction, control, and approval of the State Board. Subject to the direction, control,~~
 36 ~~and approval of the State Board of Education, the Superintendent of Public Instruction~~As provided
 37 in Sections 7 and 8 of Article III of the North Carolina Constitution, the Superintendent of Public
 38 Instruction shall be an elected officer and Council of State member and shall carry out the duties
 39 prescribed under ~~G.S. 115C-21~~G.S. 115C-21 as the administrative head of the Department of
 40 Public Instruction. The Superintendent of Public Instruction shall administer all needed rules and
 41 regulations adopted by the State Board of Education through the Department of Public
 42 Instruction."

43 **SECTION 4.** G.S. 115C-21 reads as rewritten:

44 "**§ 115C-21. Powers and duties generally.**

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

47 (1) To organize and establish a Department of Public Instruction which shall
 48 include ~~such~~ divisions and departments ~~as the State Board considers necessary~~
 49 for supervision and administration of the public school ~~system~~system, to
 50 administer the funds appropriated for the operation of the Department of Public
 51 Instruction, in accordance with all needed rules and regulations adopted by the

- 1 State Board of Education, and to enter into contracts for the operations of the
 2 Department of Public Instruction. All appointments of administrative and
 3 supervisory personnel to the staff of the Department of Public Instruction are
 4 subject to the approval of the State Board of Education, which Instruction shall
 5 be under the control and management of the Superintendent of Public
 6 Instruction who may terminate these appointments for cause in conformity with
 7 Chapter 126 of the General Statutes, the North Carolina Human Resources Act.
 8 The internal auditor and staff serving the State Board of Education shall not be
 9 under the control and management of the Superintendent of Public Instruction.
- 10 (2) To keep the public informed as to the problems and needs of the public schools
 11 by constant contact with all school administrators and teachers, by personal
 12 appearance at public gatherings, and by information furnished to the press of
 13 the State.
- 14 (3) To report biennially to the Governor 30 days prior to each regular session of the
 15 General Assembly, such report to include information and statistics of the
 16 public schools, with recommendations for their improvement and for changes in
 17 the school law.
- 18 (4) To have printed and distributed such educational bulletins as are necessary for
 19 the professional improvement of teachers and for the cultivation of public
 20 sentiment for public education, and to have printed all forms necessary and
 21 proper for the administration of the Department of Public Instruction.
- 22 (5) To ~~manage~~ have under his or her direction and control, all those matters
 23 relating to the direct supervision and administration of the public school system
 24 that the State Board delegates to the Superintendent of Public
 25 Instruction system.
- 26 (6) To create ~~and administer~~ special funds within the Department of Public
 27 Instruction to manage funds received as grants from nongovernmental sources
 28 in support of public education. ~~Effective July 1, 1995, this special fund is~~
 29 ~~transferred to the State Board of Education and shall be administered by the~~
 30 ~~State Board of Education~~ in accordance with G.S. 115C-410.
- 31 (7) Repealed by Session Laws 1995, c. 72, s. 2.
- 32 (8) To administer, through the Department of Public Instruction, all needed rules
 33 and regulations established by the State Board of Education.
- 34 (9) To have under his or her direction and control all matters relating to the support
 35 of the State Board of Education, including implementation of federal programs
 36 on behalf of the State Board.
- 37 (b) Duties as Secretary to the State Board of Education. – ~~Subject to the direction, control,~~
 38 ~~and approval of the State Board of Education,~~ As secretary to the State Board of Education, it shall
 39 be the duty of the Superintendent of Public Instruction:
- 40 (1) ~~To administer through the Department of Public Instruction, the instructional~~
 41 ~~policies established by the Board.~~
- 42 (1a) Repealed by Session Laws 1995, c. 72, s. 2.
- 43 (1b) To administer funds appropriated for the operations of the State Board of
 44 Education and for aid to local school administrative units.
- 45 (2) To keep the Board informed regarding developments in the field of public
 46 education.
- 47 (3) To make recommendations to the Board with regard to the problems and needs
 48 of education in North Carolina.
- 49 (4) To make available to the public schools a continuous program of
 50 comprehensive supervisory services.

- 1 (5) To collect and organize information regarding the public schools, on the basis
2 of which he or she shall furnish the Board such tabulations and reports as may
3 be required by the Board.
- 4 (6) To communicate to the public school administrators all information and
5 instructions regarding ~~instructional policies and procedures~~needed rules and
6 regulations adopted by the Board.
- 7 (7) To have custody of the official seal of the Board and to attest all deeds, leases,
8 or written contracts executed in the name of the Board. All deeds of
9 conveyance, leases, and contracts affecting real estate, title to which is held by
10 the Board, and all contracts of the Board required to be in writing and under
11 seal, shall be executed in the name of the Board by the chairman and attested by
12 the secretary; and proof of the execution, if required or desired, may be had as
13 provided by law for the proof of corporate instruments.
- 14 (8) To attend all meetings of the Board and to keep the minutes of the proceedings
15 of the Board in a well-bound and suitable book, which minutes shall be
16 approved by the Board prior to its adjournment; and, as soon thereafter as
17 possible, to furnish to each member of the Board a copy of said minutes.
- 18 (9) To perform such other duties as may be necessary and appropriate for the
19 Superintendent of Public Instruction in the role as secretary to the Board~~may~~
20 ~~assign to him from time to time.~~Board."

21 **SECTION 5.** G.S. 115C-408(a) reads as rewritten:

22 "(a) It is the policy of the State of North Carolina to create a public school system that
23 graduates good citizens with the skills demanded in the marketplace, and the skills necessary to
24 cope with contemporary society, using State, local and other funds in the most cost-effective
25 manner. The Board shall have general supervision and administration of the educational funds
26 provided by the State and federal governments, except those mentioned in Section 7 of Article IX
27 of the State Constitution, and also excepting such local funds as may be provided by a county,
28 city, or district. The Superintendent of Public Instruction shall administer any available
29 educational funds through the Department of Public Instruction in accordance with all needed
30 rules and regulations adopted by the State Board of Education."

31 **SECTION 6.** G.S. 115C-410 reads as rewritten:

32 **"§ 115C-410. Power to accept gifts and grants.**

33 The Board is authorized to adopt all needed rules and regulations related to the creation and
34 administration of special funds within the Department of Public Instruction to manage any funds
35 received as grants from nongovernmental sources in support of public education. In accordance
36 with the State Board's rules and regulations, the Superintendent of Public Instruction is authorized
37 to create and administer such special funds and to accept, receive, use, or reallocate to local school
38 administrative units any gifts, donations, grants, devises, or other forms of voluntary
39 contributions."

40 **SECTION 7.** G.S. 126-5(d) reads as rewritten:

- 41 "(d) (1) Exempt Positions in Cabinet Department. – Subject to the provisions of this
42 Chapter, which is known as the North Carolina Human Resources Act, the
43 Governor may designate a total of ~~1,500~~300 exempt positions throughout the
44 following departments and offices:
- 45 a. Department of Administration.
 - 46 b. Department of Commerce.
 - 47 c. Repealed by Session Laws 2012-83, s. 7, effective June 26, 2012, and
48 by Session Laws 2012-142, s. 25.2E(a), effective January 1, 2013.
 - 49 d. Department of Public Safety.
 - 50 e. Department of Natural and Cultural Resources.
 - 51 f. Department of Health and Human Services.

- 1 g. Department of Environmental Quality.
- 2 h. Department of Revenue.
- 3 i. Department of Transportation.
- 4 j. Repealed by Session Laws 2012-83, s. 7, effective June 26, 2012, and
- 5 by Session Laws 2012-142, s. 25.2E(a), effective January 1, 2013.
- 6 k. Department of Information Technology.
- 7 ~~l. Office of State Budget and Management.~~
- 8 ~~m. Office of State Human Resources.~~
- 9 n. Department of Military and Veterans Affairs.
- 10 (2) Exempt Positions in Council of State Departments and Offices. – The Secretary
- 11 of State, the Auditor, the Treasurer, the Attorney General, the Commissioner of
- 12 Agriculture, the Commissioner of Insurance, and the Labor Commissioner may
- 13 designate exempt positions. The State Board of Education may designate
- 14 exempt positions in the Department of Public Instruction. The number of
- 15 exempt policymaking positions in each department headed by an elected
- 16 department head listed above in this ~~sub-subdivision~~sub-subdivision, other than
- 17 the Department of Public Instruction, shall be limited to ~~20–25~~ 25 exempt
- 18 policymaking positions or ~~one–two~~ two percent (~~1%~~2%) of the total number of
- 19 full-time positions in the department, whichever is greater. The number of
- 20 exempt managerial positions shall be limited to ~~20–25~~ 70 positions or ~~one–two~~
- 21 two percent (~~1%~~2%) of the total number of full-time positions in the department,
- 22 whichever is greater. The number of exempt policymaking positions designated
- 23 by the State Board of Education shall be limited to 70 exempt policymaking
- 24 positions or two percent (2%) of the total number of full-time positions in the
- 25 department, whichever is greater. The number of exempt managerial positions
- 26 designated by the State Board of Education shall be limited to 70 exempt
- 27 managerial positions or two percent (2%) of the total number of full-time
- 28 positions in the department, whichever is greater.
- 29 ...
- 30 (2c) Changes in Cabinet Department Exempt Position Designation. – If the status of
- 31 a position designated exempt pursuant to subsection (d)(1) of this section is
- 32 changed and the position is made subject to the provisions of this Chapter, an
- 33 employee occupying the position who has been continuously employed in a
- 34 permanent position for the immediate 12 preceding months, shall be deemed a
- 35 career State employee as defined by G.S. 126-1.1(a) upon the effective date of
- 36 the change in designation.
- 37"
- 38 **SECTION 8.** G.S. 126-5(d), as amended by Section 7 of this act, reads as rewritten:
- 39 "(d) (1) Exempt Positions in Cabinet Department. – Subject to the provisions of this
- 40 Chapter, which is known as the North Carolina Human Resources Act, the
- 41 Governor may designate a total of 300 exempt positions throughout the
- 42 following departments and offices:
- 43 a. Department of Administration.
- 44 b. Department of Commerce.
- 45 c. Repealed by Session Laws 2012-83, s. 7, effective June 26, 2012, and
- 46 by Session Laws 2012-142, s. 25.2E(a), effective January 1, 2013.
- 47 d. Department of Public Safety.
- 48 e. Department of Natural and Cultural Resources.
- 49 f. Department of Health and Human Services.
- 50 g. Department of Environmental Quality.
- 51 h. Department of Revenue.

- 1 i. Department of Transportation.
- 2 j. Repealed by Session Laws 2012-83, s. 7, effective June 26, 2012, and
- 3 by Session Laws 2012-142, s. 25.2E(a), effective January 1, 2013.
- 4 k. Department of Information Technology.
- 5 l. Repealed.
- 6 m. Repealed.
- 7 n. Department of Military and Veterans Affairs.
- 8 (2) Exempt Positions in Council of State Departments and Offices. – The Secretary
- 9 of State, the Auditor, the Treasurer, the Attorney General, the Superintendent of
- 10 Public Instruction, the Commissioner of Agriculture, the Commissioner of
- 11 Insurance, and the Labor Commissioner may designate exempt positions. ~~The~~
- 12 ~~State Board of Education may designate exempt positions in the Department of~~
- 13 ~~Public Instruction.~~ The number of exempt policymaking positions in each
- 14 department headed by an elected department head listed above in this sub-
- 15 ~~subdivision, other than the Department of Public Instruction,~~ sub-subdivision
- 16 shall be limited to 25 exempt policymaking positions or two percent (2%) of the
- 17 total number of full-time positions in the department, whichever is greater. The
- 18 number of exempt managerial positions shall be limited to 25 positions or two
- 19 percent (2%) of the total number of full-time positions in the department,
- 20 whichever is greater. The number of exempt policymaking positions designated
- 21 by the ~~State Board of Education,~~ Superintendent of Public Instruction shall be
- 22 limited to 70 exempt policymaking positions or two percent (2%) of the total
- 23 number of full-time positions in the department, whichever is greater. The
- 24 number of exempt managerial positions designated by the ~~State Board of~~
- 25 ~~Education,~~ Superintendent of Public Instruction shall be limited to 70 exempt
- 26 managerial positions or two percent (2%) of the total number of full-time
- 27 positions in the department, whichever is greater.
- 28 (2a) Designation of Additional Positions. – ~~The Governor,~~ Governor or elected
- 29 ~~department head, or State Board of Education head~~ may request that additional
- 30 positions be designated as exempt. The request shall be made by sending a list
- 31 of exempt positions that exceed the limit imposed by this subsection to the
- 32 Speaker of the North Carolina House of Representatives and the President of
- 33 the North Carolina Senate. A copy of the list also shall be sent to the Director of
- 34 the Office of State Human Resources. The General Assembly may authorize all,
- 35 or part of, the additional positions to be designated as exempt positions. If the
- 36 General Assembly is in session when the list is submitted and does not act
- 37 within 30 days after the list is submitted, the list shall be deemed approved by
- 38 the General Assembly, and the positions shall be designated as exempt
- 39 positions. If the General Assembly is not in session when the list is submitted,
- 40 the 30-day period shall not begin to run until the next date that the General
- 41 Assembly convenes or reconvenes, other than for a special session called for a
- 42 specific purpose not involving the approval of the list of additional positions to
- 43 be designated as exempt positions; the policymaking positions shall not be
- 44 designated as exempt during the interim.
- 45 (2b) Designation of Liaison Positions. – Liaisons to the Collaboration for Prosperity
- 46 Zones set out in G.S. 143B-28.1 for the Departments of Commerce,
- 47 Environmental Quality, and Transportation are designated as exempt.
- 48 (2c) Changes in Cabinet Department Exempt Position Designation. – If the status of
- 49 a position designated exempt pursuant to subsection (d)(1) of this section is
- 50 changed and the position is made subject to the provisions of this Chapter, an
- 51 employee occupying the position who has been continuously employed in a

1 permanent position for the immediate 12 preceding months, shall be deemed a
2 career State employee as defined by G.S. 126-1.1(a) upon the effective date of
3 the change in designation.

4 (3) Letter. – These positions shall be designated in a letter to the Director of the
5 Office of State Human Resources, the Speaker of the House of Representatives,
6 and the President of the Senate by July 1 of the year in which the oath of office
7 is administered to each Governor unless the provisions of subsection (d)(4)
8 apply.

9 (4) Vacancies. – In the event of a vacancy in the Office of Governor or in the office
10 of a member of the Council of State, the person who succeeds to or is appointed
11 or elected to fill the unexpired term shall make such designations in a letter to
12 the Director of the Office of State Human Resources, the Speaker of the House
13 of Representatives, and the President of the Senate within 180 days after the
14 oath of office is administered to that person. ~~In the event of a vacancy in the~~
15 ~~Office of Governor, the State Board of Education shall make these designations~~
16 ~~in a letter to the Director of the Office of State Human Resources, the Speaker~~
17 ~~of the House of Representatives, and the President of the Senate within 180~~
18 ~~days after the oath of office is administered to the Governor.~~

19 (5) Creation, Transfer, or Reorganization. – ~~The Governor, Governor or~~ elected
20 ~~department head, or State Board of Education head~~ may designate as exempt a
21 position that is created or transferred to a different department, or is located in a
22 department in which reorganization has occurred, after October 1 of the year in
23 which the oath of office is administered to the Governor. The designation must
24 be made in a letter to the Director of the Office of State Human Resources, the
25 Speaker of the North Carolina House of Representatives, and the President of
26 the North Carolina Senate within 180 days after such position is created,
27 transferred, or in which reorganization has occurred.

28 (6) Reversal. – Subsequent to the designation of a position as an exempt position as
29 hereinabove provided, the status of the position may be reversed and made
30 subject to the provisions of this Chapter by the ~~Governor, Governor or~~ by an
31 ~~elected department head, or by the State Board of Education head~~ in a letter to
32 the Director of the Office of State Human Resources, the Speaker of the North
33 Carolina House of Representatives, and the President of the North Carolina
34 Senate.

35 (7) Hearing Officers. – Except for deputy commissioners appointed pursuant to
36 G.S. 97-79 and as otherwise specifically provided by this section, no employee,
37 by whatever title, whose primary duties include the power to conduct hearings,
38 take evidence, and enter a decision based on findings of fact and conclusions of
39 law based on statutes and legal precedents shall be designated as exempt. This
40 subdivision shall apply beginning July 1, 1985, and no list submitted after that
41 date shall designate as exempt any employee described in this subdivision."

42 **SECTION 9.** G.S. 143-745(a)(1) reads as rewritten:

43 "(1) "Agency head" means the Governor, a Council of State member, a cabinet
44 secretary, the President of The University of North Carolina, the President of
45 the Community College System, the State Controller, and other independent
46 appointed officers with authority over a State agency. ~~The agency head for the~~
47 ~~Department of Public Instruction shall be the State Board of Education."~~

48 **SECTION 10.** G.S. 143A-44.1 reads as rewritten:

49 **"§ 143A-44.1. Creation.**

50 There is hereby created a Department of Public Instruction. The head of the Department of
51 Public Instruction is the ~~State Board of Education. Any provision of G.S. 143A-9 to the contrary~~

1 notwithstanding, the appointment of the State Board of Education shall be as prescribed in Article
2 IX, Section (4)(1) of the Constitution. Superintendent of Public Instruction."

3 **SECTION 11.** G.S. 143A-44.2 is repealed.

4 **SECTION 12.** G.S. 143A-44.3 reads as rewritten:

5 "**§ 143A-44.3. Superintendent of Public Instruction; creation; transfer of powers and duties.**

6 The office of the Superintendent of Public Instruction, as provided for by Article III, Section 7
7 of the Constitution, and the Department of Public Instruction are transferred to the Department of
8 Public Instruction. The Superintendent of Public Instruction shall be the Secretary and Chief
9 Administrative Officer of the State Board of Education, and shall have all powers and duties
10 conferred by this Chapter and the Constitution, delegated to him or her by the Governor and by the
11 State Board of Education, and conferred by Chapter 115C of the General Statutes, Statutes and the
12 laws of this State."

13 **SECTION 13.** G.S. 14-234(d6) is repealed.

14 **SECTION 14.** G.S. 115C-75.5(4) reads as rewritten:

15 "(4) ASD Superintendent. – The superintendent of the ASD appointed by the State
16 ~~Board of Education~~ Superintendent of Public Instruction in accordance with
17 G.S. 115C-75.6(b)."

18 **SECTION 15.** G.S. 115C-75.6 reads as rewritten:

19 "**§ 115C-75.6. Achievement School District.**

20 (a) There is established the Achievement School District (ASD) under the administration
21 of the State Board of ~~Education~~ Education and the Superintendent of Public Instruction. The ASD
22 shall assume the supervision, management, and operation of elementary schools that have been
23 selected as achievement schools pursuant to this Article.

24 (b) ~~An ASD Superintendent Selection Advisory Committee shall be established to make a~~
25 ~~recommendation to the State Board of Education on appointment of a superintendent to serve as~~
26 ~~the executive officer of the ASD. The Committee shall ensure that the individual recommended~~
27 ~~has qualifications consistent with G.S. 115C-271(a). The Lieutenant Governor shall serve as chair~~
28 ~~of the Committee and shall appoint the following additional members:~~

29 (1) ~~Three members of the State Board of Education.~~

30 (2) ~~One teacher or retired teacher.~~

31 (3) ~~One principal or retired principal.~~

32 (4) ~~One superintendent or retired superintendent.~~

33 (5) ~~One parent of a student currently enrolled in a low performing school, as~~
34 ~~defined in G.S. 115C-105.37.~~

35 (c) ~~The State Board of Education~~ Superintendent of Public Instruction shall consider the
36 ~~recommendation of the ASD Superintendent Selection Advisory Committee and shall appoint a~~
37 ~~superintendent to serve as the executive officer of the ASD. The ASD Superintendent shall serve~~
38 ~~at the pleasure of the State Board of Education~~ Superintendent of Public Instruction at a salary
39 established by the ~~State Board of Education~~ Superintendent of Public Instruction within the funds
40 appropriated for this purpose. The ASD Superintendent shall have qualifications consistent with
41 G.S. 115C-271(a) and report directly to the ~~State Board of Education~~ Superintendent of Public
42 Instruction.

43 (d) By January 15 annually, the State Board of ~~Education~~ Education, Superintendent of
44 Public Instruction, and the ASD Superintendent shall report to the Joint Legislative Education
45 Oversight Committee on all aspects of operation of ASD, including the selection of achievement
46 schools and their progress."

47 **SECTION 16.** G.S. 115C-150.11 reads as rewritten:

48 "**§ 115C-150.11. State Board of Education as governing agency.**

49 The State Board of Education shall be the sole governing agency for the Governor Morehead
50 School for the Blind, the Eastern North Carolina School for the Deaf, and the North Carolina
51 School for the Deaf. The ~~Department~~ Superintendent of Public Instruction through the Department

1 of Public Instruction shall be responsible for the ~~administration~~administration, including
 2 appointment of staff, and oversight of a school governed by this Article."

3 **SECTION 17.** G.S. 115C-218 reads as rewritten:

4 "**§ 115C-218. Purpose of charter schools; establishment of North Carolina Charter Schools**
 5 **Advisory Board and North Carolina Office of Charter Schools.**

6 ...

7 (b) North Carolina Charter Schools Advisory Board. –

8 (1) Advisory Board. – There is created the North Carolina Charter Schools
 9 Advisory Board, hereinafter referred to in this Article as the Advisory Board.
 10 The Advisory Board shall be located administratively within the Department of
 11 Public Instruction and shall report to the State Board of Education.

12 (2) Membership. – The State Superintendent of Public Instruction, or the
 13 Superintendent's designee, shall be the secretary of the Advisory Board and a
 14 nonvoting member. ~~The Chair of the State Board of Education shall appoint a~~
 15 ~~member of the State Board to serve as a nonvoting member of the Advisory~~
 16 ~~Board.~~ The Advisory Board shall consist of the following 11 voting members:

17 a. ~~Three members appointed by the Governor, including the chair of the~~
 18 ~~Advisory Board.~~

19 b. ~~Three~~Four members appointed by the General Assembly upon the
 20 recommendation of the President Pro Tempore of the Senate, in
 21 accordance with G.S. 120-121.

22 c. ~~Three~~Four members appointed by the General Assembly upon the
 23 recommendation of the Speaker of the House of Representatives, in
 24 accordance with G.S. 120-121.

25 d. ~~One member~~Two members appointed by the State Board of Education
 26 who ~~is~~are not a ~~current member~~members of the State Board of
 27 Education and who ~~is~~are charter school ~~advocate~~advocates in North
 28 Carolina.

29 e. The Lieutenant Governor or the Lieutenant Governor's designee.

30 (3) Covered board. – The Advisory Board shall be treated as a board for purposes
 31 of Chapter 138A of the General Statutes.

32 (4) Qualifications of members. – Members appointed to the Advisory Board shall
 33 collectively possess strong experience and expertise in public and nonprofit
 34 governance, management and finance, assessment, curriculum and instruction,
 35 public charter schools, and public education law. All appointed members of the
 36 Advisory Board shall have demonstrated an understanding of and a
 37 commitment to charter schools as a strategy for strengthening public education.

38 (5) Terms of office and vacancy appointments. – Appointed members shall serve
 39 four-year terms of office beginning on July 1. No appointed member shall serve
 40 more than eight consecutive years. Vacancy appointments shall be made by the
 41 appointing authority for the remainder of the term of office.

42 (6) Presiding officers and quorum. – The Advisory Board shall annually elect a
 43 chair and a vice-chair from among its membership. The chair shall preside over
 44 the Advisory Board's meetings. In the absence of the chair, the vice-chair shall
 45 preside over the Advisory Board's meetings. A majority of the Advisory Board
 46 constitutes a quorum.

47 (7) Presiding officers and quorum. – Meetings. – Meetings of the Advisory Board
 48 shall be held upon the call of the chair or the vice-chair with the approval of the
 49 chair.

- 1 (8) Expenses. – Members of the Advisory Board shall be reimbursed for travel and
2 subsistence expenses at the rates allowed to State officers and employees by
3 G.S. 138-6(a).
- 4 (9) Removal. – Any appointed member of the Advisory Board may be removed by
5 a vote of at least two-thirds of the members of the Advisory Board at any duly
6 held meeting for any cause that renders the member incapable or unfit to
7 discharge the duties of the office.
- 8 (10) Powers and duties. – The Advisory Board shall have the following duties:
9 a. To make recommendations to the State Board of Education on the
10 adoption of rules regarding all aspects of charter school operation,
11 including time lines, standards, and criteria for acceptance and approval
12 of applications, monitoring of charter schools, and grounds for
13 revocation of charters.
14 b. To review applications and make recommendations to the State Board
15 for final approval of charter applications.
16 c. To make recommendations to the State Board on actions regarding a
17 charter school, including renewals of charters, nonrenewals of charters,
18 and revocations of charters.
19 d. To undertake any other duties and responsibilities as assigned by the
20 State Board.
- 21 (11) Duties of the chair of the Advisory Board. – In addition to any other duties
22 prescribed in this Article, the chair of the Advisory Board, or the chair's
23 designee, shall advocate for the recommendations of the Advisory Board at
24 meetings of the State Board upon the request of the State Board.
- 25 (c) North Carolina Office of Charter Schools. –
26 (1) Establishment of the North Carolina Office of Charter Schools. – There is
27 established the North Carolina Office of Charter Schools, hereinafter referred to
28 in this Article as the Office of Charter Schools. The Office of Charter Schools
29 shall be administratively located in the Department of Public ~~Instruction,~~
30 ~~subject to the supervision, direction, and control of the State Board of~~
31 ~~Education.~~Instruction. The Office of Charter Schools shall consist of an
32 executive director appointed by the ~~State Board of Education~~Superintendent of
33 Public Instruction and such other professional, administrative, technical, and
34 clerical personnel as may be necessary to assist the Office of Charter Schools in
35 carrying out its powers and duties.
- 36 (2) Executive Director. – The Executive Director shall report to and serve at the
37 pleasure of the ~~State Board of Education~~Superintendent of Public Instruction at
38 a salary established by the ~~State Board~~Superintendent within the funds
39 appropriated for this purpose. The duties of the Executive Director shall include
40 presenting the recommendations of the Advisory Board at meetings of the State
41 Board upon the request of the State Board.
- 42 (3) Powers and duties. – The Office of Charter Schools shall have the following
43 powers and duties:
44 a. Serve as staff to the Advisory Board and fulfill any task and duties
45 assigned to it by the Advisory Board.
46 b. Provide technical assistance and guidance to charter schools operating
47 within the State.
48 c. Provide technical assistance and guidance to nonprofit corporations
49 seeking to operate charter schools within the State.
50 d. Provide or arrange for training for charter schools that have received
51 preliminary approval from the State Board.

- 1 e. Assist approved charter schools and charter schools seeking approval
2 from the State Board in coordinating services with the Department of
3 Public Instruction.
4 f. Other duties as assigned by the ~~State Board~~ Superintendent of Public
5 Instruction.

6 (4) Agency cooperation. – All State agencies and departments shall cooperate with
7 the Office of Charter Schools in carrying out its powers and duties as necessary
8 in accordance with this Article."

9 **SECTION 18.** G.S. 115C-218.20(b) reads as rewritten:

10 "(b) No civil liability shall attach to the State Board of Education, the Superintendent of
11 Public Instruction, or to any of their members or employees, individually or collectively, for any
12 acts or omissions of the charter school."

13 **SECTION 19.** G.S. 115C-238.73(g) reads as rewritten:

14 "(g) There shall be no liability for negligence on the part of the board of directors, or its
15 employees, or the State Board of Education, the Superintendent of Public Instruction, or ~~its~~any
16 of their members or employees, individually or collectively, arising from any act taken or omission
17 by any of them in carrying out the provisions of this section. The immunity established by this
18 subsection shall not extend to gross negligence, wanton conduct, or intentional wrongdoing that
19 would otherwise be actionable. The immunity established by this subsection shall be deemed to
20 have been waived to the extent of indemnification by insurance, indemnification under Articles
21 31A and 31B of Chapter 143 of the General Statutes, and to the extent sovereign immunity is
22 waived under the Tort Claims Act, as set forth in Article 31 of Chapter 143 of the General
23 Statutes."

24 **SECTION 20.** G.S. 115C-332(g) reads as rewritten:

25 "(g) There shall be no liability for negligence on the part of a local board of education, or its
26 employees, or the State Board of Education, the Superintendent of Public Instruction, or ~~its~~any
27 of their members or employees, individually or collectively, arising from any act taken or omission
28 by any of them in carrying out the provisions of this section. The immunity established by this
29 subsection shall not extend to gross negligence, wanton conduct, or intentional wrongdoing that
30 would otherwise be actionable. The immunity established by this subsection shall be deemed to
31 have been waived to the extent of indemnification by insurance, indemnification under Articles
32 31A and 31B of Chapter 143 of the General Statutes, and to the extent sovereign immunity is
33 waived under the Tort Claims Act, as set forth in Chapter 31 of Chapter 143 of the General
34 Statutes."

35 **SECTION 21.** G.S. 115C-333(e) reads as rewritten:

36 "(e) Civil Immunity. – There shall be no liability for negligence on the part of the State
37 Board of ~~Education~~ Education, the Superintendent of Public Instruction, or a local board of
38 education, or their members or employees, individually or collectively, arising from any action
39 taken or omission by any of them in carrying out the provisions of this section. The immunity
40 established by this subsection shall not extend to gross negligence, wanton conduct, or intentional
41 wrongdoing that would otherwise be actionable. The immunity established by this subsection shall
42 be deemed to have been waived to the extent of indemnification by insurance, indemnification
43 under Articles 31A and 31B of Chapter 143 of the General Statutes, and to the extent sovereign
44 immunity is waived under the Tort Claims Act, as set forth in Article 31 of Chapter 143 of the
45 General Statutes."

46 **SECTION 22.** G.S. 115C-333.1(g) reads as rewritten:

47 "(g) Civil Immunity. – There shall be no liability for negligence on the part of the State
48 Board of ~~Education~~ Education, the Superintendent of Public Instruction, or a local board of
49 education, or their members or employees, individually or collectively, arising from any action
50 taken or omission by any of them in carrying out the provisions of this section. The immunity
51 established by this subsection shall not extend to gross negligence, wanton conduct, or intentional

1 wrongdoing that would otherwise be actionable. The immunity established by this subsection shall
 2 be deemed to have been waived to the extent of indemnification by insurance, indemnification
 3 under Articles 31A and 31B of Chapter 143 of the General Statutes, and to the extent sovereign
 4 immunity is waived under the Tort Claims Act, as set forth in Article 31 of Chapter 143 of the
 5 General Statutes."

6 **SECTION 23.** G.S. 115C-390.3(c) reads as rewritten:

7 "(c) Notwithstanding any other law, no ~~officer~~officer, member, or employee of the State
 8 Board of ~~Education~~Education, the Superintendent of Public Instruction, or of a local board of
 9 ~~education~~education, individually or collectively, shall be civilly liable for using reasonable force
 10 in conformity with State law, State or local rules, or State or local policies regarding the control,
 11 discipline, suspension, and expulsion of students. Furthermore, the burden of proof is on the
 12 claimant to show that the amount of force used was not reasonable."

13 **SECTION 24.** G.S. 115C-521 reads as rewritten:

14 "**§ 115C-521. Erection of school buildings.**

15 ...

16 (b) It shall be the duty of the local boards of education ~~of the several local school~~
 17 ~~administrative school units of the State~~ to make provisions for the public school term by providing
 18 adequate school buildings equipped with suitable school furniture and apparatus. The needs and
 19 the cost of those buildings, equipment, and apparatus, shall be presented each year when the
 20 school budget is submitted to the respective tax-levying authorities. The boards of commissioners
 21 shall be given a reasonable time to provide the funds which they, upon investigation, shall find to
 22 be necessary for providing their respective units with buildings suitably equipped, and it shall be
 23 the duty of the several boards of county commissioners to provide funds for the same.

24 Upon determination by a local board of education that the existing permanent school building
 25 does not have sufficient classrooms to house the pupil enrollment anticipated for the school, the
 26 local board of education may acquire and use as temporary classrooms for the operation of the
 27 school, relocatable or mobile classroom units, whether built on the lot or not, which units and
 28 method of use shall meet the approval of the School Planning Division of the ~~State Board of~~
 29 ~~Education,~~Department of Public Instruction, and which units shall comply with all applicable
 30 requirements of the North Carolina State Building Code and of the local building and electrical
 31 codes applicable to the area in which the school is located. These units shall also be anchored in a
 32 manner required to assure their structural safety in severe weather. The acquisition and installation
 33 of these units shall be subject in all respects to the provisions of Chapter 143 of the General
 34 Statutes. The provisions of Chapter 87, Article 1, of the General Statutes, shall not apply to
 35 persons, firms or corporations engaged in the sale or furnishing to local boards of education and
 36 the delivery and installation upon school sites of classroom trailers as a single building unit or of
 37 relocatable or mobile classrooms delivered in less than four units or sections.

38 ...

39 (f) A local board of education may use prototype designs from the clearinghouse
 40 established under subsection (e) of this section that is a previously approved and constructed
 41 project by the School Planning Division of the ~~State Board of Education,~~Department of Public
 42 Instruction and other appropriate review agencies. The local board of education may contract with
 43 the architect of record to make changes and upgrades as necessary for regulatory approval.

44"

45 **SECTION 25.** G.S. 115C-535 reads as rewritten:

46 "**§ 115C-535. Authority and rules for organization of system.**

47 The ~~State Board of Education,~~Superintendent of Public Instruction is hereby authorized,
 48 directed and empowered to establish a division to manage and operate a system of insurance for
 49 public school ~~property.~~property in accordance with all needed rules and regulations adopted by the
 50 State Board of Education. The Board shall adopt such rules and regulations as, in its discretion,
 51 may be necessary to provide all details inherent in the insurance of public school property. The

1 ~~Board~~Superintendent of Public Instruction shall employ a director, safety inspectors, engineers
2 and other personnel with suitable training and experience, which in ~~its~~his or her opinion is
3 necessary to insure and protect effectively public school property, and ~~it~~he or she shall fix their
4 compensation consistent with the approval policies of the ~~Personnel~~State Human Resources
5 Commission."

6 **SECTION 26.** G.S. 116-239.12(g) reads as rewritten:

7 "(g) There shall be no liability for negligence on the part of the board of trustees, or its
8 employees, or the State Board of ~~Education~~Education, the Superintendent of Public Instruction, or
9 ~~its~~their members or employees, individually or collectively, arising from any act taken or omission
10 by any of them in carrying out the provisions of this section. The immunity established by this
11 subsection shall not extend to gross negligence, wanton conduct, or intentional wrongdoing that
12 would otherwise be actionable. The immunity established by this subsection shall be deemed to
13 have been waived to the extent of indemnification by insurance, indemnification under Articles
14 31A and 31B of Chapter 143 of the General Statutes, and to the extent sovereign immunity is
15 waived under the Tort Claims Act, as set forth in Article 31 of Chapter 143 of the General
16 Statutes."

17 **SECTION 27.** G.S. 143B-146.16(g) reads as rewritten:

18 "(g) There shall be no liability for negligence on the part of the Secretary, the Department
19 of Health and Human Services or its employees, a residential school or its employees, or the State
20 Board of ~~Education~~Education, Superintendent of Public Instruction, or ~~its~~their members or
21 employees, individually or collectively, arising from any act taken or omission by any of them in
22 carrying out the provisions of this section. The immunity established by this subsection shall not
23 extend to gross negligence, wanton conduct, or intentional wrongdoing that would otherwise be
24 actionable. The immunity established by this subsection shall be deemed to have been waived to
25 the extent of indemnification by insurance, indemnification under Articles 31A and 31B of
26 Chapter 143 of the General Statutes, and to the extent sovereign immunity is waived under the
27 Tort Claims Act, as set forth in Article 31 of Chapter 143 of the General Statutes."

28 **SECTION 28.** Section 8.37 of S.L. 2015-241, as amended by Section 8.30 of S.L.
29 2016-94, reads as rewritten:

30 **"BUDGET REDUCTIONS/DEPARTMENT OF PUBLIC INSTRUCTION**

31 **"SECTION 8.37.(a)** Notwithstanding G.S. 143C-6-4, the ~~State Board of Education~~
32 Department of Public Instruction may, after consultation with the Office of State Budget and
33 Management and the Fiscal Research Division, reorganize the Department of Public Instruction, if
34 necessary, to implement the budget reductions for the 2015-2017 fiscal biennium. Consultation
35 shall occur prior to requesting budgetary and personnel changes through the budget revision
36 process. The ~~State Board~~Department of Public Instruction shall provide a current organization
37 chart for the Department of Public Instruction in the consultation process and shall report to the
38 Joint Legislative Commission on Governmental Operations on any reorganization.

39 **"SECTION 8.37.(b)** In implementing budget reductions for the 2015-2017 fiscal biennium,
40 the ~~State Board of Education~~Department of Public Instruction shall make no reduction to funding
41 or positions for (i) the North Carolina Center for Advancement of Teaching and (ii) the Eastern
42 North Carolina School for the Deaf, the North Carolina School for the Deaf, and the Governor
43 Morehead School, except that the ~~State Board~~Superintendent of Public Instruction may, in its
44 discretion, reduce positions at these institutions that have been vacant for more than 16 months.
45 The ~~State Board~~Department of Public Instruction shall also make no reduction in funding to any of
46 the following entities:

- 47 (1) Communities in Schools of North Carolina, Inc.
- 48 (2) Teach For America, Inc.
- 49 (3) Beginnings for Parents of Children who are Deaf or Hard of Hearing, Inc.

50 **"SECTION 8.37.(c)** In implementing budget reductions for the 2016-2017 fiscal year, the
51 Department of Public Instruction shall do all of the following:

- 1 (1) In addition to the prohibition on a reduction to funding and positions for the
2 items listed in subsection (b) of this section, the Department shall make no
3 transfers from or reduction to funding or positions for the following:
4 a. The Excellent Public Schools Act, Read to Achieve Program, initially
5 established under Section 7A.1 of S.L. 2012-142.
6 b. The North Carolina School Connectivity Program.
7 (2) The Department shall transfer the sum of fifty thousand dollars (\$50,000) to the
8 Office of Administrative Hearings to be allocated to the Rules Review
9 Commission, created by G.S. 143B-30.1, to pay for any litigation costs incurred
10 in the defense of *North Carolina State Board of Education v. The State of North*
11 *Carolina and The Rules Review Commission*, Wake County Superior Court,
12 File No. 14 CVS 14791 (filed November 7, 2014). These funds shall not revert
13 at the end of the 2016-2017 fiscal year but shall remain available during the
14 2017-2018 fiscal year for expenditure in accordance with the provisions of this
15 subdivision."

16 **SECTION 29.** By May 15, 2017, the State Board of Education shall revise, as
17 necessary, any of its rules and regulations to comply with the provisions of this Part.

18 **SECTION 30.** The Department of Public Instruction shall review all State laws and
19 rules and regulations governing the public school system to ensure compliance with the intent of
20 this Part to restore authority to the Superintendent of Public Instruction as the administrative head
21 of the Department of Public Instruction and the Superintendent's role in the direct supervision of
22 the public school system. By April 15, 2017, the Department of Public Instruction shall report to
23 the 2017 General Assembly on the results of its review, including any recommended legislation.

24 **SECTION 31.** Notwithstanding G.S. 115C-11, as amended by this act, the current
25 student advisor and the local superintendent advisor members serving on the State Board of
26 Education as of the effective date of this Part shall serve the remainder of their terms. Thereafter,
27 as terms expire, or when a vacancy occurs prior to the expiration of a term, the student advisor and
28 local superintendent advisor members on the State Board shall be appointed by the Superintendent
29 of Public Instruction in accordance with G.S. 115C-11, as amended by this act.

30 **SECTION 32.** Notwithstanding G.S. 115C-218, as amended by this act, the current
31 members serving on the North Carolina Charter Schools Advisory Board as of the effective date of
32 this Part shall serve the remainder of their terms. Thereafter, as terms expire, or when a vacancy
33 occurs prior to the expiration of a term, the members on the North Carolina Charter Schools
34 Advisory Board shall be appointed in accordance with G.S. 115C-218, as amended by this act. If a
35 vacancy occurs in a seat appointed by the Governor, the State Board of Education shall fill that
36 vacancy for the remainder of that term. Upon expiration of that term, the member shall be
37 appointed in accordance with G.S. 115C-218.

38 **SECTION 33.** Sections 1 through 6 and Sections 8 through 32 of this Part become
39 effective January 1, 2017. The remainder of this Part is effective when it becomes law.
40

41 **PART II. MODIFY APPOINTMENT OF UNC BOARDS OF TRUSTEES**

42 **SECTION 35.** G.S. 116-31 reads as rewritten:

43 **"§ 116-31. Membership of the boards of trustees.**

44 (a) ~~All persons who, as of June 30, 1972, are serving as trustees of the regional universities~~
45 ~~and of the North Carolina School of the Arts, redesignated effective August 1, 2008, as the~~
46 ~~"University of North Carolina School of the Arts," except those who may have been elected to the~~
47 ~~Board of Governors, shall continue to serve for one year beginning July 1, 1972, and the terms of~~
48 ~~all such trustees shall continue for the period of one year.~~

49 (b) Effective July 1, 1972, a separate board of trustees shall be created for each of the
50 following institutions: North Carolina State University at Raleigh, the University of North
51 Carolina at Asheville, the University of North Carolina at Chapel Hill, the University of North

1 Carolina at Charlotte, the University of North Carolina at Greensboro, and the University of North
2 Carolina at Wilmington. ~~For the period commencing July 1, 1972, and ending June 30, 1973, each~~
3 ~~such board shall be constituted as follows:~~

4 (1) ~~Twelve or more persons elected prior to July 1, 1972, by and from the~~
5 ~~membership of the Board of Trustees of the University of North Carolina, and~~

6 (2) ~~The president of the student government of the institution, ex officio.~~

7 (e) ~~If any vacancy should occur in any board of trustees during the year beginning July 1,~~
8 ~~1972, the Governor may appoint a person to serve for the balance of the year.~~

9 (d) Except as provided in G.S. 116-65, ~~effective July 1, 1973,~~ each of the 16 institutions of
10 higher education set out in G.S. 116-2(4) shall have board of trustees composed of 13 persons
11 chosen as follows:

12 (1) Eight elected by the Board of ~~Governors,~~Governors.

13 (2) ~~Four appointed by the Governor, and~~

14 (2a) Four members appointed by the General Assembly under G.S. 120-121, two of
15 whom shall be appointed upon the recommendation of the President Pro
16 Tempore of the Senate and two of whom shall be appointed upon the
17 recommendation of the Speaker of the House of Representatives.

18 (3) The president of the student government ex officio.

19 The Board of Trustees of the North Carolina School of Science and Mathematics shall be
20 established in accordance with G.S. 116-233.

21 (e) ~~From and after July 1, 1973, the~~The term of office of all trustees, except the ex officio
22 member, shall be four years, commencing on July 1 of odd-numbered years. In every
23 odd-numbered year the Board of Governors shall elect four persons to each board of trustees and
24 the ~~Governor~~General Assembly shall appoint ~~two persons~~one person upon the recommendation
25 of the President Pro Tempore of the Senate and one person upon the recommendation of the
26 Speaker of the House of Representatives to each such board.

27 (g) ~~From and after July 1, 1973, any~~Any person who has served two full four-year terms in
28 succession as a member of a board of trustees shall, for a period of one year, be ineligible for
29 election or appointment to the same board but may be elected or appointed to the board of another
30 institution.

31 (h) No member of the General Assembly or officer or employee of the State, The
32 University of North Carolina, or any constituent institution shall be eligible for election or
33 appointment as a trustee. No spouse of a member of the General Assembly, or of an officer or
34 employee of a constituent institution may be a trustee of that constituent institution. Any trustee
35 who is elected or appointed to the General Assembly or who becomes an officer or employee of
36 the State, The University of North Carolina, or any constituent institution or whose spouse is
37 elected or appointed to the General Assembly or becomes an officer or employee of that
38 constituent institution shall be deemed thereupon to resign from his or her membership on the
39 board of trustees.

40 (i) No person may serve simultaneously as a member of a board of trustees and as a
41 member of the Board of Governors. Any trustee who is elected or appointed to the Board of
42 Governors shall be deemed to resign as a trustee effective as of the date that his or her term
43 commences as a member of the Board of Governors.

44 (j) ~~From and after July 1, 1973, whenever~~Whenever any vacancy shall occur in the
45 membership of a board of trustees among those appointed by the ~~Governor,~~General Assembly, it
46 shall be the duty of the secretary of the board to inform the ~~Governor~~General Assembly of the
47 existence of such vacancy, and the ~~Governor~~ shall appoint a person to fill the ~~unexpired term,~~
48 vacancy shall be filled as provided in G.S. 120-122, and whenever any vacancy shall occur among
49 those elected by the Board of Governors, it shall be the duty of the secretary of the board to inform
50 the Board of Governors of the existence of the vacancy, and the Board of Governors shall elect a
51 person to fill the unexpired term. Whenever a member shall fail, for any reason other than ill

1 health or service in the interest of the State or nation, to be present for three successive regular
2 meetings of a board of trustees, his or her place as a member shall be deemed vacant."

3 **SECTION 36.** G.S. 116-233 reads as rewritten:

4 "**§ 116-233. Board of Trustees; appointment; terms of office.**

5 (a) Notwithstanding the provisions of G.S. 116-31(d), there shall be a Board of Trustees of
6 the School, which shall consist of up to 30 members as follows:

7 (1) Thirteen members who shall be appointed by the Board of Governors of The
8 University of North Carolina, one from each congressional district.

9 (2) Four members without regard to residency who shall be appointed by the Board
10 of Governors of The University of North Carolina.

11 (3) Three members, ex officio, who shall be the chief academic officers,
12 respectively, of constituent institutions. The Board of Governors shall in 1985
13 and quadrennially thereafter designate the three constituent institutions whose
14 chief academic officers shall so serve, such designations to expire on June 30,
15 1989, and quadrennially thereafter.

16 (4) The chief academic officer of a college or university in North Carolina other
17 than a constituent institution, ex officio. The Board of Governors shall
18 designate in 1985 and quadrennially thereafter which college or university
19 whose chief academic officer shall so serve, such designation to expire on June
20 30, 1989, and quadrennially thereafter.

21 ~~Two~~Three members appointed by the General Assembly upon the
22 recommendation of the President Pro Tempore of the Senate in accordance with
23 G.S. 120-121.

24 ~~Two~~Three members appointed by the General Assembly upon the
25 recommendation of the Speaker of the House of Representatives in accordance
26 with G.S. 120-121.

27 ~~Two members appointed by the Governor.~~

28 (8) The president of the student government, ex officio, who shall be a nonvoting
29 member.

30 (9) Up to two additional nonvoting members selected at the discretion of the
31 chancellor and the Board of Trustees, with terms expiring June 30 of each year.

32 (b) Appointed members of the Board of Trustees shall be selected for their interest in and
33 commitment to public education and to the purposes of the School, and they shall be charged with
34 the responsibility of serving the interests of the whole State. In appointing members, the objective
35 shall be to obtain the services of the best qualified persons, taking into consideration the
36 desirability of diversity of membership, including men and women, representatives of different
37 races, and members of different political parties.

38 (c) No member of the General Assembly or officer or employee of the State, the School,
39 The University of North Carolina, or of any constituent institution of The University of North
40 Carolina, shall be eligible to be appointed to the Board of Trustees except as specified under
41 subdivision (3) of subsection (a) of this section. No spouse of a member of the General Assembly,
42 or of an officer or employee of the school may be a member of the Board of Trustees. Any
43 appointed trustee who is elected or appointed to the General Assembly or who becomes an officer
44 or employee of the State, except as specified under subdivision (3) of subsection (a) of this
45 section, or whose spouse is elected or appointed to the General Assembly or becomes such an
46 officer or employee of the School, shall be deemed thereupon to resign from his or her
47 membership on the Board of Trustees. This subsection does not apply to ex officio members.

48 (d) Members appointed under subdivisions (1) or (2) of subsection (a) of this section shall
49 serve staggered four-year terms expiring June 30 of odd numbered years.

50 (d1) Only an ex officio member shall be eligible to serve more than two successive terms.

1 (d2) Any vacancy in the membership of the Board of Trustees appointed under
2 G.S. 116-233(a)(1) or (2) shall be reported promptly by the Secretary of the Board of Trustees to
3 the Board of Governors of The University of North Carolina, which shall fill any such vacancy by
4 appointment of a replacement member to serve for the balance of the unexpired term. Any
5 vacancy in members appointed under G.S. 116-233(a)(5) or (6) shall be filled in accordance with
6 G.S. 120-122. ~~Any vacancy in members appointed under G.S. 116-233(a)(7) shall be filled by the~~
7 ~~Governor for the remainder of the unexpired term.~~ Reapportionment of congressional districts
8 does not affect the right of any member to complete the term for which the member was
9 appointed.

10 (e) Of the initial members appointed under ~~G.S. 116-233(a)(5),~~ G.S. 116-233(a)(5) in
11 1985, one member shall serve a term to expire June 30, 1987, and one member shall serve a term
12 to expire June 30, 1989. Subsequent appointments shall be for four-year terms. The initial
13 members appointed under ~~G.S. 116-233(a)(6),~~ G.S. 116-233(a)(6) in 1985 shall be appointed for
14 terms to expire June 30, 1987. Subsequent appointments shall be for two-year terms. ~~The initial~~
15 ~~members appointed under G.S. 116-233(a)(7) shall be appointed for terms to expire January 15,~~
16 ~~1989. Successors shall be appointed for four-year terms.~~ terms until January 15, 2017, at which
17 point subsequent appointments shall be for four-year terms.

18 (e1) The initial members appointed under G.S. 116-233(a)(5) and (6) in 2017, and
19 successors of those members, shall serve four-year terms.

20 (f) Whenever an appointed member of the Board of Trustees shall fail, for any reason
21 other than ill health or service in the interest of the State or nation, to be present at three successive
22 regular meetings of the Board, his or her place as a member of the Board shall be deemed vacant."

23 **SECTION 37.** This Part is effective when it becomes law and applies to (i) vacancy
24 appointments made on or after that date and (ii) appointments to fill terms expiring January 15,
25 2017, and thereafter. A vacancy by any board member appointed by the Governor to any board
26 affected by this Part shall be filled by joint recommendation of the Speaker of the House of
27 Representatives and the President Pro Tempore of the Senate, as provided in G.S. 120-121. The
28 terms of members holding office as of the effective date of this Part shall not be affected.

30 PART III. SENATE CONFIRMATION OF CABINET APPOINTEES

31 **SECTION 38.** G.S. 143B-9 reads as rewritten:

32 "§ 143B-9. Appointment of officers and employees.

33 (a) The head of each principal State department, except those departments headed by
34 popularly elected officers, shall be appointed by the Governor and serve at ~~his~~ the Governor's
35 pleasure. The salary of the head of each of the principal State departments shall be set by the
36 Governor, and the salary of elected officials shall be as provided by law.

37 For each head of each principal State department covered by this subsection, the Governor
38 shall notify the President of the Senate of the name of each person to be appointed, and the
39 appointment shall be subject to senatorial advice and consent in conformance with Section 5(8) of
40 Article III of the North Carolina Constitution unless (i) the senatorial advice and consent is
41 expressly waived by an enactment of the General Assembly or (ii) a vacancy occurs when the
42 General Assembly is not in regular session. Any person appointed to fill a vacancy when the
43 General Assembly is not in regular session may serve without senatorial advice and consent for no
44 longer than the earlier of the following:

45 (1) The date on which the Senate adopts a simple resolution that specifically
46 disapproves the person appointed.

47 (2) The date on which the General Assembly shall adjourn pursuant to a joint
48 resolution for a period longer than 30 days without the Senate adopting a simple
49 resolution specifically approving the person appointed.

50 (b) The head of a principal State department shall appoint a chief deputy or chief assistant,
51 and such chief deputy or chief assistant shall not be subject to the North Carolina Human

1 Resources Act. The salary of such chief deputy or chief assistant shall be set by the Governor.
2 Unless otherwise provided for in the Executive Organization Act of 1973, and subject to the
3 provisions of the ~~Personnel~~ Human Resources Act, the head of each principal State department
4 shall designate the administrative head of each transferred agency and all employees of each
5 division, section, or other unit of the principal State department."

6 **SECTION 39.** This Part is effective when it becomes law.
7

8 **PART IV. ESTABLISH TASK FORCE FOR SAFER SCHOOLS; TRANSFER CENTER** 9 **FOR SAFER SCHOOLS**

10 **SECTION 41.1.(a)** Effective December 15, 2016, the Center for Safer Schools is
11 hereby moved to the Department of Public Instruction, Division of Safe and Healthy Schools
12 Support. This transfer shall have all of the elements of a Type I transfer, as defined in
13 G.S. 143A-6.

14 **SECTION 41.1.(b)** Article 8C of Chapter 115C of the General Statutes is amended by
15 adding two new sections to read:

16 **"§ 115C-105.55. Establish Task Force for Safer Schools.**

17 (a) Task Force Established. – There is hereby created the Task Force for Safer Schools
18 within the North Carolina Department of Public Instruction.

19 (b) Membership. – The Task Force shall consist of 25 members. The composition of the
20 Task Force shall include all of the following:

- 21 (1) The Secretary of the Department of Public Safety or the Secretary's designee.
- 22 (2) The Secretary of the Department of Health and Human Services or the
23 Secretary's designee.
- 24 (3) A member of the State Board of Education appointed by the Governor.
- 25 (4) Two local school board members appointed by the Chair of the State Board of
26 Education.
- 27 (5) A representative from the North Carolina Department of Public Safety,
28 Division of Emergency Management, appointed by the Secretary of the
29 Department of Public Safety.
- 30 (6) A representative from the North Carolina Justice Academy appointed by the
31 Attorney General.
- 32 (7) A member of the Governor's Crime Commission appointed by the Governor.
- 33 (8) Two local law enforcement officers appointed by the Governor.
- 34 (9) Two public school administrators appointed by the Chair of the State Board of
35 Education.
- 36 (10) A public school teacher appointed by the Chair of the State Board of Education.
- 37 (11) A public school psychologist appointed by the Governor.
- 38 (12) A public school resource officer appointed by the Governor.
- 39 (13) Two high school students currently enrolled at public high schools appointed by
40 the Governor.
- 41 (14) A parent of a currently enrolled public school student appointed by the
42 Governor.
- 43 (15) A juvenile justice professional appointed by the Governor.
- 44 (16) A North Carolina licensed social worker appointed by the Governor.
- 45 (17) A North Carolina licensed school counselor appointed by the Governor.
- 46 (18) An expert in gang intervention and prevention in schools appointed by the
47 Governor.
- 48 (19) Three at-large members appointed by the Governor.

49 (c) Appointment of Chair and Vice-Chair. – The Governor shall appoint a Chair and
50 Vice-Chair from among the membership of the Task Force. The Chair and Vice-Chair shall serve
51 at the pleasure of the Governor.

1 (d) Terms; Vacancies. – Effective December 1, 2016, all members shall be appointed for a
2 term of four years. Members may be reappointed to successive terms. Any appointment to fill a
3 vacancy on the Task Force created by the resignation, dismissal, death, disability, or
4 disqualification of a member shall be for the balance of the unexpired term.

5 (e) Removal. – The Governor shall have the authority to remove any member of the Task
6 Force for misfeasance, malfeasance, or nonfeasance, pursuant to the provisions of G.S. 143B-13.

7 (f) Per Diem, Etc. – Members of the Task Force may receive necessary per diem,
8 subsistence, and travel allowances in accordance with G.S. 120-3.1, 138-5, or 138-6, as
9 appropriate.

10 **"§ 115C-105.56. Task Force for Safer Schools; powers and duties.**

11 The Task Force shall have all of the following duties:

- 12 (1) To serve as an advisory board to the Center for Safer Schools.
- 13 (2) To provide guidance and recommendations to the Governor, Superintendent of
14 Public Instruction, and the General Assembly to improve statewide policy to
15 enhance statewide and local capacities to create safer schools.
- 16 (3) To encourage interagency collaboration among State and local government
17 agencies to achieve effective policies and streamline efforts to create safer
18 schools.
- 19 (4) To Assist the Center for Safer Schools in collecting and disseminating
20 information on recommended best practices and community needs related to
21 creating safer schools in North Carolina.
- 22 (5) Other duties as assigned by the State Board of Education."

23
24 **PART V. SEVERABILITY CLAUSE AND EFFECTIVE DATE**

25 **SECTION 42.** If any provision of this act or its application is held invalid, the
26 invalidity does not affect other provisions or applications of this act that can be given effect
27 without the invalid provisions or application, and to this end, the provisions of this act are
28 severable.

29 **SECTION 43.** Except as otherwise provided, this act is effective when it becomes
30 law.